

**APPLE VALLEY TOWN COUNCIL/  
SUCCESSOR AGENCY/  
PUBLIC FINANCING AUTHORITY**

**REGULAR MEETING**

**MINUTES – March 9, 2021**

**CALL TO ORDER:**

Mayor Emick called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:30 p.m.

Roll call was taken with the following members present:

Present: Council Members Bishop; Cusack; Nassif; Mayor Pro Tem Leon; Mayor  
Emick

Absent: None

**OPENING CEREMONIES**

**PLEDGE OF ALLEGIANCE:** The Pledge Of Allegiance was led by Mayor Pro Tem Leon

**PRESENTATIONS:** None

**PUBLIC COMMENTS**

Leonna Hutton, Apple Valley, expressed concern regarding issues that she is having with Code Enforcement and fines that she is being assessed. She respectfully requested assistance from the Town Council.

**COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION**

Council Member Cusack commented on committee meetings and events that he attended.

Council Member Nassif commented on committee meetings and events that he attended.

Council Member Bishop commented on committee meetings and events that he attended.

Mayor Pro Tem Leon commented on committee meetings and events that she attended.

Mayor Emick commented on committee meetings and events that he attended.

**TOWN COUNCIL ANNOUNCEMENTS**

**Suggested items for future agenda:**

**Time, Date & Place for Next Town Council Regular or Special Meeting:**

- A. Regular Meeting – March 23, 2021 – Council Chamber  
Regular Session at 6:30 p.m.**

**TOWN COUNCIL CONSENT AGENDA**

La Vonda M-Pearson, Town Clerk, read the disclosure statement for specific warrants listed on the agenda.

Council Member Cusack has a remote interest in specific warrants on tonight's Commercial Warrants dealing with Apple Valley Communications, AV Tech Services or AVCOM Services for the Town of Apple Valley as the owner of these businesses. Therefore, he will be recusing from voting on the warrants for Apple Valley Communications, AV Tech Services and AVCOM Services listed under Agenda Item Number 2. In addition, due to his interest in these businesses, Council Member Cusack will be recusing from voting on specific warrants listed under Agenda Item Number 2 because these entities are considered sources of income to his businesses. A list of business entities for Council Member Cusack is maintained on file in the Town Clerk's Office and available for review at the dais.

Council Member Cusack confirmed that he would be recusing from voting on these warrants.

Council Member Nassif has a remote interest in specific warrants on tonight's Commercial Warrants dealing with NAPA Auto Parts or High Desert Auto Supply for the Town of Apple Valley as the owner of these businesses. Therefore, he will be recusing from voting on the warrants for NAPA Auto Parts and High Desert Auto Supply listed under Agenda Item Number 2. In addition, due to his interest in both businesses, Council Member Nassif will also be recusing from voting on specific warrants listed under Agenda Item Number 2 because these entities are considered sources of income to his businesses. A list of business entities for Council Member Nassif is maintained on file in the Town Clerk's Office and available for review at the dais.

Council Member Nassif confirmed that he would be recusing from voting on these warrants.

Mayor Pro Tem Leon has a remote interest in specific warrants on tonight's Commercial Warrants dealing with Solution Strategies and Christian Brothers as a landlord to these entities. Therefore, she will be recusing herself from voting on the warrants for these businesses.

Mayor Pro Tem Leon confirmed that she would be recusing from voting on these items.

Motion by Council Member Bishop, seconded by Council Member Cusack, to approve the Consent Calendar items numbers 1 – 4, as presented.

Vote: Motion Carried 5-0-0-0

Yes: Council Members Bishop, Cusack, Nassif, Mayor Pro Tem Leon, Mayor Emick.

Absent: None.

**Council Members Cusack, Nassif and Mayor Pro Tem Leon abstained from voting on specific warrants due to a remote interest listed under Agenda Item No. 2.**

**1. Approval of Minutes of the Town Council.**

**A. Regular Meeting – February 9, 2021**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**2. February 2021 Commercial Warrants and Wire Transfer Schedule.**

**Recommendation:**

That the Town Council receive, ratify, and file the Commercial Warrants and Wire Transfer Schedules as presented.

**3. February 2021 Payroll/Benefits Warrants Schedule.**

**Recommendation:**

That the Town Council receive, ratify and file the Payroll/Benefits Schedule.

**4. Updated Schedule of future Development Code Amendment Discussions.**

**Recommendation:**

Receive and file.

**5. Adopt Resolution No. 2021-04, A Resolution of the Town Council of the Town of Apple Valley, California, Amending the Personnel Policy and Procedures Manual for the Town of Apple Valley**

**Recommendation:**

That the Town Council adopt the attached Resolution No. 2021-04, a Resolution of the Town Council of the Town of Apple Valley amending Section 6.9 – Compensatory Time of the Personnel Policy and Procedures Manual for the Town of Apple Valley.

**6. Acceptance of Work for Rio Vista Safe Routes to School Project**

**Recommendation:**

- A. Accept the work completed as part of the Rio Vista Safe Routes to School project for a total contract cost of \$940,989.54.
- B. Direct the Town Clerk to file the Notice of Completion for the contract work.
- C. Direct the Finance Director to release the retained funds 30 days after the Notice of Completion has been filed, provided no claims are filed against the contractor.

**PUBLIC HEARINGS**

**7. Development Code Amendment No. 2021-001 is an Amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code Modifying Chapter 9.08 “Definitions”, Chapter 9.28 “Residential Districts”, Chapter 9.29 “Specific use Regulations for Residential Districts”, Chapter 9.31 “Residential Design Standards”, and Chapter 9.72 “Off-Street Parking and Loading Regulations” as it Relates to Multi-Family Development Standards.**

Mayor Emick opened the public hearing at 7:04 p.m.

Pam Cupp, Senior Planner, presented the staff report as filed with the Town Clerk.

Carlos Rodriguez, Building Industry Association, thanked staff and the Ad Hoc Committee for their work on this item. He addressed correspondence that was distributed from the Lewis Management Corporation recommending the Town Council consider various amendments to the code regarding multifamily development.

There being no requests to speak, Mayor Emick closed the public hearing at 7:50 p.m.

Ms. Cupp reviewed the proposed amendments to Section 9.29.070 Multi-Family Housing Standards. After a lengthy discussion with the Town Council, the following changes were recommended:

1. On Page 7-32, B(3)(d) - Rear yard be changed to Ten (10) feet.
2. On Page 7-32, B(4) – Last sentence shall read “All buildings on the same lot shall be separated by a minimum of ten (10) feet”.
3. On Page 7-33 B(6) – Last sentence to read “Private open space for multi-story units may consist of ground floor patios and balcony’s for a cumulative total of 250 square feet minimum”.
4. On Page 7-36, D(6) – Title changed to Exterior Storage. Last sentence to read “Wood construction is not permitted within carport. As an alternative storage space can be installed within the unit”.
5. On Page 7-37, E(8) – Title changed to Exterior Storage. Last sentence to read “Wood construction is not permitted within carport. As an alternative storage space can be installed within the unit”.
6. On Page 7-38 E(11) – Last sentence to read “Number of machines set in accordance with the California Apartment Standards”.

### **MOTION**

Motion by Council Member Nassif, seconded by Council Member Bishop, to:

- A. Determine that, Pursuant to Section 21080.17 of the State Guidelines to Implement the California Environmental Quality Act (CEQA), it has been determined that the project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State Guidelines to Implement CEQA, which states that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
- B. Find the facts presented within the staff report, including the attached Planning Commission Resolution No. 2021-002 adopted February 3, 2021, support the required Findings for approval of the proposed Development Code Amendment and adopt the Findings.
- C. Move to waive the reading of Ordinance No. 544 in its entirety and read by title only.

Vote: Motion Carried 5-0-0-0

Yes: Council Members Bishop, Cusack, Nassif, Mayor Pro Tem Leon, Mayor Emick.

Absent: None.

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 544.

**MOTION**

Motion by Council Member Nassif, seconded by Council Member Bishop, to:  
D. Introduce Ordinance No. 544 approving Development Code Amendment No. 2021-001; and  
E. Direct staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

Vote: Motion Carried 5-0-0-0  
Yes: Council Members Bishop, Cusack, Nassif, Mayor Pro Tem Leon, Mayor Emick.  
Absent: None.

**8. Fiscal Year 2020-2021 Mid-Year Budget Review**

Mayor Emick opened the public hearing at 8:30 p.m.

Sydney Harris, Director of Finance, presented the staff report as filed with the Town Clerk. She also explained the tax formula for how county tax is distributed to county cities for online sales.

There being no requests to speak, Mayor Emick Closed the public hearing at 8:50 p.m.

**MOTION**

Motion by Council Member Cusack, seconded by Council Member Bishop, to:

A. Receive and file the Fiscal Year 2020-2021 Mid-Year Budget Review Report.  
B. Approve Budget Amendment Number 2021-13 incorporating revenue and expenditure changes and carry forwards as proposed herein.

Vote: Motion Carried 5-0-0-0  
Yes: Council Members Bishop, Cusack, Nassif, Mayor Pro Tem Leon, Mayor Emick.  
Absent: None.

**BUSINESS OF THE COUNCIL**

**9. Vacancy on the Historical Advisory Committee**

**MOTION**

Motion by Mayor Emick, seconded by Council Member Bishop to nominate Michelle Lovato to the Town of Apple Valley Historical Advisory Committee.

Vote: Motion Carried 5-0-0-0  
Yes: Council Members Bishop, Cusack, Nassif, Mayor Pro Tem Leon, Mayor Emick.

Absent: None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE**

Doug Robertson, Town Manager, commented on Senate Bill 612 and its impact on citizens who are enrolled in Apple Valley Choice Energy. He believed the bill would make all Edison charges transparent. He also commented on the State of the State address being held at Dodger Stadium and the conversations taking place regarding the tier structure as it relates to the coronavirus pandemic. Lastly, Mr. Robertson informed the Town Council that the latest federal stimulus package currently includes \$300 Billion for state and local governments. He said that more information would be provided as it is received.

**CLOSED SESSION**

**8. Closed Session**

Mayor Emick announced that there was no need for Closed Session.

**DJOURNMENT**

**MOTION**

Motion by Council Member Bishop, seconded by Council Member Nassif and unanimously carried, to adjourn the meeting of the Town Council of the Town of Apple Valley at 9:20 p.m.

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Curt Emick, Mayor

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La Vonda M-Pearson  
Town Clerk