

Apple Valley Town Council

MINUTES

May 25, 2021, 6:30 p.m.

Council Chamber

Members Present: Emick
 Leon
 Bishop
 Cusack
 Nassif

1. Call to Order

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

Emick joined the meeting at 6:30 pm.

Leon joined the meeting at 6:30 pm.

Bishop joined the meeting at 6:30 pm.

Cusack joined the meeting at 6:30 pm.

Nassif joined the meeting at 6:30 pm.

2. Opening Ceremonies

2.1 Invocation

Mr. Richard Rorex, Apple Valley Resident.

2.2 Pledge of Allegiance

The Pledge of Allegiance was led by Council Member Cusack.

2.3 Presentations

2.3.1 Employee of the Quarter

Employee of the Quarter – Larry Williams, Senior Code Enforcement Officer, Code Enforcement.

3. Public Comments

Donnie Mayhem, Apple Valley, expressed concern regarding work done by a contractor that was substandard. He believed that the Town should bare some responsibility for the loss that he incurred since the Building Department inspected and approved the work that was done.

4. Councilmember Committee/Commission Participation

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

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

Council Member Nassif 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.

5. Town Council Announcements

5.1 Suggested items for next Agenda

Mayor Pro Tem Leon commented on the inquiry received from an Apple Valley student regarding ADA compliant park equipment for children.

Doug Robertson, Town Manager, commented on Proposition 68 funding that will provide for new equipment in parks.

Council Member Cusack expressed concern regarding illegal fireworks in the community and questioned if this issue could be addressed.

Mr. Robertson spoke of on-going discussions with the Fire Department each year and that he will reach out to the new chief once he is named.

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

A. Regular Meeting – June 8, 2021 – Council Chamber Regular Session at 6:30 p.m.

6. Town Council Consent Agenda

MOTION

Motion by: Council Member Nassif

Seconded by: Council Member Cusack

To approve the Consent Calendar items numbered 6.1-6.5 as recommended.

Yes (5): Council Member Emick, Council Member Leon, Council Member Bishop, Council Member Cusack, and Council Member Nassif

Carried (5 to 0)

6.1 APPROVAL OF MINUTES

That the Town Council approve the subject minutes as part of the consent agenda.

6.2 SECOND READING OF ORDINANCE 546 AMENDING THE JESS RANCH PLANNED UNIT DEVELOPMENT BY APPLYING THE COMMERCIAL RECREATION OVERLAY TO LOT NOS. 69 THROUGH 78 OF TRACT MAP NO. 14484 WITHIN THE JESS RANCH LAKES RECREATIONAL VEHICLE RESORT.

Adopt Ordinance No. 546

6.3 APPROVE SAN BERNARDINO COUNTY CENTRAL ROAD AND OTHER ROADS CHIP SEAL AND OVERLAY AGREEMENT

Approve and sign the attached Cooperative Agreement with the County of San Bernardino for the Central Road and Other Roads Chip Seal and Overlay Project.

6.4 LIGHTING AND LANDSCAPE ASSESSMENT DISTRICT #1 - ENGINEER'S ANNUAL REPORT AND LEVY OF ASSESSMENT FOR FY 2021-2022

A. Adopt Resolution No. 2021-13, a Resolution of the Town Council of the Town of Apple Valley Directing the Filing of the Annual Report for the Town of Apple Valley Landscaping and Lighting Assessment District.

B. Receive and approve the engineer's report as filed, or as amended.

C. Adopt Resolution No. 2021-14, a Resolution of the Town Council of the Town of Apple Valley Declaring its Intention to Order Improvements and to Levy and Collect Assessments for Fiscal Year 2021-2022.

D. Direct the Town Clerk to publish the Resolution of Intention at least 10 days prior to the date of the public hearing.

6.5 EXTENSION TO THE WASTE DISPOSAL AGREEMENT BETWEEN THE TOWN OF APPLE VALLEY AND THE COUNTY OF SAN BERNARDINO

That the Town Council approve the amendment to the Waste Disposal Agreement (WDA) between the Town of Apple Valley and the County of San Bernardino to extend the term of the agreement until June 30, 2026.

7. Public Hearings

8. Business of the Council

8.1 DISCUSSION AND POSSIBLE ACTION REGARDING AN AMENDMENT TO THE TOWN OF APPLE VALLEY DEVELOPMENT CODE REGARDING ACCESSORY BUILDINGS AND STRUCTURES

Receive and provide direction.

Lori Lamson, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

It was the consensus of the Town Council to direct staff to proceed with initiation of a Development Code Amendment for Accessory Buildings and Structures.

8.2 BUDGET WORKSHOP 2021/2022

Receive and provide direction to staff

Sydney Harris, Director of Finance, presented the staff report as filed with the Town Clerk.

Doug Robertson, Town Manager, spoke of ways to increase revenue for the golf course moving forward. In addition, he commented on the \$15 million stimulus package that the Town will receive that could assist with budget shortfalls. He explained that any funds used from the stimulus must be Covid related or due to Covid. He gave examples of projects that would qualify for funding using these funds. He stated that the Town would be required to develop a spending plan and upon approval, the Town would received one-half of the stimulus within 60 days and the second half one year later. He explained that based on uncertainty with the amount of funding that the Town will be receiving through anticipated revenues, stimulus and again, its use, he recommended not proposing cuts at this time.

Council Member Nassif expressed concern regarding whether or not the anticipated funding would solve our revenue shortfalls.

Discussion ensued regarding other proposed projects in which stimulus funding could be used.

It was the consensus of the Town Council after further review and recommendations to bring back the Town Budget for approval at the meeting of June 22, 2021.

9. Reports, Requests and Communications

10. Town Manager's Comments & Legislative Update

Doug Robertson, Town Manager, announced that the Town had submitted a letter of support for SB792, a bill that requires online businesses to track the origin of purchase for sales tax purposes. He thanked all those who participated in the Chayce Beckham Home Town Tour event that was held at Horseman's Center.

Mr. Robertson announced upcoming events including the "Welcome Back to Summer" event on Saturday at Civic Center Park, the pool reopening also on Saturday and the Memorial Day events on Monday. He also announced that the apple tree planted at the Chayce Beckham event had been moved just north of the pool in Civic Center Park. He explained the logistics of moving the tree after the event for it's survival.

11. Closed Session

Upon returning from Closed Session at 8:50 p.m., Mayor Emick announced that there was no reportable action taken.

MOTION

Motion by: Council Member Nassif

Seconded by: Council Member Bishop

To Adjourn the regular meeting to move into Closed Session at 8:36 p.m. to discuss the following:

Carried Unanimously

11.1 Closed Session

- A. Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Paragraph (2) of subdivision (d) of Section 54956.9: one or more potential cases.

- B. Conference with Legal Counsel – Anticipated Litigation – Initiation of litigation pursuant to Paragraph (4) of subdivision (d) of Section 54956.9: one or more potential cases.
- C. Conference with Real Property Negotiators – Pursuant to Government Code. Section 54956.8. Property: Apple Valley Ranchos Water Company (now Liberty Utilities (Apple Valley Ranchos Water) Corp.); Authority Negotiator: Town Manager; Negotiating Parties: Liberty Utilities Co., Liberty WWH, Inc., Algonquin Power & Utilities Corp., Park Water Company, Western Water Holdings LLC, Tony Penna, General Manager, Apple Valley Ranchos Water Company; Under Negotiation: Price and Terms of Payment.
- D. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1600180 – Town of Apple Valley vs. Apple Valley Ranchos Water Company Et Al.
- E. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1925188 – Town of Apple Valley vs. Hai Do et al.

12. Adjournment

MOTION

Motion by: Council Member Bishop

Seconded by: Council Member Cusack

To adjourn the meeting of the Apple Valley Town Council at 8:51 p.m..

Carried Unanimously

Curt Emick, Mayor

La Vonda M-Pearson, Town Clerk