

AGENDA

APPLE VALLEY TOWN COUNCIL/ SUCCESSOR AGENCY

**MAY 26, 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: Minister James Campbell, JC Ministries

PLEDGE OF ALLEGIANCE:

- PRESENTATIONS:**
- Presentation – Apple Valley Kiwanis
 - Presentation – Town Clerk Intern Recognition, Debra Thomas, Deputy Town Clerk
 - Presentation – Healthy Apple Valley Update, Ralph Wright, Parks and Recreation Manager, Lena Quinonez, Recreation Supervisor
 - Presentation – Lion's Club – Lena Quinonez, Recreation Supervisor
 - Presentation – Greener Way of Life, Joseph Moon, Environmental & Transit Services Manager

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. Special Meeting – Thursday, May 28, 2015 – Council Chambers at 6:00 p.m.**
 - B. Regular Meeting – Tuesday, June 9, 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 – April 14, 2015**
 - B. **Special Meeting – April 22, 2015**
 - C. **Special Meeting – April 28, 2015**

Recommendation:

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

2. **Adopt Ordinance No. 467 – An Ordinance of the Town of Apple Valley Amending the Zoning Map by Changing the Zoning Designations from R-E to R-SF Centrally Located North of Bear Valley Road and West of Deep Creek Road; APNs 3087-171-07 and Easterly Portion of 3087-161-04**

Recommendation:

Adopt Ordinance No. 467.

3. **Adopt Ordinance No. 468 – An Ordinance of the Town of Apple Valley Amending the Jess Ranch Planned Unit Development Relating to the Future Development of Lot Nos. 69 thru 204 and Lot Nos. 210 thru 219 within Tract Map 14484 (Jess Ranch Lakes RV Resort)**

Recommendation:

Adopt Ordinance No. 468.

4. **Claimant – Marvin Shenkin**

Recommendation:

Reject the claim of Marvin Shenkin.

5. **Claimant – Verizon**

Recommendation:

Reject the claim of Verizon.

6. **Claimant - – Shaival J. Patel**

Recommendation:

Reject the claim of Shaival J. Patel.

7. **Treasurer’s Report – Month of March 2015 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 March 2015 Treasurer’s Report.

8. **March 2015 - Commercial Warrants Schedule**

Recommendation:

That the Town Council receive, ratify, and file the Commercial Warrants Schedule as presented.

9. **March 2015 - Payroll/Benefits Warrants Schedule**

Recommendation:

That the Town Council receive, ratify, and file the payroll/benefits warrants as presented.

10. Accept the Final Map for Parcel Map No. 19645

Recommendation:

Approve the final map for Parcel Map No. 19645.

11. Request to Vacate an Alley Easement on Tract Map 4643

Recommendation:

That the Town Council

1. Find that alley easement as shown on Tract Map 4643, has not been used for the purpose for which it was dedicated for five (5) consecutive years immediately preceding the proposed vacation;
2. Adopt Resolution No. 2015-14, A Resolution of the Town Council of the Town of Apple Valley, California, vacating an alley easement on Tract Map 4643, pursuant to the Streets and Highways Code Section 8333 (a);
3. Direct the Town Clerk to cause the Resolution vacating the alley easement to be recorded in the office of the County Recorder of the County of San Bernardino, pursuant to Section 8336 of the Streets and Highways Code.

12. Chip Seal/County Agreement

Recommendation:

Approve and sign the attached Cooperative Agreement with the County of San Bernardino for the joint Chip Seal Paving Project.

PUBLIC HEARINGS

13. Public Hearing #2 – Consolidated Plan Fourth-Year Action Plan for the Community Development Block Grant (CDBG) and the Home Investment Partnerships (HOME) Programs for Fiscal Year 2015-2016

Recommendation:

1. Open public hearing.
2. Close public hearing.
3. That the Town Council approve the Community Development Citizen Advisory Committee recommendations for funding proposed projects under the 2015-2016 CDBG and HOME programs as part of the Town's Fourth-Year Action Plan, which is an integral component of the Consolidated Plan; approve the draft Action Plan and authorize the Town Manager to execute all necessary HUD documents on behalf of the Town.

14. Appeal No. 2015-001 of the Planning Commission's Denial of Sign Program No. 2015-001

Recommendation:

**Move to open the public hearing and take testimony.
Close the public hearing. Then:**

1. Find that pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA), the activity is covered by the general rule that CEQA applies only to projects which 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 may have a significant effect on the environment, the activity is not subject to CEQA.
2. Find the Facts presented within the staff report for the Council hearing of May 26th, including Commissioner discussion as reflected in the minutes from the March 18th and

April 15th Planning Commission meetings, do not support approval of Sign Program No. 2015-001 .

3. Deny the appeal of Sign Program No. 2015-001, upholding the Planning's denial of the proposal.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

15. **Discussion regarding Modification to the Development Code Regulation for Fencing to Allow Chain Link around Vacant Parcels and Undeveloped Properties**

Recommendation:

Discuss and provide direction to staff.

16. **Consideration of SB 16 (Beall): Transportation Funding and SCA 7 (Huff): Motor Vehicle Fees and Taxes – Restriction on Expenditures**

Recommendation:

Provide direction to staff.

17. **Consultant and Experts for Potential Apple Valley Ranchos Water Company Acquisition**

Recommendation:

That the Town Council:

- A. Authorize the Town Attorney to contract with an environmental and planning firm in an amount not-to-exceed \$80,000.00 for preparation of the necessary environmental documentation to study the Town's potential acquisition and operation of the Apple Valley Ranchos Water Company system.
- B. Appropriate \$80,000.00 for purposes of retaining an environmental and planning firm for preparation of the necessary environmental documentation to study the Town's potential acquisition and operation of the Apple Valley Ranchos Water Company System (General Fund).

OR IN THE ALTERNATIVE

- C. Continue the item and request additional action be taken by Town Staff or additional information be provided.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS:

STAFF REPORTS

CORRESPONDENCE

CLOSED SESSION

18. 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 – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case Name: Application No. 14-11-013 Joint Application of Liberty Utilities Co., Liberty WWH, Inc., Western Water Holdings, LLC, Park Water Company (U314W), and Apple Valley Ranchos Water Company (U346W) for Authority for Liberty Utilities Co. to Acquire and Control Park Water Company and Apple Valley Ranchos Water Company.
- E. Conference with Real Property Negotiators – Pursuant to Government Code Section 54956.8. Property: Apple Valley Ranchos Water Company; Authority Negotiator: Town Manager; Negotiating Parties: Chris Schilling, Chief Executive Officer, Park Water Company, The Carlyle Group, Carlyle Infrastructure Partners, Western Water Holdings LLC, Tony Penna, General Manager, Apple Valley Ranchos Water Company; Under Negotiation: Price and terms of payment.
- F. Conference with Legal Counsel – Settlement of Existing Litigation.

ADJOURNMENT

MOTION

Time: _____