

AGENDA

APPLE VALLEY TOWN COUNCIL/APPLE VALLEY SUCCESSOR AGENCY

AUGUST 22, 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 Royce Beserra, Church for Whosoever

PLEDGE OF ALLEGIANCE:

PRESENTATIONS: Presentation - Employee of the Quarter presented to Kathy Schmachtenberger, Administrative Secretary, Public Services

Pavement Management Presentation, Brad Miller, Town Engineer

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, September 26, 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 – August 8, 2017
Recommendation:
Approve the subject minutes as part of the consent agenda.
2. **Claimant – Jennefer Cerna**
Recommendation:
Reject the claim of Jennefer Cerna.
3. **Claimant – Diane Aguilar, Parent and Legal Guardian of Anthony Navarette, a Minor**
Recommendation:
Reject the claim of Diane Aguilar, parent and legal guardian of Anthony Navarette, a minor.
4. **Agreement between the Town of Apple Valley and the Apple Valley Unified School District for Use of the Swimming Pool**
Recommendation:
Approve the updated Swimming Pool Use Agreement between the Town and the Town Apple Valley Unified School District (AVUSD).
5. **Award Microsurface 16-17 – Project No. 2017-01**
Recommendation:
Award a contract to VSS International, Inc. for the Microsurface 16-17 – Project No. 2017-01 subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.
6. **Animal Sheltering Services Contract Amendment with the County of San Bernardino Department of Public Health – Emergency Animal Housing Assets**
Recommendation:
Move to authorize the Interim Town Manager to sign the amendment to the San Bernardino County Animal Sheltering Services Contract No. 12-864.
7. **Adopt Resolution No. 2017-30, 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. 2017-30, A Resolution of the Town Council of The Town of Apple Valley, California, amending the current Classification Plan.

PUBLIC HEARINGS

8. **Introduce Ordinance No. 493 - An Ordinance of the Town Council of the Town of Apple Valley, California, Amending the Apple Valley Municipal Code, Title 8, By Adding Chapter 8.39, Setting forth Procedures for Expediting the Permitting of Electric Vehicle Charging Systems**

Recommendation:

1. **Move** to waive the reading of Ordinance No. 493 in its entirety and read by title only.
2. **Introduce** Ordinance No. 493, an Ordinance of the Town Council of the Town of Apple Valley, California, Amending Title 8, by Adding Chapter 8.39 of the Town of Apple Valley Municipal Code Relating to the Expedited Permitting of Electric Vehicle Charging Systems

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

9. **Adopt Resolution No. 2017-29, A Resolution of the Town Council of the Town of Apple Valley Approving a Public, Education, and Government Channel Policy**

Recommendation:

That the Town Council adopt Resolution No. 2017-29 approving the Public, Education, and Government (PEG) Channel policy.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

10. **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. 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.
- G. 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.
- H. 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.
- I. Personnel Matters - Government Code Section 54957 Consider Public Employee Appointment/Employment: Title: Town Manager.
- J. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, CPUC Application No. 17-04-024 - In the Matter of the Application of Mesa-Crest Water Company (U333W) and Liberty Utilities (Park Water) Corp. (U314W) for an Order Authorizing Mesa-Crest Water Company to Sell and Liberty Utilities (Park Water) Corp. to Purchase the Utility Assets of Mesa-Crest Water Company.
- K. Negotiations with Real Property Negotiator – Property located at APN: 0434-541-89; Town Negotiator(s): Town Manager or Designee. Negotiations involved both price and terms of payment.

ADJOURNMENT

MOTION

Time: _____