

## **AGENDA**

### **APPLE VALLEY TOWN COUNCIL/ SUCCESSOR AGENCY**

**JANUARY 12, 2016**

**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](http://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 \_\_\_\_\_, Cusack \_\_\_\_\_, Emick \_\_\_\_\_, Mayor Pro Tem Nassif \_\_\_\_\_, Mayor Stanton \_\_\_\_\_.

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

**OPENING CEREMONIES**

**INVOCATION:** Pastor Mark Mikels, Sonlife Community Church

**PLEDGE OF ALLEGIANCE:**

**PRESENTATIONS:** Presentation - Update on the Apple Valley Public Library, County of San Bernardino

Presentation - Flood Control, Gerry Newcombe, Public Works Director, County of San Bernardino

Presentation - Pulte Homes, Steve Ford

Presentation - Emergency Preparedness, Joseph Ramos, Emergency Services Officer

**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, January 26, 2016 – 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 of the Town Council**  
**A. Regular Meeting – December 8, 2015**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
2. **November 2015 Commercial Warrants Schedule**  
**Recommendation:**  
That the Town Council receive, ratify and file the Commercial Warrants Schedule as presented.
3. **November 2015 Payroll/Benefits Warrants Schedule**  
**Recommendation:**  
That the Town Council receive, ratify, and file the Payroll/Benefits Warrants as presented.
4. **Treasurer’s Report – November 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 Town Council receive and file the November 2015 Treasurer’s Report.
5. **Adopt Ordinance No. 479 – An Ordinance of the Town Council of the Town of Apple Valley, to Amend Title 9 “Development Code” of the Town of Apple Valley Municipal Code by Amending Chapter 9.75 "Water Conservation/Landscaping Regulations" to Comply with the State of California Code of Regulations Title 23, Division 2, Chapter 2.7 "Model Water Efficient Landscape Ordinance" and to add Landscaping Standards Applicable to Single-Family, Infill Development**  
**Recommendation:**  
That the Town Council adopt Ordinance No. 479.
6. **One-Year Extension of Service Agreement for Electronic Waste Recycling with Gold’n West Surplus, Inc.**  
**Recommendation:**  
It is recommended that the Town Council authorize the Town Manager to execute a one-year extension of the current Service Agreement for Electronic Waste Recycling with Gold’n West Surplus, Inc.
7. **Claimant – Blanca Sipe**  
**Recommendation:**  
Reject the claim of Blanca Sipe.

8. **Fee Waiver Request for No Drugs America for April 30, 2016 for Use of the Civic Center Amphitheatre**  
**Recommendation:**  
For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$907.00.
9. **Professional Services Agreement for Construction Management Services for the Residential Rehabilitation Loan Program (RRLP)**  
**Recommendation:**  
That the Town Council approve the attached Agreement between the Town of Apple Valley and Charles Abbott Associates, Inc. (CAA) for Construction Management Services for the Residential Rehabilitation Loan Program and, authorize the Town Manager to execute the agreement on behalf of the Town.

## PUBLIC HEARINGS

10. **Adopt Ordinance No. 480 – An Interim Urgency Ordinance of the Town Council of the Town of Apple Valley, Enacted Pursuant to California Government Code Section 65858 Establishing a Temporary Moratorium on Cannabis Dispensaries, Cannabis Manufacturers, and the Cultivation and Delivery of Cannabis Pending the Completion of Studies and the Preparation of an Update to the Town’s Municipal and Zoning Codes**  
**Recommendation:**  
Staff recommends that the Town Council take the following actions:
- A. Receive a report on new state legislation specifically authorizing local regulation of medical cannabis uses.
  - B. Adopt:  
  
An Interim Urgency Ordinance of The Town Council of Apple Valley, California, Enacted Pursuant to California Government Code Section 65858 Establishing a Temporary Moratorium on Cannabis Dispensaries, Cannabis Manufacturers, and the Cultivation and Delivery of Cannabis Pending the Completion of Studies and the Preparation of an Update to the Town’s Municipal and Zoning Codes

## REPORTS, REQUESTS AND COMMUNICATIONS

### **BUSINESS OF THE COUNCIL**

11. **Establishment of 2012-2016 Consolidated Plan/Fifth Year Action Plan Priority Needs for FY 2016-2017**  
**Recommendation:**  
That the Town Council approve the following list of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) funding priorities, as established in the Strategic Plan, to be used as a guideline by the Community Development Citizens Advisory Committee (CDCAC) in making recommendations to the Town Council for the 2016-2017 Action Plan.

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

**DEPARTMENTAL REPORTS AND BUSINESS**

None.

**CLOSED SESSION**

**12. 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. 14-11-013 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.
- D. 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.
- E. Negotiations with Real Property Negotiator – Parcel Number: 3112-181-01 located at Highway 18, between Dale Evans Parkway & Rancherias Road, Apple Valley; Negotiating Parties: 360 Apple West, LLC; Town Negotiator(s) -Town Manager. Negotiations involve both price and terms.
- F. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1506833 - Town of Apple Valley, Et Al -v- Gudmundsen.
- G. Negotiations with Real Property Negotiator – Parcel Number: 3112-251-13, Apple Valley; Negotiating Parties: Jian Torkan or other interested parties; Town Negotiator(s) -Town Manager. Negotiations involve both price and terms.
- H. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1517935 - Apple Valley Ranchos Water Company vs. Town of Apple Valley Et Al.

**ADJOURNMENT**

**MOTION**

Time: \_\_\_\_\_