

**AGENDA**

**APPLE VALLEY TOWN COUNCIL/  
SUCCESSOR AGENCY**

**SEPTEMBER 27, 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: Bishop Ebmeyer, Church of Jesus Christ Latter Day Saints**

**PLEDGE OF ALLEGIANCE:**

**PRESENTATIONS: Local Public Safety Heroes Month Recognition presented to Apple Valley Sheriff's Division and Apple Valley Fire Protective District**

**Administer Oath of Office to New Disaster Service Workers**

**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, October 25, 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 – September 13, 2016**

**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
  
2. **Adopt Ordinance No. 487 – An Ordinance of the Town Council of the Town of Apple Valley, California, to Amend Title 9 Development Code to Add Section 9.36.230 Prohibiting Dispensaries, Cannabis Manufacturers and the Cultivation and Delivery of Cannabis and to Remove Redundancies in the Municipal Code**

**Recommendation:**  
Adopt Ordinance No. 487
  
3. **Adopt Ordinance No. 488 – An Ordinance of the Town Council of the Town of Apple Valley, California, to Amend Title 9 Development Code Repealing Provisions Regulating Sex Offender Residency**

**Recommendation:**  
Adopt Ordinance No. 488
  
4. **Adopt Ordinance No. 489 – An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Title 8 of the Town of Apple Valley Municipal Code by Amending Chapters 8.10, 8.12, 8.14, 8.16, 8.18, 8.21, 8.22, and 8.26, Adopting as Modified the 2016 Edition of the California Building Code Volumes 1 and 2 including the Appendix and Standards, the 2016 Edition of the California Electrical Code, the 2016 Edition of the California Plumbing Code, the 2016 Edition of the California Mechanical Code, the 2016 Edition of the California Green Building Code, the 2016 Edition of the California Residential Code, the 2016 Edition California Energy Code and Adopting other Regulations Relating to Building Requirements**

**Recommendation:**  
Adopt Ordinance No. 489
  
5. **Treasurer’s Report – June 2016 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 June 2016 Treasurer’s Report.
  
6. **Treasurer’s Report – July 2016 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 July 2016 Treasurer’s Report.

7. **Claimant – Ryan Jacob Wolf**  
**Recommendation:**  
Reject the claim of Ryan Jacob Wolf.
8. **Claimant – Jennifer De La Cruz**  
**Recommendation:**  
Reject the claim of Jennifer De La Cruz
9. **Adopt Resolution No. 2016-30, A Resolution of the Town Council of the Town of Apple Valley, California, Authorizing Certain Individuals to Execute For and In Behalf of the Town of Apple Valley for the Purpose of Obtaining Financial Assistance in the event of an Emergency.**  
**Recommendation:**  
Adopt Resolution No. 2016-30, a Resolution of the Town Council of the Town of Apple Valley, California, authorizing certain individuals to execute for and in behalf of the Town of Apple Valley for the purpose of obtaining financial assistance in the event of an emergency.
10. **Adoption Resolution No. 2016-31, A Resolution of the Town Council of the Town of Apple Valley, California, Authorizing the Application for Grant Funds from the California Urban Rivers Grant Program Under the Water Quality, Supply and Infrastructure Improvement Act of 2014 (Proposition 1)**  
**Recommendation:**  
That the Town Council adopt Resolution No. 2016-31, approving the Application for Grant Funds from the California Urban Rivers Grant Program Under the Water Quality, Supply and Infrastructure Improvement Act of 2014 (Proposition 1).
11. **Emergency Planning/Services Joint Agreement between the Town of Apple Valley, Apple Valley Fire Protection District and the Apple Valley Unified School District**  
**Recommendation:**  
That the Town Council ratify the Emergency Planning/Services Joint Agreement between the Town of Apple Valley, Apple Valley Fire Protection District and the Apple Valley Unified School District.
12. **Acceptance of Improvements, Town Center Drive**  
**Recommendation:**  
That Town Council formally accept the public improvements on Town Center Drive, between Jess Ranch Parkway and Apple Valley Road, and include this segment of roadway in the Town's Maintained Roadway Network.
13. **Donation to the Victor Valley Bicycle Tour**  
**Recommendation:**  
Approve the donation of \$2,500.00 in support of the Victor Valley Bicycle Tour, planned for Saturday, October 29, 2016.

**PUBLIC HEARINGS**

**14. Public Hearing for Affirmatively Furthering Fair Housing (AFFH) Plan**

**Recommendation:**

1. Open public hearing
2. Close public hearing
3. That the Town Council consider public comments received and recommendations of the Community Development Citizen Advisory Committee (CDCAC) and approve the Assessment of Fair Housing (AFH).

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**15. Discussion regarding Modification to the Development Code Regulations as it pertains to Allowing Flexibility to Setbacks within the Ranchos Tract Overlay Area**

**Recommendation:**

Discuss and provide direction to staff.

**16. Discussion regarding Modification to the Development Code Regulation for Cargo Containers in the Commercially Zoned Property within the Village PBID Area**

**Recommendation:**

Discuss and provide direction to staff.

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

**DEPARTMENTAL REPORTS AND BUSINESS**

None

**CLOSED SESSION**

**17. 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: 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.
- 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.: CIVDS1517935 - Apple Valley Ranchos Water Company vs. Town of Apple Valley Et Al.
- G. 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.
- H. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS160498 – Christina Lopez – Burton vs. Town of Apple Valley.

<b>ADJOURNMENT</b>
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**MOTION**

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