

AGENDA

**APPLE VALLEY TOWN COUNCIL/
SUCCESSOR AGENCY**

OCTOBER 27, 2015

REGULAR SESSION BEGINS AT 6:30 P.M.

PLEASE SILENCE CELL PHONES AND PAGERS UPON ENTERING THE CHAMBER

The meeting will occur in the Council Chamber 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 Chamber. 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 chamber 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 SESSION

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

ROLL CALL

COUNCIL MEMBERS:

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 Enterprises

PLEDGE OF ALLEGIANCE:

PRESENTATION: Recognition Awards from Apple Valley PBID Association to "2015 Happy Trails Parade" Award Recipients

Proclamation presented to the California Writers Club in Recognition of its Annual Dorothy C. Blakely Memoir Project

Employee of the Quarter presented to Virgil Rush, Community Enhancement Officer

Special Town of Apple Valley Recognition Award

PUBLIC COMMENTS

COUNCILMEMBER 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, November 10, 2015 – Council Chamber
Regular Session 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**
A. Regular Meeting – September 22, 2015
Recommendation:
That the Town Council approve the subject minutes as part of the consent agenda.
- 2. August 2015 - Commercial Warrants Schedule**
Recommendation:
That the Town Council receive, ratify, and file the Commercial Warrants Schedule as presented.
- 3. August 2015 Payroll / Benefits Warrants Schedule**
Recommendation:
That the Town Council receive, ratify, and file the Payroll/Benefits Warrants as presented.
- 4. Treasurer’s Report – August 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 August 2015 Treasurer’s Report
- 5. Adopt Ordinance No. 472 – An Ordinance of the Town Council of the Town of Apple Valley Amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code by Modifying Section 9.74.110(G) “Digital Advertising Displays” of Chapter 9.74 “Signs And Advertising Displays”**
Recommendation:
That the Town Council adopt Ordinance No. 472.
- 6. Adopt Ordinance No. 475 - An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Title 5, Chapter 5.06 of the Apple Valley Municipal Code to Establish a Fee to Support Public, Educational and Governmental Access Facilities Applicable to State Video Service Franchises and to make other Conforming Amendments**
Recommendation:
That the Town Council adopt Ordinance No. 475

7. **Adopt Ordinance No. 476 – An Ordinance of the Town Council of the Town of Apple Valley, California, Adopting Development Code Amendment No. 2015-004 Amending Title 9 “Development Code” of the Town of Apple Valley Municipal Code, as it Pertains to Regulations for Fencing Vacant Land and Vacant Developed Parcels**
Recommendation:
That the Town Council adopt Ordinance No. 476.
8. **Acceptance of Work, Powhatan Road Street Improvements - Project No. 2015-03**
Recommendation:
That the Town Council:
 1. Accept the work completed as part of the Powhatan Road Improvements – Project No. 2015-03, for a total cost of \$449,713.17.
 2. Direct the Town Clerk to file the Notice of Completion for the contract work.
 3. Direct the Finance Director to release the retained funds thirty (30) days after the Notice of Completion has been filed, provided no claims are filed against the contractor.
9. **Bear Valley Bike Path – Project No. 2012-03**
Recommendation:
 1. That the Town Council review and approve the project plans, specifications, and bid documents for the Bear Valley Bike Path – Project No. 2012-03.
 2. That the Town Council authorize staff to solicit bids for construction of said project.
10. **CLAIMANT – Rodrigo Antonio Pimentel**
Recommendation:
Reject the claim of Rodrigo Antonio Pimentel.
11. **CLAIMANT – David M. Barrett and Gregory S. Noel**
Recommendation:
Reject the claim of David M. Barrett and Gregory S. Noel.
12. **CLAIMANT – Jeri Lynn Wade**
Recommendation:
Reject the claim of Jeri Lynn Wade
13. **Agreement with Neighborhood Housing Services of the Inland Empire (NHSIE) for Reconstruction/Resale of a Single-Family Residence**
Recommendation:
Authorize the Town Manager to enter into the attached Agreement between the Town of Apple Valley and Neighborhood Housing Services of the Inland Empire for the Reconstruction/Resale of a fire damaged and foreclosed Single-Family Residence project approved for funding in the 2015-2016 Fourth Year Action Plan.

14. Authorization to Submit an Application to the State Office of Grants and Local Services (OGALS) for the Roberti-Z Berg-Harris Block Grant Program

Recommendation:

Authorize the Town Manager or his designee to submit an application to the State Office of Grants and Local Services.

15. Measure I, 5-Year Plan

Recommendation:

1. That the Town Council Approve FY 2015-2016 through 2019-2020 Measure I, 5-year expenditure plan.
2. Adopt Resolution No. 2015-39, "A Resolution of the Town Council of the Town of Apple Valley, State of California, Adopting the Measure I Five-Year Capital Improvement Program".

16. Approval to Reject Bids and Re-advertise the Albertson's/Apple Valley Inn Pathway Improvements - Project No. 2015-07

Recommendation:

1. That the Town Council reject bid(s) for the Albertson's/Apple Valley Inn Pathway Improvements – Project No. 2015-07.
2. That the Town Council authorize staff to re-advertise and solicit bids for construction of said project.

PUBLIC HEARINGS

17. General Plan Amendment No. 2015-002: A Request to Consider a Change to the General Plan Land Use Designation from (R-E) Residential Estate (1 DU per 1 to 2.5 gross acres) to General Commercial (C-G).

Zone Change No. 2015-002: The proposed Zone Change would change the Project Site from (R-E) Residential Estate (1 DU per 1 to 2.5 gross acres) to General Commercial (C-G)

Recommendation:

Move to open the public hearing and take testimony.

Close the public hearing. Then:

1. **Determine** that, in conformance with the requirements of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed General Plan Amendment No. 2015-002 and Zone Change No. 2015-002 will not have a significant effect on the environment.
2. **Adopt** the Negative Declaration prepared for General Plan Amendment No. 2015-002 and Zone Change No. 2015-002.
3. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for July 15, 2015 support the required Findings for approval of the proposed General Plan Amendment and Zone Change, and adopt the Findings.
4. **Adopt** Town Council Resolution No. 2015-38, approving General Plan Amendment No. 2015-002;

5. **Move** to waive the reading of Ordinance No. 477 in its entirety and read by title only.
6. **Introduce** Ordinance No. 477, approving Zone Change No. 2015-002; and
7. **Direct** staff to file a Notice of Determination with the San Bernardino County Clerk of the Board of Supervisors.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

CONTINUED ITEM FROM MEETING OF SEPTEMBER 22, 2015

18. **Discussion to Adopt Resolution No. 2015-35, A Resolution Consenting to the Inclusion of Properties within the Territory of the Town of Apple Valley in the California Statewide Communities Development Authority Open PACE Program**

Recommendation:

That the Town Council adopt Resolution No. 2015-35, consenting to the Inclusion of properties with the Town of Apple Valley in the California Statewide Communities Development Authority (CSCDA) Open PACE Program.

19. **Selection of a Development Entity for Affordable Rental Housing**

Recommendation:

That the Town Council authorize and direct staff to enter into negotiations for the development of an affordable rental housing project on the Town-owned, approximate ten (10)-acre site on Sioux Road, west of Navajo Road, with Coachella Valley Housing Coalition, for the purpose of bringing forth a Disposition and Development Agreement (DDA) for review and approval by Town Council at a later date.

20. **Vacancy on the Town of Apple Valley Community Development Citizens Advisory Committee (CDCAC)**

Recommendation:

Council Member Bishop to nominate: _____ to the Town of Apple Valley Community Development Citizens Advisory Committee (CDCAC).

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

21. **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 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. Negotiations with Real Property Negotiator – Parcel Number: 3112-181-01 located at Highway 18, between Dale Evans Parkway & Standing Rock, Apple Valley; Negotiating Parties: 360 Apple West, LLC; Town Negotiator(s) -Town Manager. Negotiations involve both price and terms.

ADJOURNMENT

MOTION

Time: _____