

## **AGENDA**

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

**DECEMBER 13, 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 if desired, 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 Joseph Valery, Victory in Jesus Bible Faith Center**

**PLEDGE OF ALLEGIANCE:**

**PRESENTATIONS:**

**MAYOR'S YOUTH LEADERSHIP SUMMIT – MOCK COUNCIL PRESENTATION**

**1. Swim Lessons for Low Income/At – Risk Youth**

**Recommendation:**

That the Town Council approve an expenditure of up to \$1,000.00 to fund Swim Lessons for Low Income/At-Risk Youth.

**CANVASS OF ELECTION RETURNS**

**2. Results of Canvass of Election Returns of the Town of Apple Valley General Municipal Election held November 8, 2016, and adopt Resolution No. 2016-38 Reciting the Fact of the Election and Such Other Matters Provided by Law**

**Recommendation:**

Adopt Resolution No. 2016-38 reciting the fact of the election and such other matters provided by law.

**3. Installation of Newly Elected Council Members Pursuant to the Results of the Special Municipal Election Held November 8, 2016.**

**Recommendation:**

(1) Installation of Officers.

Oath of Office to be Administered to Council Member Art Bishop

Oath of Office to be Administered to Council Member Larry Cusack

Town Clerk to present each newly elected Council Member a Certificate of Election.

**4. Selection of Mayor and Mayor Pro Tempore**

**Recommendation:**

(1) Council to select one of its number as Mayor. \_\_\_\_\_

(2) Council to select one of its number as Mayor Pro Tempore. \_\_\_\_\_

**RECESS FOR REORGANIZATION**

**PRESENTATION:**

Mayor's Plaque – Mayor Stanton for her term as Mayor on the Town Council for the period December 2015 to December 2016.

**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 10, 2017 – 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.

**5. Approval of Minutes of the Town Council**

**A. Regular Meeting – November 15, 2016**

**Recommendation:**

Approve the subject minutes as part of the consent agenda.

**6. October 2016 Commercial Warrants and July through October 2016 Wire Transfer Schedules**

**Recommendation:**

That the Town Council receive, ratify and file the Commercial Warrants and Wire Transfer Schedules as presented.

**7. October 2016 - Payroll / Benefits Warrants Schedule**

**Recommendation:**

That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.

**8. Treasurer's Report – October 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 October 2016 Treasurer's Report.

**9. Adopt Ordinance No. 490, An Ordinance of the Town Council of the Town of Apple Valley to Amend Code Sections 9.35 and 9.36 to Allow and Establish Standards for Cargo Containers in the Village Commercial (C-V) Zoning District**

**Recommendation:**

Adopt Ordinance No. 490.

**10. Adopt Resolution No. 2016-37, A Resolution of the Town Council of the Town of Apple Valley, California, Amending the Classification Plan for the Town of Apple Valley**

**Recommendation:**

That the Town Council adopt the attached Resolution No. 2016-37, A Resolution of the Town Council of The Town of Apple Valley, California, amending the current Classification Plan.

**11. Claimant - Fidel Gonzalez**

**Recommendation:**

Reject the claim of Fidel Gonzalez.

**12. Claimant – Estate of Michael Gonzalez**

**Recommendation:**

Reject the claim of the Estate of Michael Gonzalez.

**13. Claimant – Mike L. Cinko**

**Recommendation:**

Reject the claim of Mike L. Cinko.

**14. Receipt of JAG Grant Funds for Fiscal Year 2014-15 into the Public Safety Grant Fund for Police Activities League Related Expenditures**

**Recommendation:**

1. Approve receipt of Justice Assistance Grant funding in the amount of \$14,692.00, and
2. Authorize the Town Manager to execute the Interlocal Agreement concerning distribution of the 2014 Justice Assistance Grant Award.

**15. Receipt of JAG Grant Funds for Fiscal Year 2015-16 into the Public Safety Grant Fund for Police Activities League Related Expenditures**

**Recommendation:**

1. Approve receipt of Justice Assistance Grant funding in the amount of \$13,177.00, and

2. Authorize the Town Manager to execute the Interlocal Agreement concerning distribution of the 2015 Justice Assistance Grant Award.

**16. Receipt of JAG Grant Funds for Fiscal Year 2016-17 into the Public Safety Grant Fund for Police Activities League Related Expenditures**

**Recommendation:**

1. Approve receipt of Justice Assistance Grant funding in the amount of \$15,663.00, and
2. Authorize the Town Manager to execute the Interlocal Agreement concerning distribution of the 2016 Justice Assistance Grant Award.

**PUBLIC HEARINGS**

**17. Public Hearing for 2017-21 Consolidated Plan and 2017-18 Action Plan**

**Recommendation:**

1. Open public hearing;
2. Take public comments;
3. Close public hearing.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

None.

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

**DEPARTMENTAL REPORTS AND BUSINESS**

None.

**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 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.
- I. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1507221 – Leane Lee vs. Town of Apple Valley.
- J. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1517800 – Krause, Kalfayan, Benink & Slavens, LLP vs. Town of Apple Valley.
- K. Negotiations with Real Property Negotiator – Parcel Number: 3087-351-23. Negotiating Party: Town Negotiator - Town Manager. Negotiations involve both price and terms.

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

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