

AGENDA

APPLE VALLEY TOWN COUNCIL/ SUCCESSOR AGENCY

OCTOBER 24, 2017

REGULAR SESSION BEGINS AT 6:30 P.M.

PLEASE SILENCE CELL PHONES 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 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 Joseph Valery from Victory & Jesus Bible Faith Center

PLEDGE OF ALLEGIANCE: Presentation of Colors, Boy Scouts Troop 956 from Apple Valley

PRESENTATIONS: Recognition Awards from Apple Valley PBID Association to "2017 Happy Trails Parade" Award Recipients

Safe Routes to School Master Plan, Rich Berger,
Engineering Associate

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, November 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. **Regular Meeting – September 26, 2017**
 - B. **Special Meeting – October 17, 2017**

Recommendation:
Approve the subject minutes as part of the consent agenda.
2. **September 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.
3. **September 2017 Payroll / Benefits Warrants Schedule**

Recommendation:
That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.
4. **Treasurer’s Report – August 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 Town Council receive and file the August 2017 Treasurer’s Report.
5. **Treasurer’s Report – September 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 Town Council receive and file the September 2017 Treasurer’s Report.
6. **Award a Professional Services Agreement for the Apple Valley Village State Route 18 Corridor Enhancement Plan – Project No. 2017-03**

Recommendation:
Award a Professional Services Agreement to KOA Corporation for the Apple Valley Village State Route 18 Corridor Enhancement Plan - Project No. 2017-03 subject to “Approval as to Form” by the Town Attorney and “Approval as to Content” by the Town Manager.
7. **Fee Waiver Request for the Salvation Army Thanksgiving Day Dinner on November 23, 2017 at the James Woody Community Center**

Recommendation:
For good cause shown, and finding a waiver will serve a public purpose, approve a waiver of the Facility Rental Fee of \$96.50.
8. **Adopt Resolution No. 2017-32, A Resolution of the Town Council of the Town of Apple Valley, California, Confirming the Implementation of the Recycled Water Program by the Town of Apple Valley in Accordance with the Statewide General Waste Discharge Requirements for Recycled Water (Order WQ 2016-0068-DDW) and**

Consistent with the Victor Valley Wastewater Reclamation Authority Recycled Water Program (Ordinance No. 006)

Recommendation:

Adopt Resolution No. 2017-32, a Resolution of the Town Council of the Town of Apple Valley, California, confirming the implementation of the recycled water program by the Town of Apple Valley in accordance with the statewide general waste discharge requirements for recycled water (Order WQ 2016-0068-DDW) and consistent with the Victor Valley Wastewater Reclamation Authority recycled water program (Ordinance No. 006).

PUBLIC HEARINGS

9. **Introduce Ordinance No. 494, An Ordinance of the Town Council of the Town of Apple Valley, California, Reauthorizing Ordinance No. 475 and Amending Title 5, Chapter 5.06 Regarding the Fee Paid to the Town by State Video Franchise Holders to Support Public, Educational, and Government Access (“PEG”) Purposes**

Recommendation:

1. Move to waive the reading of Ordinance No. 494 in its entirety and read by title only.
2. Introduce Ordinance No. 494 amending Town of Apple Valley Ordinance No. 475 and corresponding Municipal Code Title 5, Chapter 5.06, and reauthorizing that Ordinance, so that as each state video franchise expires and is renewed by the California Public Utilities Commission (“CPUC”) now and in future years, state video franchise holders continue to pay fees to the Town to support public, educational, and government access (“PEG”) purposes.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

10. **Town of Apple Valley Regulatory Options Regarding Medical and Recreational Marijuana**

Recommendation:

Receive and File

11. **Consideration of and Action on Initiative Petition to Amend the Town’s General Plan, Repeal Chapter 9.40 of the Town’s Development Code, and Add Chapter 9.41 to the Town’s Development Code to Establish the “Dale Evans Parkway Commercial Specific Plan”**

Recommendation:

That the Town Council adopt the initiative outright and without alteration through the adoption of Resolution No. 2017-33 – A Resolution of The Town Council of The Town of Apple Valley Adopting an Initiative Measure Amending The Town of Apple Valley General Plan, Repealing Chapter 9.40 of The Town Development Code, and Adding Chapter 9.41 to The Town Development Code to Establish The “Dale Evans Parkway Commercial Specific Plan,” In Lieu of Calling an Election for Said Purpose, Pursuant to Elections Code Sections 9214 and 9215.

The Town Council may alternatively: (1) submit the initiative to the voters at a special election; or (2) refer the initiative to any Town department for their report on the fiscal

impacts, General Plan consistency, various land use issues, and “any other matters” as described in Elections Code section 9212. If the Town Council wishes to submit the initiative to the voters at a special election, Town Council may instruct staff to bring back the item at the next regular meeting for the consideration of resolutions calling the election, setting forth the rules and priorities for primary arguments for and against the measure, and providing for the filing of rebuttal arguments for and against the measure.

12. Hotel Transient Occupancy Tax Reimbursement Agreement

Recommendation:

Direct the Town Manager to finalize negotiations and execute the Transient Occupancy Tax Reimbursement Agreement with Desai Family Trust, a hotel development and operating entity.

13. Subdivision Improvement Security, Lien In-Lieu of Bonds

Recommendation:

Receive and file. Provide direction to staff.

TOWN MANAGER’S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Town Manager Report

- Town Manager may call upon employees during this time to give updates on Town programs, projects and/or legislative update.

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 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 Consider Public Employee Appointment/Employment: Title: Town Manager.
- G. 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.
- H. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1714692 - Town of Apple Valley Et Al vs. Barron Wilson Et Al.

ADJOURNMENT

MOTION

Time: _____