

Minutes adopted by the City Council on September 4, 2018. Approval of these Minutes is for items 9 and 10 only for the Hesperia Public Financing Authority and Hesperia Public Facilities Corporation annual meetings and the Hesperia Joint Public Finance Authority special meeting



City of Hesperia

Meeting Minutes - Draft

City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, August 21, 2018

6:30 PM

**REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA FIRE PROTECTION DISTRICT
HESPERIA WATER DISTRICT
HESPERIA PUBLIC FINANCING AUTHORITY - ANNUAL MEETING
HESPERIA PUBLIC FACILITIES CORPORATION - ANNUAL MEETING
HESPERIA JOINT PUBLIC FINANCE AUTHORITY - SPECIAL MEETING**

CLOSED SESSION - 4:30 PM

Roll Call

Present: 5 - Mayor William J. Holland, Mayor Pro Tem Swanson, Council Member Bird, Council Member Brosowske and Council Member Russ

Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)1

1. Priester vs City of Hesperia - SMCBS1800745
2. Latimer vs City of Hesperia - SMCBS1800743

Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)(2)

1. Victor Valley Wastewater Reclamation Authority v. City of Hesperia (Claim for Damages)

Conference with Real Property Negotiators – Property Negotiations
Government Code Section – 54956.8

1. Negotiating Parties: Lewis Acquisition Company and City of Hesperia
Location: APN: 3039- 441-20
Under Negotiation: Exclusive Negotiating Agreement ENA - Third Amendment

2. Negotiating Parties: City of Hesperia and Bill Jensen
Location: Golf Course APNs 0398-242-11, 0398-251-28, 0398-251-31, 0398-262-30, and 0398-281-18
Under Negotiation: Price and Terms

CALL TO ORDER - 6:42 PM

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- A. **Invocation Brian Graley of Hesperia Church of the Nazarene**
- B. **Pledge of Allegiance to the Flag**
- C. **Roll Call**

Present: 5 - Mayor William J. Holland, Mayor Pro Tem Swanson, Council Member Bird, Council Member Brosowske and Council Member Russ

- D. **Agenda Revisions and Announcements by City Clerk - None**
- E. **Closed Session Reports by City Attorney – Council gave direction for legal counsel to seek appellate review of the existing litigation items discussed.**

ANNOUNCEMENTS/PRESENTATIONS

- 1. Presentation to resident Maria Torres, winner of the Quarterly Pride Enhancement Program
- 2. Community Events Calendar - *The Animal Shelter will be closed to the public every Monday for the next few months for construction; follow the City of Hesperia on Facebook and Twitter for information about City programs and projects as well as emergency alerts and updates; City offices will be closed 9/3 in observance of Labor Day.*

GENERAL PUBLIC COMMENTS (For items and matters not listed on the agenda)

*Bob Nelson commented on public speech.
Daniel Krist commented on various community issues.
Scott Priester commented on CalPERS retirement.
Dino Defazio commented on counter plan checks.
Al Vogler commented on the recent City Council appointment.*

JOINT CONSENT CALENDAR

A motion was made by Russ, seconded by Bird, that the Consent Calendar be approved. The motion carried by the following vote:

Aye: 5 - Holland, Swanson, Bird, Brosowske and Russ
Nay: 0

- 1. Consideration of the Draft Minutes from the Special Meeting held Tuesday, August 7, 2018

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Special Meeting held Tuesday, August 7, 2018.

Sponsors: City Clerk Melinda Sayre

- 2. Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - Fire - Water)

Recommended Action:

It is recommended that the Council/Board ratify the warrant run and payroll report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, Fire District, and Water District.

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Sponsors: Director of Finance Casey Brooksher

3. Treasurer's Cash Report for the unaudited period ended June 30, 2018

Recommended Action:

It is recommended that the Council/Board accept the Treasurer's Cash Report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, Fire District, and Water District.

Sponsors: Director of Finance Casey Brooksher

4. Non-Represented Employees' Compensation and Benefit Plan

Recommended Action:

It is recommended that the City Council the Hesperia Water District Board, the Community Development Commission, the Hesperia Housing Authority Board, and the Hesperia Fire Protection District Board adopt Joint Resolution No. 2018-053, HHA 2018-12, CDC 2018-12, and HWD 2018-18, establishing the Non-Represented Employees' Compensation and Benefit Plan.

Sponsors: Assistant City Manager Michael Blay, Director of Finance Casey Brooksher, Assistant to the City Manager Rachel Molina and Human Resources Manager Rita Perez

5. San Bernardino Local Agency Formation Commission Application for Extension of Service By Contract - Agreement with San Bernardino County Special Districts for Bear Valley and Fish Hatchery Area Sewer Service Contract ID: 2018-FHLAFCO

Recommended Action:

It is recommended that the City Council approve the agreement between City of Hesperia and San Bernardino County Special Districts (SBCSD) to provide for sewer service to be extended by SBCSD south to serve property within the City of Hesperia south of Bear Valley Road near Fish Hatchery Road, and authorize the Mayor to execute said agreement. This agreement will then be forwarded to San Bernardino Local Agency Formation Commission (LAFCO) as part of the request to allow SBCSD to extend sewer service for the benefit of the 11.72-acre holding within the City of Hesperia.

Sponsors: Assistant City Manager Michael Blay and Principal Planner Jeff Codega

6. Memorandum of Understanding with San Bernardino County Service Area 70

Recommended Action:

It is recommended that the Hesperia Water District Board Members adopt Resolution No. HWD 2018-019 approving the Memorandum of Understanding (MOU) between the Hesperia Water District (District) and San Bernardino County Service Area 70 (CSA 70 J) in order to continue to provide water service to current and future customers within annexed areas.

Sponsors: Public Works Manager Mark Faherty and Public Works Supervisor/Water Jeremy McDonald

7. Accept FY 2017-18 Annual Street Improvement Project (CO 7145)

Recommended Action:

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It is recommended that the City Council accept FY 2017-18 Annual Street Improvement Project completed by Sully-Miller Contracting, Co. (Construction Order No. 7145); authorize staff to record a "Notice of Completion;" and release all withheld retention after 35 days from the date of recordation.

Sponsors: Assistant City Manager Michael Blay

8. Senate Bill 1, Local Partnership Program Grant

Recommended Action:

It is recommended that the City Council adopt Resolution 2018-56, accepting \$3.9 million in Senate Bill 1, Local Partnership Program grant funds from the California Transportation Commission; and authorizing the City Manager or his designee to execute agreements and any and all other documents related to the grant as may be necessary for completion of the Rancho Road Widening Project.

Sponsors: Assistant City Manager Michael Blay

9. **HESPERIA JOINT PUBLIC FINANCE AUTHORITY SPECIAL MEETING AND HESPERIA PUBLIC FINANCING AUTHORITY ANNUAL MEETING ITEM WITH REGULAR JOINT MEETINGS.**

Debt Management Policy

Recommended Action:

It is recommended that the City Council/Board/Commission adopt Joint Resolution No. 2018-49, SA 2018-03, HPFA 2018-02, HJPFA 2018-01, CDC 2018-10, HHA 2018-10, HFPD 2018-17, and HWD 2018-16, approving a Debt Management Policy in conformance with Senate Bill 1029.

Sponsors: Director of Finance Casey Brooksher

10. **HESPERIA JOINT PUBLIC FINANCE AUTHORITY SPECIAL MEETING AND HESPERIA PUBLIC FINANCING AUTHORITY ANNUAL MEETING ITEM WITH REGULAR JOINT MEETINGS.**

Disclosure Policies and Procedures

Recommended Action:

It is recommended that the City Council/Board/Commission adopt Joint Resolution No. 2018-50, SA 2018-04, HPFA 2018-03, HJPFA 2018-02, CDC 2018-11, HHA 2018-11, HFPD 2018-18, and HWD 2018-17, approving Disclosure Policies and Procedures to ensure compliance with applicable federal and state securities laws.

Sponsors: Director of Finance Casey Brooksher

PUBLIC HEARING

11. Joint Resolution Amending the City-Wide Fee Schedule

Recommended Action:

It is recommended that the Council and respective Boards hold a public hearing and adopt Joint Resolution No. 2018-47, Resolution No. HWD 2018-15, Resolution No. HFPD 2018-16, Resolution No. HHA 2018-09, Resolution No. HCDC 2018-09, amending Joint Resolution No. 2018-21, Resolution No. HWD 2018-07, Resolution No. HFPD 2018-06, Resolution No. HHA 2018-04, Resolution No. HCDC 2018-04, amending the City-Wide fee schedule.

Sponsors: Assistant City Manager Michael Blay and Administrative Analyst Tina Bulgarelli

The public hearing was opened. Daniel Krist commented on item 11. There being no further public comment the hearing was closed.

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A motion was made by Russ, seconded by Bird, that this item be approved. The motion carried by the following vote:

Aye: 5 - Holland, Swanson, Bird, Brosowske and Russ

Nay: 0

NEW BUSINESS

12. Award Contract for Recycled Water System - Phase 1B, C.O. No. 8087 and Amend the Existing Professional Services Agreement with Geocon West, Inc.

Recommended Action:

It is recommended that the Board of Directors of the Hesperia Water District:

(1) Consider the bid protest by RSH Construction Services; and

(2) Deny the request by RSH Construction Services to reject the bid of the low bidder and award a contract for Recycled Water System - Phase 1B (C.O. No. 8087) to the lowest responsive and responsible bidder, R.I.C. Construction Company, Inc. in the amount of \$4,677,391.37; approve an additional 10% contingency in the amount of \$467,740 for a total construction budget of \$5,145,131.37; approve the design of the project represented by the plans and specifications; and authorize the City Manager to execute the contract; and

(3) Amend the existing Professional Services Agreement (PSA) with Geocon West, Inc. for on-call geotechnical and specialty engineering inspection services by increasing the PSA \$250,000 in order to have adequate funding to continue providing quality assurance and quality control on the City's capital improvement projects.

Sponsors: Assistant City Manager Michael Blay

A motion was made by Russ, seconded by Brosowske, that this item be approved. The motion carried by the following vote:

Aye: 5 - Holland, Swanson, Bird, Brosowske and Russ

Nay: 0

13. Resolution confirming the issuance of refunding bonds pursuant to an Indenture of Trust, approving Preliminary and Final Official Statements and providing other matters relating thereto

Recommended Action:

It is recommended that the City Council as the Successor Agency to the Hesperia Community Redevelopment Agency adopt the following resolution:

Resolution No. SA 2018-05 - A Resolution of the Successor Agency to the Hesperia Community Redevelopment Agency confirming the issuance of refunding bonds pursuant to an indenture of trust, approving preliminary and final official statements and providing other matters relating thereto.

Sponsors: Director of Finance Casey Brooksher

A motion was made by Brosowske, seconded by Swanson, that this item be approved. The motion carried by the following vote:

Aye: 5 - Holland, Swanson, Bird, Brosowske and Russ

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Nay: 0

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Brosowski commented on appointment to Victor Valley College committee to select a new superintendent, requested that Prop 5 & Prop 6 Gas Tax repeal resolution to be added to the next agenda, that the Council bring the County Wide Vision plan adopted in 2012 for review.

Council Member Bird commented on work done by public safety in the community, VVTA campaign to increase ridership, and attendance at a VVWRA meeting.

Council Member Russ commented on City financials and alternatives to League of California Cities.

Mayor Pro Tem Swanson commented on attendance at National Night Out and school field trip to Animal Shelter.

Mayor Holland commented on the bond refunding item, commented on attendance at the Chamber Luncheon, Prop 6 Gas Tax repeal, and League of California Cities Mountain/Desert Division.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

8:10 p.m.

*Melinda Sayre,
City Clerk*