

AGENDA

APPLE VALLEY TOWN COUNCIL/ SUCCESSOR AGENCY

FEBRUARY 14, 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: Pastor Josh Gerbracht, First Assembly of God

PLEDGE OF ALLEGIANCE:

PRESENTATIONS: Proclamation - Healthy Heart Month

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 28, 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. **Regular Meeting – January 24, 2017**

Recommendation:
Approve the subject minutes as part of the consent agenda.
2. **December 2016 Commercial Warrants and Wire Transfer Schedules**

Recommendation:
That the Town Council receive, ratify and file the Commercial Warrants and Wire Transfer Schedules as presented.
3. **January 2017 Commercial Warrants and Wire Transfer Schedules**

Recommendation:
That the Town Council receive, ratify and file the Commercial Warrants and Wire Transfer Schedules as presented.
4. **December 2016 Payroll / Benefits Warrants Schedule**

Recommendation:
That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.
5. **January 2017 Payroll / Benefits Warrants Schedule**

Recommendation:
That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.
6. **Treasurer’s Report – December 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 the Town Council receive and file the December 2016 Treasurer’s Report.
7. **Adopt Ordinance No. 491 – An Ordinance of the Town Council of the Town of Apple Valley, California, to Amend Title 9 Development Code Modifying Chapters 9.25, 9.28 and 9.35 as it Pertains to Setback Reductions through the Approval of a Deviation Permit within the Ranchos Residential Overlay District**

Recommendation:
Adopt Ordinance No. 491.
8. **Release of Securities for Tract Map Numbers 17062, 17186 and 17186-1**

Recommendation:
Find that the construction of various improvements required for Tracts 17062, 17186 and 17186-1 is complete and approve the fifty-percent (50%) reduction of the performance securities.

9. Interfund Loan Agreement – General Fund/AVCE Fund

Recommendation:

Adopt Interfund loan agreement between the General Fund and the Apple Valley Choice Energy Fund in an amount not-to-exceed \$2,500,000 for organizational and operational purposes for a term not-to-exceed seven (7) years.

PUBLIC HEARINGS

10. FY 2016-2017 Enhancing Law Enforcement Activities Subaccount (ELEAS – COPS Grant)

Recommendation:

It is recommended that the Town Council:

1. Conduct the required public hearing; and
2. Adopt the attached Resolution No. 2017-05 accepting the COPS grant in the amount of \$114,974 and authorize the allocation of the FY 2016-2017 Enhancing Law Enforcement Activities Subaccount (ELEAS) to supplement the juvenile officer position.

11. Introduce Ordinance No. 492 – An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Chapter 6.30 of the Apple Valley Municipal Code as it relates to Nuisances

Recommendation:

1. **Find** that the proposed adoption of Ordinance No. 492 is not subject to and is Exempt from CEQA based upon findings under CEQA Guidelines, Section 15061 Sub (b)(3) that can be seen with certainty that there is no possibility that the proposed amendment may have a significant effect on the environment.
2. **Move** to waive the reading of Ordinance No. 492 in its entirety and read by title only.
3. **Move** to Introduce Ordinance No. 492 amending Chapter 6.30 as it relates to Nuisances.
4. **Direct** staff to file a Notice of Exemption.

12. Adopt Resolution No. 2017-06, A Resolution of the Town Council of the Town of Apple Valley, California, to Record Delinquent Utility Fees and Costs against Real Property Located in the Town of Apple Valley and Directing that Said Assessments Constitute a Lien upon Said Properties

Recommendation:

That the Town Council:

1. Conduct the required public hearing; and
2. Adopt Resolution No. 2017-06, confirming delinquent utility fees and costs against real property located in the Town, and directing that said assessments constitute a lien upon said properties.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

13. Discussion regarding Modifying Existing Regulations for Garage/Yard Sales

Recommendation:

It is recommended that the Town Council:

1. Receive and file.
2. Provide direction to staff.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

14. 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: _____