

AGENDA

**APPLE VALLEY TOWN COUNCIL/
SUCCESSOR AGENCY**

OCTOBER 25, 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:** Presentation of Colors, Boy Scouts Troop 956 and 356 from Apple Valley
- PRESENTATIONS:** Employee of the Quarter presented to Joseph Ramos, Emergency Services Officer
- Presentation to Town Council - Cindy Toms, Apple Valley Kiwanis Club
- Recognition Awards from Apple Valley PBID Association to "2016 Happy Trails Parade" Award Recipients

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 15, 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 – September 27, 2016**
Recommendation:
Approve the subject minutes as part of the consent agenda.

2. **August 2016 - Commercial Warrants Schedule**
Recommendation:
That the Town Council receive, ratify and file the Commercial Warrants Schedule as presented.

3. **August 2016 Payroll / Benefits Warrants Schedule**
Recommendation:
That the Town Council receive, ratify and file the Payroll / Benefits Warrants as presented.

4. **Treasurer’s Report – August 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 August 2016 Treasurer’s Report.

5. **Claimant – Summer Johnson**
Recommendation:
Reject the claim of Summer Johnson.

6. **Approve and Authorize a Construction Funding Agreement with San Bernardino County Public Works Department and with the City of Victorville, for the Green Tree Boulevard Extension, in conjunction with the Yucca Loma Transportation Corridor**
Recommendation:
That the Town Council approve the Construction Funding Agreement with San Bernardino County Public Works Department and with the City of Victorville for the Green Tree Boulevard Extension in conjunction with the Yucca Loma Transportation Corridor.

7. **Measure I, 5-Year Plan**
Recommendation:
 1. That the Town Council Approve FY 2016/2017 through 2020/2021 Measure I, 5-year plan.
 2. Adopt Resolution No. 2016-33, “A Resolution of the Town Council of the Town of Apple Valley, State of California, Adopting the Measure I Five Year Capital Improvement Program”.

8. **Agreement for Processing of Materials at Burrtec Expanded Facility (MRF)**
Recommendation:
That the Town Council approve the attached Processing Agreement and authorize the Mayor to execute the agreement and authorize the Town Manager to negotiate and accept rates for processing services.

9. Fee Waiver Request for the Salvation Army Thanksgiving Day Dinner November 24, 2016 at the James Woody Community Center

Recommendation:

For good cause shown, and finding a waiver will serve a public purpose, approve the waiver of the Facility Rental Fee of \$91.53.

10. Acceptance of Work, Notice of Completion and Release of Retention for the Ramona Road Widening and Rancho Verde Elementary School Safe Routes to School, et al - Project No. 2014-04

Recommendation:

That the Town Council:

1. Accept the work completed as part of the Ramona Road Widening and Rancho Verde Elementary School Safe Routes to School, et al – Project No. 2014-04, for a total cost of \$1,477,069.61.
2. Direct the Town Clerk to file the Notice of Completion for the contract work.
3. Direct the Finance Director to release the retained funds thirty (30) days after the Notice of Completion has been filed, provided no claims are filed against the contractor.

11. Acceptance of Work, Notice of Completion and Release of Retention for Microsurface 15-16 - Project No. 2016-02

Recommendation:

That the Town Council:

1. Accept the Microsurface 15-16 Project No. 2016-02 work as completed for a total cost of \$533,493.80.
2. Direct the Town Clerk to file the Notice of Completion for the contract work.
3. Direct the Finance Director to release retained funds thirty (30) days after the filing of the Notice of Completion, provided no claims are filed against the contractor.

Public Hearings

12. Ground Lease for Land at the Victor Valley Materials Recovery Facility (MRF)

Recommendation:

That the Town Council approve the attached Ground Lease and authorize the Mayor to execute the lease.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

13. Consider Adoption of Resolutions in Support of Measure W and in Opposition to Measure V

Recommendation:

Staff recommends that the Town Council takes the following action:

- A. Adopt the following Resolutions:
 - 1. Resolution No. 2016-34, A Resolution of the Town Council of the Town of Apple Valley Endorsing Measure W.
 - 2. Resolution No. 2016-35, A Resolution of the Town Council of the Town of Apple Valley Opposing Measure V.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

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 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.

- H. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS160498 – Christina Lopez – Burton vs. Town of Apple Valley.
- I. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1507221 – Leane Lee vs. Town of Apple Valley.
- J. Conference with Legal Counsel – Existing Litigation – Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9, Case No.: CIVDS1517800 – Krause, Kalfayan, Benink & Slavens, LLP vs. Town of Apple Valley.

ADJOURNMENT

MOTION

Time: _____