

**MINUTES**

**APPLE VALLEY TOWN COUNCIL/  
SUCCESSOR AGENCY/  
PUBLIC FINANCING AUTHORITY**

**August 13, 2019**

**CALL TO ORDER:**

Mayor Cusack called to order the regular session of the Apple Valley Town Council and the Successor Agency at 6:30pm

Roll call was taken with the following members present:

Roll Call

Present: Council Member Leon, Mayor Pro Tem Nassif, Mayor Cusack

Absent: Council Members Bishop, Emick.

**OPENING CEREMONIES**

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Mayor Pro Tem Nassif

**INVOCATION:** Pastor Joseph Valery, Victory in Jesus Bible Faith Center

**PRESENTATIONS:** Community Development Block Grant Check Presentations to Recipients, Silvia Urenda Housing Specialist.

**PUBLIC COMMENTS**

Bill Inger, Apple Valley, expressed concern regarding the new process of placing Quarterly Treasurer's Reports on the agenda rather than a monthly report. He believed that the Town Council should have approved this process before it was changed. He also commented on a statement made at the last Town Council Meeting by the Town Manager in reference to resident's concern being limited to water coming on when needed.

Patricia Perry, Apple Valley commented on her belief that the public comments for the meeting of June 25 were deleted. She also stated that a flood occurred on her property and she feels that there has been a lack of respect from the police department on this matter. She respectfully requested assistance from the Town.

Geri Inger, Apple Valley, expressed concern regarding the James Woody Center and the possibility of it having mold. She stated that there was a leak in the roof and commented on the problems of that building. She believed that it was hazardous and could be harmful to residence.

Lisa Lamb and Vallery Andreason, Lewis Center, thanked the Town and Public Works in assisting them with keeping a safe and secure campus for its students. Ms. Lamb stated that they are proud residents of the community and thankful to be part of the Town of Apple Valley.

#### COUNCILMEMBER COMMITTEE/COMMISSION PARTICIPATION

Council Member Leon commented on committee meetings and events that she attended.

Mayor Pro Tem Nassif commented on committee meetings and events that he attended.

Mayor Cusack commented on committee meetings and events that he attended.

#### TOWN COUNCIL ANNOUNCEMENTS

**Suggested items for future agenda:**

**Time, Date & Place for Next Town Council Regular or Special Meeting:**  
**A. Regular Meeting – August 27, 2019 – Council Chamber**  
**Regular Session at 6:30 p.m.**

#### CONSENT AGENDA

#### MOTION

Motion by Mayor Pro Tem Nassif, seconded by Council Member Leon, to continue Agenda Items numbered 2 and 7 to the next Town Council Agenda.

Vote: Motion carried 3-0-2-0

Yes: Council Member, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: Council Members Bishop, Emick

**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.

**7. 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

#### MOTION

Motion by Mayor Pro Tem Nassif, seconded by Council Member Leon, to approve the Consent Calendar items numbered 1, 3, 4 and 5 respectfully, and that Agenda Item Number 6 be pulled for comment.

Vote: Motion carried 3-0-2-0

Yes: Council Member, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: Council Members Bishop, Emick

**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.

**3. July 2019 Payroll/Benefits Warrants Schedule**

**Recommendation:**

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

**4. Quarterly Treasurer's Report – April – June 2019**

**Recommendation:**

That Town Council Receive and file the April- June 2019 Quarterly Treasurer's Report.

**5. Authorization to Advertise Resurfacing 2019-03**

**Recommendation:**

A. That the Town Council review and approve the bid documents for Resurfacing 2019-03.

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

**PULLED FOR DISCUSSION**

**6. Acceptance of Work for Completed Public Street Improvements on Navajo Road, Lafayette Street, and Dale Evans Parkway, Parcel Map No. 19645, Big Lots.**

Bill Inger, Apple Valley, briefed the public on this report and its request for additional funding.

Brad Miller, Town Engineer, presented the staff report as filed with the Town Clerk and responding to questions from members of the public.

**MOTION**

Motion by Council Member Leon, seconded by Mayor Pro Tem Nassif, to

A. Accept the work completed as part of Parcel Map No. 19645 subdivision and the June 9, 2015 Owner Participation Agreement , (OPA), approved by Town Council on June 9, 2015 for a total Town cost of \$1,648,854.75.

B. Direct the Town Clerk to file the Notice of Completion for the completed work.

C. Authorize staff to reimbursement for costs in accordance with the approved OPA, and appropriate an additional \$418,521.75 of Transportation Improvement Fund reserves to augment the current budget for this work.

Vote: Motion carried 3-0-2-0

Yes: Council Member, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: Council Members Bishop, Emick

**PUBLIC HEARINGS**

8. **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.**

Mayor Cusack opened the public hearing at 7:24 p.m.

Lori Lamson, Assistant Town Manager, presented the staff report as filed with the Town Clerk. Ms. Lamson noted that this change will make it easier for phasing commercial developments.

Based on questions of the Council, Ms. Lamson explained that the strict design standards in the Development Code would ensure that the project standards would not diminish by allowing the phasing of projects thus allowing for continuity.

There being no requests to speak, Mayor Cusack closed the public hearing at 7:33 p.m.

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Leon, to:

- 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. **Find** the facts presented within the staff report, including the Planning Commission staff report for June 19, 2019, support the required Findings for approval of the proposed General Plan Amendment and Development Code Amendment and adopt the Findings.
- C. **Move** to adopt Resolution No. 2019-24 amending the text of the General Plan of the Town of Apple Valley removing the requirement for a minimum project size of ten (10) acres within the Regional Commercial (C-R) Land Use.
- D. **Move** to waive the reading of Ordinance No. 512 in its entirety and read by title only.

Vote: Motion carried 3-0-2-0

Yes: Council Member, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: Council Members Bishop, Emick

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 512.

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Leon, to

- E. **Introduce** Ordinance No. 512 approving Development Code Amendment No. 2019-004; and
- F. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

Vote: Motion carried 3-0-2-0

Yes: Council Member, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: Council Members Bishop, Emick

**9. 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.**

Mayor Cusack opened the public hearing at 7:35 p.m.

Lori Lamson, Assistant Town Manager, presented the staff report as filed with the Town Clerk.

There being no requests to speak, Mayor Cusack closed the public hearing at 7:39 p.m.

**MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Leon, to:

1. **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.
2. **Find** the facts presented within the staff report, including the attached Planning Commission staff report for June 19, 2019, support the required Findings for approval of the proposed Development Code Amendment and adopt the Findings.
3. **Move** to waive the reading of Ordinance No. 513 in its entirety and read by title only.

Vote: Motion carried 3-0-2-0

Yes: Council Member, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: Council Members Bishop, Emick

La Vonda M-Pearson, Town Clerk, read the title to Ordinance No. 513.

### **MOTION**

Motion by Mayor Pro Tem Nassif, seconded by Council Member Leon, to:

4. **Introduce** Ordinance No. 513 approving Development Code Amendment No. 2019-005; and
5. **Direct** staff to file a Notice of Exemption with the San Bernardino County Clerk of the Board.

Vote: Motion carried 3-0-2-0

Yes: Council Member, Leon, Mayor Pro Tem Nassif, Mayor Cusack.

Absent: Council Members Bishop, Emick

### **BUSINESS OF THE COUNCIL**

**None.**

### **REPORTS, REQUESTS AND COMMUNICATIONS**

**None.**

### **TOWN MANAGER'S COMMENTS & LEGISLATIVE UPDATE**

**DEPARTMENTAL REPORTS AND BUSINESS**

Doug Robertson, Town Manager, announced the Town of Apple Valley State of the Town Address to be held on Wednesday, August 21, 2019 at 11:00 a.m. in the Apple Valley Conference Center.

**CLOSED SESSION**

**10. Closed Session**

None.

**ADJOURNMENT**

Motion by Council Member Leon, seconded by Mayor Pro Tem Nassif and unanimously carried, to adjourn the meeting of the Apple Valley Town Council at 7:49 p.m.

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Larry Cusack, Mayor

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La Vonda M-Pearson, Town Clerk