

AGENDA

APPLE VALLEY TOWN COUNCIL/ SUCCESSOR AGENCY/ PUBLIC FINANCING AUTHORITY

February 12, 2019

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 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 _____, Emick _____, Leon _____, Mayor Pro Tem Nassif _____, Mayor Cusack _____.

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

OPENING CEREMONIES

INVOCATION:

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, February 26, 2019 – 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 – January 22, 2019

B. Special Meeting – January 30, 2019

Recommendation:

Approve the subject minutes as part of the consent agenda

2. January 2019 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. December 2018 Payroll / Benefits Warrants Schedule

Recommendation:

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

4. Treasurer's Report – September 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 Town Council receive and file the September 2018 Treasurer's Report.

5. Treasurer's Report – October 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 Town Council receive and file the October 2018 Treasurer's Report.

6. Hitt Road Drainage Improvement Project No. 2018-08

Recommendation:

A. That the Town Council review and approve the bid documents for the Hitt Road Drainage Improvement – Project No. 2018-08

B. That the Town Council authorize staff to solicit bids for construction of said project.

7. Consent to Advertise Resurfacing 2019-01 Project

Recommendation:

A. That the Town Council review and approve the bid documents for Resurfacing 2019-01 – Project No. 2018-07

B. That the Town Council authorize staff to solicit bids for construction of said project.

PUBLIC HEARINGS

8. Resolution 2019-02, to Record Delinquent Utility Fees and Costs Against Real Property Located in the Town of Apple Valley and Directing that Said Assessments Constitute a Lien Upon Said Properties

Recommendation:

- A. Open Public Hearing;
- B. Adopt Resolution No. 2019-02, confirming delinquent utility fees and costs against real property located in the Town, and directing that said assessments constitute a lien upon said properties;
- C. Close Public Hearing.

REPORTS, REQUESTS AND COMMUNICATIONS

BUSINESS OF THE COUNCIL

9. A Resolution Committing the Town to Initiate Annexation Proceedings of 1,470.6 Acres that Lie West Of Dale Evans Parkway, North of Johnson Road, East of Interstate 15, and South of Morro Road to Comply with Condition No. 5 of Local Agency Formation Commission (LAFCO) Resolution No. 3280 Approving LAFCO Annexation No. 3229

Recommendation:

- A. Adopt Town Council Resolution No. 2019-03 (Attachment A) "A Resolution of Commitment to Initiate", committing the Town of Apple Valley to initiate submittal of an annexation application for the remaining portion of the "Golden Triangle", not a part of Annexation No. 3229, as referenced above;
- B. Direct staff to budget for costs associated with initiating said annexation application in the 2019-2020 fiscal year;
- C. Direct staff to agendize for Town Council consideration the Resolution for filing and plan for service and a Resolution for environmental clearance for said annexation within one year.

TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Town Manager Report

CLOSED SESSION

10. 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: _____