

## **AGENDA**

### **APPLE VALLEY TOWN COUNCIL/ APPLE VALLEY COMMUNITY RESOURCE FOUNDATION/ SUCCESSOR AGENCY**

**MARCH 13, 2018**

**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](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/COMMUNITY RESOURCE FOUNDATION MEETING – 6:30 P.M.**

**ROLL CALL**

**COUNCIL MEMBERS:**

Emick\_\_\_\_, Nassif\_\_\_\_, Stanton\_\_\_\_, Mayor Pro Tem Cusack\_\_\_\_, Mayor Bishop\_\_\_\_.

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

**OPENING CEREMONIES**

**INVOCATION:** Bishop Joseph Cranston, Church of Jesus Christ Latter Day Saints

**PLEDGE OF ALLEGIANCE:**

**PRESENTATIONS:** Renovate America – Dustin Reilich, Senior Director, Market Development

**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, March 27, 2018 – Council Chamber  
Regular Session at 6:30 p.m.**

**TOWN COUNCIL/COMMUNITY RESOURCE FOUNDATION 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 – February 27, 2018**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
  
2. **February 2018 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. **February 2018 Payroll / Benefits Warrants Schedule**  
**Recommendation:**  
That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.
  
4. **Treasurer’s Report – January 2018 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 January 2018 Treasurer’s Report.
  
5. **Claimant – Joyce Marie Hawkins**  
**Recommendation:**  
Reject the claim of Joyce Marie Hawkins
  
6. **ADOPT Ordinance No. 497 – An Ordinance of the Town Council of the Town of Apple Valley, California, Amending Chapter 10.01, Section 10.01.060 of the Apple Valley Municipal Code to Include the Local Area Management Program (LAMP)**  
**Recommendation:**  
Adopt Ordinance No. 497
  
7. **ADOPT Ordinance No. 499 – An Ordinance of the Town Council of the Town of Apple Valley, California, Amending the Jess Ranch Planned Unit Development relating to the future Development of Lot Nos. 196 through 204 within Tract Map 14484 (Jess Ranch Lakes RV Resort)**  
**Recommendation:**  
Adopt Ordinance No. 499
  
8. **Authorize Entering into Four Agreements for Lighting Projects in Town Facilities through Southern California Edison’s OBF Customized Solution Program**  
**Recommendation:**  
That the Town Council approve the Town Manager or his designee to proceed with four On Bill Financing (OBF) projects through Southern California Edison’s Customized Solution Program, authorize entering into OBF agreements and signing all necessary documents for each project for the not to exceed total amount of \$330,364.80.

Project # 1 – 349-16-0500886803 – Police Department & Facilities Building - \$45,984.00  
Project # 2 – 349-16-0500886739 – Development Services Building - \$47,712.00  
Project # 3 – 349-16-0500886776 – Aquatic Center & Civic Center Park - \$89,602.80  
Project # 4 – 349-16-0500886805 – Town Hall - \$147,066.00

**9. Presentation of the Apple Valley Community Resource Foundation 2016-17 Annual Report**

**(Community Resource Foundation)**

**Recommendation:**

That the Board receive and file the Apple Valley Community Resource Foundation Annual Report for the fiscal year ended June 30, 2017.

**PUBLIC HEARINGS**

**10. Appeal No. 2018-001, A Request to Remove Conditions of Approval Relating to Required Street Improvements for Apple Valley Road, and Undergrounding Utility Lines along Monte Verde Road for Tentative Parcel Map No. 19878, Approved by the Planning Commission on February 7, 2018**

**Recommendation:**

- A. Find that, as a minor subdivision of land, and pursuant to the Guidelines to Implement the California Environmental Quality Act (CEQA), Section 15315 the proposal is Exempt from further environmental review.
- B. Find the Facts presented in the staff report support the required Findings for approval and adopt the Findings for Tentative Parcel Map No. 19878.
- C. Approve Tentative Parcel Map No. 19878, subject to the Conditions of Approval as approved by the Planning Commission on February 7, 2018 or as amended by the Town Council.

**11. General Plan Amendment No. 2017-002 is a Request to Consider a Change in Land Use Designation from Medium Density Residential to Single-Family Residential. Zone Change No. 2017-002 is a Request to Consider a Change in Zoning from Multi-Family Residential to Single-Family Residential**

**Recommendation:**

1. **Determine** that, in conformance with the requirements of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the proposed General Plan Amendment No. 2017-002 and Zone Change No. 2017-002 will not have a significant effect on the environment.
2. **Adopt** the Negative Declaration prepared for General Plan Amendment No. 2017-002 and Zone Change No. 2017-002.
3. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for February 7, 2018, support the required Findings for approval of the proposed General Plan Amendment and Zone Change and adopt the Findings.
4. **Adopt** Resolution No. 2018-07, approving General Plan Amendment No. 2017-002.
5. **Move** to waive the reading of Ordinance No. 500 in its entirety and read by title only.
6. **Introduce** Ordinance No. 500, approving Zone Change No. 2017-002; and

7. **Direct** staff to file a Notice of Determination with the San Bernardino County Clerk of the Board.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

None.

**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**

**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 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, 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.
- G. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1725027 – Christina Lopez-Burton v. Town of Apple Valley.
- H. Negotiations with Real Property Negotiator – Parcel Number: 3112-251-13, Apple Valley; Negotiating Parties: Interested parties; Town Negotiator(s) - Town Manager. Negotiations involve both price and terms.
- I. Negotiations with Real Property Negotiator – Parcel Number: 3112-181-03 Apple Valley; Negotiating Parties: Don Brown; Town Negotiator(s) -Town Manager. Negotiations involve both price and terms.

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

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