

AGENDA

APPLE VALLEY TOWN COUNCIL/ SUCCESSOR AGENCY

**JANUARY 27, 2015
6:30 P.M.**

PLEASE SILENCE CELL PHONES AND PAGERS UPON ENTERING THE CHAMBERS

The meeting will occur in the Council Chambers located at 14955 Dale Evans Parkway in Apple Valley, California.

This is an agenda for the scheduled meeting of the Town Council of the Town of Apple Valley.

This agenda contains a brief description of each item of business to be considered at today's meeting. In accordance with the Brown Act, this meeting agenda is posted at least 72 hours prior to the regularly scheduled meeting. The agenda, its supporting documents and all writings received by the Town Council related to these items are public records and available for review during regular business hours in the Town Clerk's office in the Town Council Chambers. The agenda and its supporting documents, along with live and archived video of the meeting, can be viewed online at <http://www.applevalley.org>. However, the online agenda may not include all available supporting documents or the most current version of documents.

Materials related to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the Town Clerk's Office at 14955 Dale Evans Parkway, Apple Valley, CA during normal business hours. Such documents are also available on the Town of Apple Valley website at www.applevalley.org subject to staff's ability to post the documents before the meeting.

Items listed on the Consent Calendar are expected to be routine and non-controversial and, unless the Town Council directs that an item be held for further discussion, the entire Consent Calendar will be acted upon as the first item of business. If the Town Council directs that an item listed on the Consent Calendar be held for further discussion, the item will be addressed immediately after approval of the Consent Calendar.

In accordance with the Rules of Procedure members of the public may address the Town Council on any item on the agenda and on any matter that is within the Town Council's jurisdiction. To address the Town Council regarding an item, complete and submit the yellow card entitled Request to Speak. Please indicate on the card whether you are speaking under Public Comments or on an item that is listed on the agenda and please list the item number.

When called, approach the podium and please state your name before giving your presentation. Speakers may address the Town Council for up to three (3) minutes. Speakers are to address the Town Council as a whole through the Presiding Officer. Comments to individual Council Members and/or staff are not permitted.

Individuals, who demonstrate disruptive conduct during Town Council meetings that prevent the Town Council from conducting its meeting in an orderly manner, are guilty of a misdemeanor as stated in PC403, disrupting a public meeting, and are subject to removal from the chambers or arrest.

The Town of Apple Valley recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the Town Clerk's Office at (760) 240-7000 two working days prior to the scheduled meeting for any requests for reasonable accommodations.

TOWN COUNCIL REGULAR MEETING

CALL TO ORDER THE TOWN COUNCIL REGULAR MEETING – 6:30 p.m.

ROLL CALL

COUNCILMEMBERS:

Bishop____, Emick____, Nassif____, Mayor Pro Tem Stanton____, Mayor Cusack____.

(WHERE APPROPRIATE OR DEEMED NECESSARY, ACTION MAY BE TAKEN ON ANY ITEM LISTED IN THE AGENDA)

OPENING CEREMONIES

INVOCATION: Reverend Michael Coffee, Community Church at Jess Ranch

PLEDGE OF ALLEGIANCE:

PRESENTATION:

Special Presentation - Eldon Heaston, Mojave Desert Air Quality Management District (MDAQMD)

Certificate of Appreciation – Equestrian Committee Past Member, Tony Tyler

Certificate of Appreciation – Presented to the Optimist Club

Employee of the Quarter – Kristin Hebertson, Animal Shelter Supervisor

Presentation on Sago Property / Domestic Violence Programs – Mr. Darryl Evey, Family Assistance Program

Update on Equestrian Committee Activities – Ray Sims, Chairman of Committee

Presentation on The Homeless Outreach and Proactive Enforcement (H.O.P.E.) – San Bernardino County Sheriff's Department

PUBLIC COMMENTS

COUNCILMEMBER COMMENTS AND COMMITTEE/COMMISSION PARTICIPATION

Boards, Committees and Commissions

TOWN COUNCIL ANNOUNCEMENTS

Suggested items for future agenda:

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

A. Regular Meeting – Tuesday, February 10, 2015 – Council Chambers at 6:30 p.m.

TOWN COUNCIL CONSENT AGENDA

Recommendation: Adopt all below listed items on the Consent Agenda in one motion. The Consent Agenda is composed of routine non-controversial items of business and will be adopted in whole in one motion unless a request is made by a Council Member to remove a specific item.

1. **Approval of Minutes of the Town Council**
A. Regular Meeting – December 9, 2014
Recommendation:
That the Town Council approve the subject minutes as part of the consent agenda.
2. **November 2014 Commercial Warrants Schedule**
Recommendation:
That the Town Council receive, ratify, and file the Commercial Warrants Schedule as presented.
3. **November 2014 Payroll/Benefits Warrants Schedule**
Recommendation:
That the Town Council receive, ratify and file the payroll/benefits warrants as presented.
4. **Treasurer’s Report – Month of November 2014 and Schedules of Revenues, Expenditures and Changes in Fund Balance for the Parks and Recreation Fund and the Apple Valley Golf Course Fund**
Recommendation:
That the Town Council receive and file the November 2014 Treasurer’s Report.
5. **Treasurer’s Report – Month of December 2014 and Schedules of Revenues, Expenditures and Changes in Fund Balance for the Parks and Recreation Fund and the Apple Valley Golf Course Fund**
Recommendation:
That the Town Council receive and file the December 2014 Treasurer’s Report.
6. **Claimant – Southern California Edison (SCE)**
Recommendation:
Reject the claim of Southern California Edison (SCE).
7. **Claimant – Robert and Beverly Goss**
Recommendation:
Reject the claim of Robert and Beverly Goss.
8. **Claimant – Robert and Sabrina Hartshorn**
Recommendation:
Reject the claim of Robert and Sabrina Hartshorn.

9. **Approve and Authorize a Construction Funding Agreement with San Bernardino Associated Governments (SANBAG), for Yucca Loma Road Widening in Conjunction with the Yucca Loma Bridge over the Mojave River**
Recommendation:
That the Town Council approve the Construction Funding Agreement with San Bernardino Associated Governments (SANBAG), for Yucca Loma Road Widening in conjunction with the Yucca Loma Bridge Project.
10. **Accept the Final Map for Tract Map No. 18917-2**
Recommendation:
Move to accept the final map, securities, and agreements for Tract Map Number 18917-2.
11. **Release of Securities for Tract Map Numbers 17186 and 17186-1**
Recommendation:
Find that the construction of various improvements required for Tracts 17186 and 17186-1, is complete, and approve the 50% reduction of the performance securities.
12. **Adopt Resolution No. 2015-03, A Resolution of the Town Council of the Town of Apple Valley, California, Proclaiming February as Apple Valley Spay and Neuter Awareness Month**
Recommendation:
Adopt Resolution No. 2015-03, proclaiming February as Apple Valley Spay and Neuter Awareness Month.

PUBLIC HEARINGS

13. **A Request to Consider an Amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code by Modifying Section 9.74.160 "Temporary Real Estate Signs" of Chapter 9.74 "Signs and Advertising Displays"**
Recommendation:
Move to open the public hearing and take testimony.
Close the public hearing. Then:
 1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because 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.
 2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
 3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety, and general welfare of the citizens of Apple Valley.
 4. **Move** to waive the reading of Ordinance No. 466, in its entirety, and read by title only.
 5. **Introduce** Ordinance No. 466, revising Title 9 "Development Code" of the Town of Apple Valley Municipal Code by amending Section 9.74.160 "Temporary Real Estate Signs" of Chapter 9.74 "Signs and Advertising Displays".
 6. **Direct** staff to file a Notice of Exemption.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

14. Adopt Resolution No. 2015-02, A Resolution of the Town Council of the Town of Apple Valley, California - Results of Painted on Wall Sign Survey

Recommendation:

Adopt Resolution No. 2015-02, declaring the legal, non-conforming status of all existing painted on wall signs as identified within a recently conducted survey.

15. Synthetic Drugs Update

Recommendation:

Receive and file.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

16. 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 potential case.
- C. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case Name: Application No. 14-01-002, In the Matter of the Application of Park Water Company-Apple Valley Ranchos Water Company Water System (U346W) for Authority to Increase Rate Charges for Water Service by \$3,127,463.00 or 14.88% in 2015, \$2,056,455.00 or 8.48% in 2016, and \$2,160,731.00 or 8.19% in 2017.
- D. Conference with Legal Counsel – Significant Exposure to litigation pursuant to subdivision (b) of Section 54956.9 (one case): Town of Apple Valley vs. Ana J. Matosantos, Director of the Department of Finance.

ADJOURNMENT

MOTION

Time: _____