

## AGENDA

### APPLE VALLEY TOWN COUNCIL/ SUCCESSOR AGENCY

AUGUST 28, 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/SUCCESSOR AGENCY 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:** Minister James Campbell, JC Enterprises

**PLEDGE OF ALLEGIANCE:**

**PRESENTATIONS:**

**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 11, 2018 – Council Chamber  
Regular Session at 6:30 p.m.**

**TOWN COUNCIL/SUCCESSOR AGENCY 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 14, 2018**  
**Recommendation:**  
Approve the subject minutes as part of the consent agenda.
  
2. **Measure I – 5 Year Plan, Capital Project Needs Analysis**  
**Recommendation:**
  - A. That the Town Council Approve Fiscal Year (FY) 2018/2019 through 2022/2023 Measure I – 5 year plan.
  
  - B. Adopt Resolution No. 2018-43, “A Resolution of the Town Council of the Town of Apple Valley, California, Adopting the Measure I Five Year Capital Improvement Program”.
  
  - C. That the Town Council Approve FY 2018/2019 Capital Project Needs for the Town of Apple Valley for the Measure I, Major Local Highways Program.
  
3. **Approve Budget Amendment No. 2019-01 Appropriating Homeland Security Grant Program Funds for the Purchase of Supplies for the Emergency Operations Center**  
**Recommendation:**  
It is recommended that the Town Council:
  - A. Approve receipt of the Homeland Security Grant funding in the amount of \$20,267 and adopt Budget Amendment Number 2019-01 appropriating the grant funding.
  
  - B. Authorize the Emergency Services Officer to execute the agreement with the Homeland Security Grant Program (HSGP) through the Governor’s Office of Emergency Services to distribute grant funds to the lowest quote for supplies to be used for training and exercising at the Town’s Emergency Operations Center.

**PUBLIC HEARINGS**

None.

**REPORTS, REQUESTS AND COMMUNICATIONS**

**BUSINESS OF THE COUNCIL**

4. **Initiation of a Development Code Amendment regarding On-site Consumption of Beer and Wine**  
**Recommendation:**  
Discuss and provide direction to staff.

**TOWN MANAGER'S COMMENTS**

**DEPARTMENTAL REPORTS AND BUSINESS**

**Town Manager Report**

**CLOSED SESSION**

**5. 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.: CIVDS1600180 – Town of Apple Valley vs. Apple Valley Ranchos Water Company Et Al.
- E. 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.
- F. 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.

**ADJOURNMENT**

**MOTION**

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