

AGENDA

APPLE VALLEY TOWN COUNCIL/ SUCCESSOR AGENCY/ PUBLIC FINANCING AUTHORITY

August 27, 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: Pastor Kit Johnson, Life Point Baptist Church

PLEDGE OF ALLEGIANCE:

PRESENTATIONS: Update on Enforcement at the Tomahawk Property – Guy Eisenbrey, Code Enforcement Manager.

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 – September 10, 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 – July 23, 2019

Recommendation:

Approval of the subject minutes as part of the consent agenda.

2. July 2019 Commercial Warrants and Wire Transfers Schedule

Recommendation:

That the Town Council receive, ratify and file the Commercial Warrants and Wire Transfer Schedules as presented.

3. Professional Services Agreement for the Completion of the Multi-Species Habitat Conservation Plan/Natural Communities Conservation Plan

Recommendation:

Award the attached Professional Services Agreement for Solution Strategies, Inc. for \$120,000 to fund the completion of the Multi-Species Habitat Conservation Plan/Natural Communities Conservation Plan.

4. General Plan Amendment No. 2019-001 and Development Code Amendment No. 2019-004; An Amendment to the Text of the Land Use Element of the General Plan Removing the Requirement for a Minimum Project Size of 10 Acres Within the Regional Commercial (C-R) Land Use Definition and an Amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that will Amend Table 9.35.040-A "Site Development Standards" to Reduce the Minimum Lot Size Within Regional Commercial (C-R) Zoning Designation From Eight (8) Acres to 10,000 Square Feet.

Recommendation:

Adopt Ordinance 512

5. Development Code Amendment No. 2019-005, an Amendment to Title 9 "Development Code" of the Town of Apple Valley Municipal Code that will Modify Various Relating to the Following:

- A. Allow administrative review of all new development that is less than 100,000 square feet in size.**
- B. Remove Use Permit requirements as it pertains to physical development and replace it with a Development Permit.**
- C. Expand the lapse of time for a Variance to two (2) years and allow for extensions of time for Variance and Deviation Permits.**
- D. Modify language to better clarify the extension of time process for Use, Development, Variance and Deviation Permits.**
- E. Add language to the Development Code relating to the Development Advisory Board.**

- F. Remove Chapter 9.66 “Entertainment Overlay” and associated references.
- G. Reduce the number of Findings required to approve a Use or Development Permit.

Recommendation:
Adopt Ordinance 513

PUBLIC HEARINGS

- 6. Introduce Ordinance No. 514 an Ordinance of the Town Council of the Town of Apple Valley, Ca Removing Chapter 2.28 of the Municipal Code in its Entirety as it Pertains to the Equestrian Advisory Committee.

Recommendation:

- A. **Determine** that, pursuant to Section 15061(b)(3) of the State Guidelines to Implement the California Environmental Quality Act (CEQA), the project is exempt from environmental review because the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question, the proposed Code Amendment, may have a significant effect on the environment, the activity is not subject to CEQA.
- B. **Move** to waive the reading of Ordinance No. 514 in its entirety and read by title only.
- C. **Introduce** Ordinance No. 514 approving removing Chapter 2.28 of the Municipal Code as it relates to the Equestrian Advisory Committee; and
- D. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

BUSINESS OF THE COUNCIL

- 7. Discussion Of Multi-Family Residential Development Standards

Recommendation:
Receive and provide direction.

REPORTS, REQUESTS AND COMMUNICATIONS

NONE.

TOWN MANAGER’S COMMENTS & LEGISLATIVE UPDATE

DEPARTMENTAL REPORTS AND BUSINESS

Town Manager Report

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 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.

ADJOURNMENT

MOTION

Time: _____