

AGENDA

APPLE VALLEY TOWN COUNCIL/ SUCCESSOR AGENCY

JANUARY 24, 2017

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 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:

Cusack_____, Emick _____, Stanton _____, Mayor Pro Tem Bishop _____, Mayor Nassif _____.

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

OPENING CEREMONIES

INVOCATION:

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

Recognition – Ms. Casey Armstrong

Certificates of Commendation - Teen Zone – Lena Quinonez, Parks and Recreation Supervisor

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, February 14, 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.

1. **Approval of Minutes of the Town Council**
 - A. **Special Meeting – January 5, 2017**
 - B. **Regular Meeting – January 10, 2017****Recommendation:**
Approve the subject minutes as part of the consent agenda.
2. **Claimant – Scott Allen Bell****Recommendation:**
Reject the claim of Scott Allen Bell.
3. **Claimant – Anthony Beaver, Eva Beaver and Miguel Sanchez****Recommendation:**
Reject the claim of Anthony Beaver, Eva Beaver and Miguel Sanchez.
4. **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 as modified by the attached letter for electronic waste recycling with Gold’N West Surplus, Inc. with two (2) automatic one-year extensions if the same or similar terms are agreed upon by both parties.
5. **Town Council Establish and Adopt the Privacy and Customer Confidentiality Policy for Apple Valley Choice Energy (AVCE)****Recommendation:**
That the Town Council establish and adopt the policies for privacy and customer confidentiality, protection of confidential information and Advanced Metering Infrastructure (AMI) data security and privacy, for Apple Valley Choice Energy.
6. **Amendment to the Franchise Agreement between the Town of Apple Valley and Burrtec Waste Industries, Inc.****Recommendation:**
That the Town Council approve the Amendment to the Exclusive Franchise Agreement between the Town of Apple Valley and Burrtec Waste Industries, Inc. amending the term of the agreement.

PUBLIC HEARINGS

7. **A Request to Consider an Amendment to Title 9 “Development Code” of the Town of Apple Valley Municipal Code by Amending Chapter 9.25 “Deviation Permits”, Chapter 9.28 “Residential Districts” and Chapter 9.35 “Commercial Districts” as it Pertains to Setback Reduction Procedures within the Ranchos Residential Overlay District****Recommendation:**

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

1. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because the activity is covered by the general rule that CEQA applies only to projects that 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, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
 2. **Find** the facts presented within the staff report support the required Findings for approval of an amendment to the Development Code, and adopt the Findings.
 3. **Find** that the proposed Town Council Ordinance is consistent with the Goals and Objectives of the adopted Town of Apple Valley General Plan and that it is necessary to preserve the health, safety and general welfare of the citizens of Apple Valley.
 4. **Move** to waive the reading of Ordinance No. 491 in its entirety and ready by title only.
 5. **Introduce** Ordinance No. 491, an amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code modifying Chapter 9.25 "Deviation Permits" Chapter 9.28 "Residential Districts" and Chapter 9.35 "Commercial Districts" as it pertains to setback reduction procedures within the Ranchos Residential Overlay District.
 6. Direct staff to file a Notice of Exemption.
8. **Approval for EEI Master Power Purchase Agreements, Confirmations, Associated Lockbox Agreements and Authorization Resolution for the Apple Valley Choice Energy (AVCE) CCA**
Recommendation:
1. That the Town Council approve the EEI Master Power Purchase Agreements, Confirmations and Associated Lockbox Agreements for the Apple Valley Choice Energy (AVCE) CCA.
 2. That the Town Council adopt a resolution authorizing the Town Manager to execute Master Agreements with each of the three (3) short listed power suppliers with terms consistent with those contained in the attached agreements.
9. **Adopt Resolution No. 2017-04, A Resolution Establishing the Rate Structure and Rates for Apple Valley Choice Energy (AVCE)**
Recommendation:
Adopt Resolution No. 2017-04 establishing the rate structure and rates for Apple Valley Choice Energy (AVCE).

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

10. Vacancy on the Parks and Recreation Committee

Recommendation:

Council Member Stanton to nominate: _____ to the Town of Apple Valley Parks and Recreation Committee.

11. Pavement Management System Report

Recommendation:

Receive and file.

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: 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.

ADJOURNMENT

MOTION

Time: _____