

AGENDA

**APPLE VALLEY TOWN COUNCIL/
SUCCESSOR AGENCY**

JUNE 14, 2016

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:

Bishop _____, Cusack _____, Emick _____, Mayor Pro Tem Nassif _____, Mayor Stanton _____.

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

OPENING CEREMONIES

INVOCATION: Pastor Mark Mikels, Sonlife Community Church

PLEDGE OF ALLEGIANCE:

PRESENTATIONS: Presentation – Greener Way of Life, Joseph Moon, Environmental & Transit Services Manager

Presentation – Apple Valley Rider Challenge, Ralph Wright, Parks and Recreation Manager

Presentation – Victor Valley Museum, Melissa A. Russo, San Bernardino Museum

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, June 28, 2016 – 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 – May 10, 2016

B. Special Meeting - May 31, 2016

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. April 2016 - Commercial Warrants Schedule

Recommendation:

That the Town Council receive, ratify and file the Commercial Warrants Schedule as presented.

3. April 2016 Payroll / Benefits Warrants Schedule

Recommendation:

That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.

4. Treasurer's Report – April 2016 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 April 2016 Treasurer's Report.

5. Adopt Resolution No. 2016-10 Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 8, 2016

Recommendation:

Adopt Resolution No. 2016-10 of the Town Council calling and giving notice of the holding of a General Municipal Election for the election of certain officers as required by the provision of the laws of the State of California relating to General Law Cities.

6. Adopt Resolution No. 2016-11, a Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements for the General Municipal Election, November 8, 2016

Recommendation:

Adopt Resolution No. 2016-11 adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election, November 8, 2016.

7. Accept the Final Map for Tract Map No. 18917-3, Applicant: Pulte Homes

Recommendation:

Move to accept the final map, securities and agreements for Tract Map No. 18917-3.

8. Claimant – Stephen De La Cruz

Recommendation:

Reject the claim of Stephen De La Cruz

9. **Yucca Loma Bridge Contract Amendment #11 of the Yucca Loma Bridge/Yates Road/Green Tree Boulevard Project Contract Agreement, in the amount of \$470,532.00, for Restoration Area Permit Support; Grant Support; and Interagency Closeout Services**
Recommendation:
Approve the Yucca Loma Bridge Project Contract Amendment #11 with Dokken Engineering, the project's design contractor, in the Not-to-Exceed amount of \$470,532.00, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.
10. **Award Phase II for the Rehabilitation and Widening of the Bear Valley Road Bridge over the Mojave River**
Recommendation:
That the Town Council continue the contract with Dokken Engineering for engineering services for the Bear Valley Road Bridge over Mojave River Rehabilitation and Widening Services, Phase II in an amount not to exceed \$551,384, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager, with a provision that the contract may be continued for Phase III once the necessary Federal and/or State funding becomes secured.
11. **Authorize Contract Change Order No. 1 for Ramona Road Widening and Rancho Verde Elementary School Safe Routes to School – Project No. 2014-04**
Recommendation:
Approve Contract Change Order No. 1 for the Ramona Road Widening and Rancho Verde Elementary School Safe Routes to School et al. – Project No. 2014-04 to overlay Dale Evans Parkway from Thunderbird Road to Otoe Road.

PUBLIC HEARINGS

12. **Adopt Resolution No. 2016-14 – A Resolution of the Town Council of the Town of Apple Valley, California, Approving Budget Appropriations and Adopting the Operating and Capital Improvement Budget for all Funds for Fiscal Year 2016-2017**
Recommendation:
Adopt Resolution No. 2016-14 of the Town Council of the Town of Apple Valley, California, approving a budget appropriation and adopting the budget, including the operating and capital improvement budget for all funds for Fiscal Year 2016-2017.
13. **Adoption of Fiscal Year 2016-2017 Appropriations Limit**
Recommendation:
Adopt Resolution No. 2016-15 of the Town Council of the Town of Apple Valley, California, establishing the Fiscal Year 2016-2017 Appropriations Limit for the Town at \$35,563,611 by using the Town's population growth for the population adjustment and the California per capita income growth for the inflationary adjustment.
14. **Review of the Fiscal Year 2016-2017 Statement of Investment Policy**
Recommendation:
Adopt Resolution No. 2016-16 approving the Statement of Investment Policy for Fiscal Year 2016-2017 and delegating the investment activities to the Town Treasurer.

15. A Resolution of the Town Council of the Town of Apple Valley, California, Amending and Establishing Specified Fees for Town Services

Recommendation:

Adopt Resolution No. 2016-17, a Resolution of the Town Council of the Town of Apple Valley, California, amending and establishing specified fees for Town services for Fiscal Year 2016-2017.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

16. Discussion of Cancellation of Town Council Meetings Scheduled for August 9, August 23 and October 11, 2016; and Reschedule the Meeting of November 8, 2016 Due to the Presidential Election

Recommendation

Provide direction to staff.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

17. 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 Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case Name: Application No. 14-11-013 Joint Application of Liberty Utilities Co., Liberty WWH, Inc., Western Water Holdings, LLC, Park Water Company (U314W), and Apple Valley Ranchos Water Company (U346W) for Authority for Liberty Utilities Co. to Acquire and Control Park Water Company and Apple Valley Ranchos Water Company.
- D. Conference with Real Property Negotiators – Pursuant to Government Code Section 54956.8. Property: Apple Valley Ranchos Water Company; 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.

- E. Negotiations with Real Property Negotiator – Parcel Number: 3112-181-01 located at Highway 18, between Dale Evans Parkway & Rancherias Road, Apple Valley; Negotiating Parties: 360 Apple West, LLC; Town Negotiator(s) - Town Manager. Negotiations involve both price and terms.
- F. 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.
- G. 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.

ADJOURNMENT

MOTION

Time: _____