

## **AGENDA**

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

**APRIL 11, 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](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:**

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

**PLEDGE OF ALLEGIANCE:**

**PRESENTATIONS:** San Bernardino County Library Construction Update, Leonard Hernandez, County of San Bernardino

**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, April 25, 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 – March 28, 2017**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
  
2. **Treasurer’s Report – February 2017 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 February 2017 Treasurer’s Report.
  
3. **March 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. **March 2017 Payroll / Benefits Warrants Schedule**  
**Recommendation:**  
That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.
  
5. **Fee Waiver Request for the Church for Whosoever Annual Community Outreach on May 29, 2017 and September 4, 2017**  
**Recommendation:**  
For good cause shown and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$258.32 for both events.
  
6. **Amendment No. 1 for Time Extension of the Construction Funding Agreement for the Yucca Loma Road Widening – Project No. 2015-02**  
**Recommendation:**  
That the Town Council approve Amendment No. 1 of Project Funding Agreement 15-1001116, between San Bernardino County Transportation Authority and the Town of Apple Valley, for the Yucca Loma Road Widening, subject to approval as to form by the Town Attorney.
  
7. **Amendment No. 1 for Time Extension of the Construction Funding Agreement for the Yates Road Widening – Project No. 2013-04**  
**Recommendation:**  
That the Town Council approve Amendment No. 1 of Construction Funding Agreement 13-227, between San Bernardino County Transportation Authority, San Bernardino County and the Town of Apple Valley, for the Yates Road Widening, subject to approval as to form by the Town Attorney.

**8. Request for Proposal for Professional Services for Recruitment of the Town Manager Position**

**Recommendation:**

That the Town Council issue a Request for Proposal for Professional Services for recruitment of the Town Manager position.

**PUBLIC HEARINGS**

None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

**9. Discussion Regarding Sewer Requirements for Residential Multi-Family Infill Lots**

**Recommendation:**

Discuss and provide direction to staff.

**10. Vacancy on the Community Development Citizens Advisory Committee**

**Recommendation:**

Mayor Pro Tem Bishop to nominate: \_\_\_\_\_ to the Town of Apple Valley Community Development Citizens Advisory Committee.

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

**DEPARTMENTAL REPORTS AND BUSINESS**

None.

**CLOSED SESSION**

**11. 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 Real Property Negotiators – Pursuant to Government Code Section 54956.8. Property: Apple Valley Ranchos Water Company (now Liberty Utilities (Apple Valley Ranchos Water) Corp.); 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.

- D. 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.
- E. 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.
- F. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager.
- G. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1601999 – Town of Apple Valley vs. Jess Ranch Development, Et Al.
- H. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1704285 – Carrillo Et Al. vs. Town of Apple Valley Et Al.
- I. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1704206 – Golden State Environmental Justice Alliance vs. Town of Apple Valley Et Al.
- J. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1704262 – Sierra Club vs. Town of Apple Valley Et Al.

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

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