

TOWN OF YUCCA VALLEY TOWN COUNCIL MEETING MINUTES JULY 7, 2015

OPENING CEREMONIES

Mayor George Huntington called the meeting to order at 6:00 PM.

CALL TO ORDER

ROLL CALL

PRESENT: Denison, Leone, Lombardo, Huntington

ABSENT: Abel

Council Member Abel was absent due to a planned vacation.

PLEDGE OF ALLEGIANCE

Led by Mayor Huntington

INVOCATION

With no member of the clergy present, Mayor Huntington offered a moment of silence.

PRESENTATIONS, INTRODUCTIONS, RECOGNITIONS

Mayor Huntington Introduced San Bernardino County Sheriff, John McMahon.

Sheriff McMahon introduced the new San Bernardino County Sheriff's Captain for the Morongo Basin, Jeff Joling.

McMahon continued by presenting a brief update to the Town Council on Prop 47 and the AB109 realignment, seen as significant challenges for the department.

Captain Joling, thanked McMahon for the opportunity to come back to the area and serve the Morongo Basin.

APPROVAL OF AGENDA

RESULT: APPROVED [UNANIMOUS]
MOVER: Robert Leone, Mayor Pro Tem
SECONDER: Robert Lombardo, Council Member
AYES: Rick Denison, Robert Leone, Robert Lombardo, George Huntington
ABSENT: Merl Abel

CONSENT AGENDA

RESULT: APPROVED [UNANIMOUS]
MOVER: Robert Lombardo, Council Member
SECONDER: Robert Leone, Mayor Pro Tem
AYES: Rick Denison, Robert Leone, Robert Lombardo, George Huntington
ABSENT: Merl Abel

1. Waive further reading of all ordinances (if any in the agenda) and read by title only.

2. Approve the Meeting Minutes for May 5, 2015, June 2, 2015, June 16, 2015

Approve the Town Council meeting minutes for May 5, 2015, June 2, 2015 and June 16, 2015 as presented.

3. Approve the Fall/Winter 2015 Community Services Planned Programs

That the Council receive and file the report outlining the Fall/Winter 2015 programs and events to be organized and conducted by the Community Services Department.

4. Approve the Warrant Registers

Ratify the Warrant Register totaling \$492,928.43 for checks dated June 11, 2015.

Ratify the Payroll Registers totaling \$138,224.21 dated June 5, 2015, and June 11,2015.

PUBLIC HEARING

5. Ordinance No.; Planning Commission Recommendation; Development Code Amendment, DCA-01-15; Development Code, Title 9, Article 3, Chapter 9.50, Home Occupation Permits; CEQA Exemption 15061(b)(3)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING CHAPTER 9.50, HOME OCCUPATION PERMITS, OF ARTICLE 3, GENERAL DEVELOPMENT STANDARDS, OF TITLE 9, YUCCA VALLEY DEVELOPMENT CODE

Deputy Town Manager Stueckle presented the staff report on the introduction of an ordinance, amending the development code to contain a new class of home occupation permits.

Stueckle gave background information on the item, reporting that the Parks, Recreation and Cultural Commission (PRCC) received an informative presentation from the Morongo Basin Cultural Arts Council (MBCAC) in May, 2015, encouraging support of local artists in the community. The MBCAC is active in the area, presenting the popular, annual Hwy 62 Open Studio Art Tours, and supporting local artists through advertising and collaboration. It was noted that the Hwy 62 Open Studio Art Tours is in its 14th year this year, with over 140 local artists participating.

On June 2, 2015, the Town Council directed staff to implement measures within the Town's programs, processes and codes that support, encourage, and enhance the artist industry within the Town.

On June 9, 2015, the Yucca Valley Planning Commission held a public hearing on amendments to the HOP regulations. The Planning Commission discussed supporting the Town's Parks, and Recreation Master Plan Update to position Yucca Valley as a major center known for quality art offerings by developing superior cultural facilities, hosting a variety of cultural events and including public and private art venues in the Old Town Specific Plan. In addition, the Planning Commission supported advocating on behalf of the Art in Public Places program to compliment Yucca Valley's natural beauty, involve local artists, promote tourism, increase public awareness of the value of arts and culture in Yucca Valley and the region, build participation in cultural arts programs and activities, and outreach to local schools and support educational opportunities. Following all public testimony, the Planning Commission unanimously recommended the Town Council adopt the ordinance.

The HOP process revisions contain a new class of home occupation permits. Class 5 (V) provides for an artist studio exemption. Artists / Artist Studio shall be exempt from the HOP requirement, subject to certain standards.

Mayor Huntington opened the public hearing.

Town Clerk Copeland reported that written communication has been received by Fritz Koenig, Yucca Valley in opposition of the item.

The following submitted speaker cards in favor of the item, but wished not to speak:
Bonnie Brady, Yucca Valley
David McCarter, Yucca Valley
Linda McCarter, Yucca Valley

The following spoke in favor of the item:
Charles McHenry, Yucca Valley
Paul Kopfenstein, Yucca Valley

Susan Simmons, Yucca Valley
Scott Doten, Yucca Valley
Ed Keesling, Yucca Valley
Dennis Pask, Yucca Valley
Bill Washlake, Yucca Valley
Albert Hale, Yucca Valley
David Falossi, Yucca Valley
Janis Commentz, Yucca Valley
Kathy Kopfenstein, Yucca Valley

Carlos Reyes, Owner of ArtFX in Yucca Valley, spoke in favor of the item and requested the Council consider tax qualifications not addressed in the ordinance.

With no other members of the public wishing to speak, Mayor Huntington closed the public hearing.

Mayor Pro Tem Leone asked for copy of letter of opposition, as he didn't see the electronic version that Mr. Koenig sent out.

Council Member Lombardo inquired on the reference (5 (a)) to family members as employees on the new Class 5, and was concerned that this might be too restrictive and would like to allow 1-2 artists in residence or assistants, who are not family members.

Council Member Denison also referenced (5 (a)) the requested wording that would allow for apprenticeships and is in favor of bringing in a non-family member.

There was consensus among the Council to allow a limited amount of artists in residence or assistant, to include one (1) non-family member as an employee for Class 5 (V).

Mayor Pro Tem Leone inquired about hours of operation for Class 5 (V) activity.

Mayor Huntington stated the hours of operation should mostly be pertaining to outdoor and/or disruptive activities, not to squelch the artistic creativity indoors at other hours. Huntington confirmed that other performance standards included in the development code would be in effect for additional guidance.

Council Member Denison would like to make sure that artists can work at all hours, as long as the work was not disruptive to neighboring properties. Town Attorney Laymon explained that though a home occupation would be guided by the specific HOP regulations, all Town Code is in affect for all of the Town's development and performance regulations as well.

Consensus was made among the Council to not limit the artist to the 7:00 a.m. to 7:00 p.m. operating hours as those Home Occupations requiring permits, however hours of operation for customers visiting the site, sales of product on the premises, or outdoor

home occupation activity should be limited to between the hours of 9:00 a.m. and 5:00 p.m.

Mayor Huntington asked for clarification in cottage foods. Deputy Town Manager Stueckle explained that cottage foods were among those activities not allowed under the artists / artist studio exemption.

Mayor Huntington requested to remove the word "original" from the paragraph "I" on stamped page 55. Also, asked to change "performing arts" with "performance art" in that same paragraph.

Deputy Town Manager Stueckle read the title of the Ordinance for the record.

That the Town Council:

- A. Finds that the project is exempt from CEQA in accordance with Section 15061 (b)(3) of the California Environmental Quality Act. The proposed amendment to revise the Town’s Development Code has no potential to impact the environment. The proposed amendment does not alter the existing requirements that specific development projects must comply with the provisions of the California Environmental Quality Act. Development Code Amendment, DCA 01-15 meets the exemption criteria which states “that if an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA”.
- B. Introduces the Ordinance, repealing and restating Chapter 9.50, Home Occupation Permits, in its entirety.

RESULT: **INTRODUCED [UNANIMOUS]**
MOVER: Robert Lombardo, Council Member
SECONDER: Rick Denison, Council Member
AYES: Rick Denison, Robert Leone, Robert Lombardo, George Huntington
ABSENT: Merl Abel

FUTURE AGENDA ITEMS

None Stated

PUBLIC COMMENTS

Mayor Huntington opened public comments for items not on the agenda.

Bonnie Brady, Yucca Valley spoke in opposition of grading for the new housing development at the corner of Sage and Golden Bee in Yucca Valley and asked the council to revisit the native plant ordinance.

With no other members of the public wishing to speak, Mayor Huntington closed public comments

STAFF REPORTS AND COMMENTS

Town Manager Yakimow welcomed Captain Joling and wished him well in his new position.

Town Manager Yakimow announced the summer concerts begin this weekend, and family fun day at Paradise Park on Saturday. Yakimow also spoke of citizen concern with shade and seating options at Essig Park near the dog park area, announced the closing of escrow on the Brehm Park property, and grading compliance at the Sage Estates project.

Deputy Town Manager Stueckle announced the commencement of the town-wide slurry seal project beginning on July 13, 2015

Captain Joling gave a brief update on the collaboration between agencies on the Lake Fire activity and reported on recent traffic enforcement activities.

MAYOR AND COUNCIL MEMBER REPORTS AND COMMENTS

6. Council Member Abel

Not in Attendance.

7. Council Member Denison

Council Member Denison reported on his attendance at League of California Cities conference in Monterey. Denison thanked the community for support during the recent Lake Fire, especially the Yucca Valley High School Band Boosters for their fund raising effort for the firefighters.

8. Council Member Lombardo

Council Member Lombardo welcomed Captain Joling and thanked the audience for their participation in tonight's meeting.

9. Mayor Pro Tem Leone

Mayor Pro Tem Leone also welcomed Captain Joling. Leone also expressed his opposition with the recent grading techniques at the Sage Estates Development and would like the Council to reconsider the current native plant ordinance.

10. Mayor Huntington

Mayor Huntington welcomed Captain Joling and congratulated the Rotary Club on the fantastic fireworks show. Huntington also announced he will not be available for his office hours for last two weeks of July and reported that Congressman Cook is seeking nominations for the 2015 "Salute to Women: Youth Leaders and Mentors" ceremony to be held in Apple Valley later this year.

ANNOUNCEMENTS

11. Upcoming Meeting Schedule

The regular meeting of the Yucca Valley Town Council scheduled for July 21, 2015 has been canceled due to lack of agenda items.

The next meeting of the Yucca Valley Town Council is scheduled for Tuesday, August 4, 2015 at 6:00 p.m. in the Yucca Valley Community Center Yucca Room.

ADJOURNMENT

The meeting was closed at 7:23 PM

Mayor Huntington adjourned the meeting in memory of former Planning Commission Warren Lavender who passed away over the weekend.

Respectfully Submitted,

Lesley Copeland, CMC

Town Clerk