

AGENDA

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

FEBRUARY 28, 2017

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:

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 Steve Colangelo, Lucerne Valley Bible Fellowship

PLEDGE OF ALLEGIANCE:

PRESENTATIONS: Presentation by 5 Bars Communities, A Unique Concept for Master Planning Wireless Cellular Sites

Economic Development Update, Orlando Acevedo

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 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. **Special Meeting – February 7, 2017**
 - B. **Regular Meeting – February 14, 2017**

Recommendation:

Approve the subject minutes as part of the consent agenda.

2. **Adopt Ordinance No. 492 – An Ordinance of the Town Council of the Town of Apple Valley, California, to Amend Title 6 of the Municipal Code regarding Provisions related to Nuisances**

Recommendation:

Adopt Ordinance No. 492.

3. **Yucca Loma Bridge Construction Management Services Contract Amendment #2 of the Yucca Loma Bridge/Yates Road Contract Agreement, in the Amount of \$296,418.00, to Extend Services to Complete Yucca Loma Road Widening and Drainage Improvements**

Recommendation:

Approve the Yucca Loma Bridge Construction Management Services Contract Amendment #2 with Parsons, the Project's Construction Management Contractor, in the not-to-exceed amount of \$296,418.00, subject to "Approval as to Form" by the Town Attorney and "Approval as to Content" by the Town Manager.

4. **Acceptance of Work, Notice of Completion and Release of Retention for the Bear Valley Bike Path – Project No. 2012-03**

Recommendation:

That the Town Council:

1. Accept the work completed as part of the Bear Valley Bike Path – Project No. 2012-03, for a total cost of \$393,973.63.
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.

5. **Apple Valley Community Resource Foundation 2015-16 Annual Report**

Recommendation:

It is recommended that the Board receive and file the Apple Valley Community Resource Foundation Annual Report for Fiscal Year ended June 30, 2016.

6. **Claimant – Richard Edward Satchell**
Recommendation:
Reject the claim of Richard Edward Satchell.

PUBLIC HEARINGS

None.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

7. **Fiscal Year 2016-2017 Mid-Year Budget Review**
Recommendation:
1. That the Town Council receive and file the Fiscal Year 2016-2017 Mid-Year Budget Review Report.
 2. Approve Budget Amendment Number 17-9 incorporating revenue and expenditure changes and carry forwards as proposed herein.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

None.

CLOSED SESSION

8. **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. 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.

- F. 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.

- G. Personnel Matters – Government Code Section 54957/Public Employee Performance Evaluation. Title: Town Manager

ADJOURNMENT

MOTION

Time: _____