

**HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HOUSING AUTHORITY
COMMUNITY DEVELOPMENT COMMISSION
FIRE PROTECTION DISTRICT
WATER DISTRICT
AGENDA**

*Regular Joint Meetings
1st and 3rd Tuesday*

**Date: November 6, 2018
REGULAR MEETING**

**Time: No Closed Session
6:30 P.M. (Regular Meeting)**

CITY COUNCIL MEMBERS

William J. Holland, Mayor

Rebekah Swanson, Mayor Pro Tem

Larry Bird, Council Member

Jeremiah Brosowske, Council Member

Paul Russ, Council Member

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Nils Bentsen, City Manager

Eric L. Dunn, City Attorney



City of Hesperia

Council Chambers
9700 Seventh Avenue
Hesperia, CA 92345

City Clerk's Office: (760) 947-1007

**Agendas and Staff Reports are
available on the City Website
www.cityofhesperia.us**

Documents produced by the City and distributed less than 72 hours prior to the meeting, regarding items on the agendas, will be made available in the City Clerk's Office located at 9700 Seventh Avenue during normal business hours.



NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 947-1007 or (760) 947-1056. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

**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**

As a courtesy, please silence your cell phones and other electronic devices while the meeting is in session. Thank you.

Prior to action of the Council, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar.

Individuals wishing to speak during General Public Comments or on a particular numbered item must submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

In compliance with the Brown Act, the City Council may not discuss or take action on non-agenda items or engage in question and answer sessions with the public. The City Council may ask brief questions for clarification; provide a reference to staff or other resources for factual information and direct staff to add an item to a subsequent meeting.

NO CLOSED SESSION

CALL TO ORDER - 6:30 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

*Mayor William J. Holland
Mayor Pro Tem Rebekah Swanson
Council Member Larry Bird
Council Member Jeremiah Brosowske
Council Member Paul Russ*

D. Agenda Revisions and Announcements by City Clerk

E. Closed Session Reports by City Attorney

ANNOUNCEMENTS/PRESENTATIONS

1. Community Events Calendar

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

Individuals wishing to speak during General Public Comments or on a particular numbered item must submit a speaker slip to the City Clerk with the agenda item noted. Speaker slips should be turned in prior to the public comment portion of the joint agenda or before an agenda item is discussed. Comments will be limited to three minutes for General Public Comments, Consent Calendar items and New Business items. Comments are limited to five minutes for Public Hearing items.

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JOINT CONSENT CALENDAR

1. Page 5 Consideration of the Draft Minutes from the Regular Meeting held Tuesday, October 16, 2018

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, October 16, 2018.

Staff Person: City Clerk Melinda Sayre

Attachments: [Draft CC Min 2018-10-16](#)

2. Page 9 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.

Staff Person: Director of Finance Casey Brooksher

Attachments: [SR Warrant Run 11-6-2018](#)
[Attachment 1 - Warrant Runs](#)

3. Page 11 Approve an Amendment to the Professional Services Agreement to Provide Grant Management Services for Recycled Water System (C.O. No. 8087)

Recommended Action:

It is recommended that the City Council and the Board of Directors of the Hesperia Water District (Council/Board) approve an amendment to the existing Professional Services Agreement (PSA) with the Mojave Water Agency (MWA) for Professional Consulting Services for the Recycled Water System Project (C.O. No. 8087), and authorize the City Manager to execute said amendment.

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR - Amendment to Professional Services Agreement 11-6-2018](#)
[Attachment 1 - Cost Proposal by Kennedy/Jenks Consultants](#)

4. Page 21 Rescind Award of Contract, Reject all Bids, and Re-bid Repaint City Hall Decorative Tube Steel

Recommended Action:

It is recommended that the City Council rescind the award of a contract for the Repaint City Hall Decorative Tube Steel project to the lowest responsive and responsible bidder, Next Generation Painting, Inc., reject all bids received, and re-bid the project.

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR Rescind, Reject & Rebid Decorative Tube Steel Repaint City Hall 11-6-2018](#)

COUNCIL COMMITTEE REPORTS AND COMMENTS

The Council may report on their activities as appointed representatives of the City on various Boards and Committees and/or may make comments of general interest or report on their activities as a representative of the City.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

The City Manager, City Attorney or staff may make announcements or reports concerning items of interest to the Council and the public.

ADJOURNMENT

I, Melinda Sayre, City Clerk of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Wednesday, October 31, 2018 at 5:30 p.m. pursuant to California Government Code §54954.2.

Melinda Sayre,
City Clerk

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City of Hesperia

Meeting Minutes - Draft

City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, October 16, 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**

NO CLOSED SESSION

CALL TO ORDER - 6:30 PM

- A. Invocation Dave Kirby of Church of Jesus Christ of Latter-day Saints
- 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 Russ and Council Member Brosowske

- D. **Agenda Revisions and Announcements by City Clerk** - *The City Council voted unanimously to add a Green sheet urgency item to the agenda as New Business item 7. Motion by Russ, Second Swanson.*
- E. **Closed Session Reports by City Attorney** - *None*

ANNOUNCEMENTS/PRESENTATIONS

- 1. Presentation of Proclamation for Domestic Violence Awareness Month to A Better Way Victor Valley Domestic Violence, Inc.
- 2. Community Events Calendar - *Desert Rocks Film and Music Festival in the Civic Plaza Park & Cinema West Theaters on 10/20 12pm – 8pm; Community Cleanup Day 10/ 27 from 8am – 12 noon; Tire Amnesty Day 10/27 7:30am – 12 noon across from Advance Disposal; Hotrod Halloween 10/27 in Civic Plaza Park from 2pm – 5pm; Hesperia Sheriff Explorer's annual Haunted House & Maze at the Hesperia Station Community Room 10/27 from 5 – 8:30pm.*

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

Liam Jensen commented on a variety of community issues. Bill Jensen commented on the Tea Party. Bob Nelson commented on various community issues. Mike Leonard commented on City Council conduct at the 10-2-18 council meeting. Al Vogler commented on conduct of City Council members. Raul Rodriguez, Jr. commented on City Council candidates. Brigit Bennington commented on her candidacy for City Council. James Blocker commented on City Council conduct. Rebecca Doherty commented on City Council conduct. Anthony Rhoades commented on his candidacy for the school district and City Council conduct. Sophie Steeno commented on the Development Impact Fee study and City Council conduct. Ella Rogers commented on conduct of the City Council

members. Kelly Gregg commented on council conduct. Eric Schmidt commented on council member conduct. Patty Jacoby commented on homeless and jobs in the community. Richard (no last name offered) commented on public comment. Julie Bird commented on City Council conduct. Jerri Pike commented on City Council conduct at the 10-2-18 council meeting. Jasmine (no last name) commented on City Council conduct.

JOINT CONSENT CALENDAR

Bob Nelson was called to speak on item #1, did not speak.

A motion was made by Brosowske, 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 Regular Meeting held Tuesday, October 2, 2018

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, October 2, 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.

Sponsors: Director of Finance Casey Brooksher

3. Treasurer's Cash Report for the unaudited period ended August 31, 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. Legislative Advocacy Options

Recommended Action:

It is recommended that the City Council receive and file the information regarding Associations of California Cities that advocate on local control issues and influence policy decisions.

Sponsors: Management Analyst Julie Ryan

PUBLIC HEARING

5. Conditional Use Permit CUP18-00003 to Construct a Convenience Store; Applicant: Pipeline Petroleum Banning LLC; APN: APNs 3064-401-07 & 08

Recommended Action:

The Planning Commission recommends that the City Council adopt Resolution No. 2018-65 approving CUP18-00003 to construct a 4,631 square foot convenience store that includes the sale of beer and wine for off-site consumption, a 1,858 square foot fast food restaurant, a 5,110 square foot fueling station with 9 fuel islands, a 1,343 square foot automated carwash tunnel, and a 2,330 square foot food truck commissary on approximately 8.3 gross acres within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan located on the northwest corner of US Highway 395 and Phelan Road (APN 3064-401-07 & 08; Applicant: Pipeline Petroleum Banning LLC).

Sponsors: Senior Planner Ryan Leonard

The public hearing was opened. Al Vogler and Kelly Gregg commented in opposition of the item. The applicant spoke. There being no further public comment the public hearing was closed.

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

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

Nay: 0

NEW BUSINESS

6. Ad-Hoc Committee for Revitalization

Recommended Action:

It is recommended that the City Council give staff direction regarding the establishment of an Ad-Hoc Committee focused on revitalization efforts for businesses located on the East side of Hesperia as requested by Mayor Holland at the October 2, 2018 Council Meeting.

Sponsors: Economic Development Manager Rod Yahnke

The following individuals commented on item 6:

Bill Jensen, Coldwell Banker, Dino Defazio

A motion was made by Brosowske, seconded by Russ, that Council Members Russ and Brosowske be appointed as primary representatives and Council Member Bird serve as an alternate representative on the Ad-Hoc Committee. The motion carried by the following vote:

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

Nay: 0

7. Consideration of Parliamentary Procedures

Recommended Action:

It is recommended that the City Council provide direction to staff regarding the adoption of a set of parliamentary procedures to assist in the procedural facilitation of City Council, Planning Commission, and Advisory Committee meetings.

Staff Person: City Attorney Eric Dunn

The following individuals commented on item 7:

Bob Nelson and Bill Jensen.

Consensus was reached by the City Council to bring the item back at a future meeting.

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Bird commented on council conduct, attendance at a VVTA meeting, attendance at the upcoming VVWRA meeting, and attendance at the grand opening of Barber Kings.

Council Member Brosowske commented on comments made during public comment.

Council Member Russ commented on attendance at upcoming Solid Waste Management Task Force and AQMD meetings, and upcoming election.

Mayor Pro Tem Swanson commented on council conduct, attendance at the Tri-Agency meeting, attendance at CCAC, requested that an item heard at the CCAC meeting be brought forward to the PSAC, attendance at the Hesperia Chamber Luncheon, and attendance at the Mayor's Meeting.

Mayor Holland commented on conduct at council meetings, conduct at the 10-2-2018 meeting, and the upcoming election.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

In memory of residents who have lost their lives in the past week in Hesperia at 9:39 p.m.

*Melinda Sayre,
City Clerk*

City of Hesperia STAFF REPORT



DATE: November 6, 2018

TO: Mayor and Council Members
City Council, as Successor Agency to the Hesperia Community Redevelopment Agency
Chair and Commissioners, Hesperia Housing Authority
Chair and Commissioners, Community Development Commission
Chair and Board Members, Hesperia Fire Protection District
Chair and Board Members, Hesperia Water District

FROM: Nils Bentsen, City Manager

BY: Casey Brooksher, Director of Finance
Anne Duke, Deputy Finance Director
Keith Cheong, Financial Analyst

SUBJECT: 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.

BACKGROUND

The Warrant Run totals represented below are for the period September 22, 2018 through October 5, 2018.

<u>Agency/District</u>	<u>Accounts Payable</u>	<u>Payroll</u>	<u>Wires</u>	<u>Totals</u>
City of Hesperia	\$1,792,346.38	\$234,338.23	\$0.00	\$2,026,684.61
Successor Agency	0.00	0.00	0.00	0.00
Housing Authority	148.13	2,051.43	0.00	2,199.56
Community Development Commission	6,308.78	3,964.63	0.00	10,273.41
Fire	10,840.13	0.00	0.00	10,840.13
Water	408,150.85	99,256.42	33,586.80	540,994.07
Totals	\$2,217,794.27	\$339,610.71	\$33,586.80	\$2,590,991.78

* Includes debt service payments made via Automated Clearing House (ACH) electronic deposit of funds.

The wire amounts are as follows:

- \$22,288.72 to Bank of America, N.A. for Hesperia Water Swap Interest Payment.
- \$11,298.08 to U.S. Bank Trust N.A. for Hesperia Water 1998A Interest Payment.

ATTACHMENT(S)

1. Warrant Runs

City of Hesperia
WARRANT RUNS
09/22/2018 - 10/05/2018

FUND #	FUND NAME	W/E 9/28/2018	W/E 10/5/2018	WARRANT TOTALS	Wires	YEAR-TO DATE TOTALS *	PRIOR FY YTD DATE TOTALS
Accounts Payable							
100	GENERAL	\$ 97,790.26	\$ 136,021.10	\$ 233,811.36	\$ -	\$ 6,833,579.16	\$ 6,752,437.83
204	MEASURE I - RENEWAL	\$ 47,169.90	-	\$ 47,169.90	\$ -	\$ 259,972.40	\$ 456,755.64
205	GAS TAX	\$ -	-	\$ -	\$ -	\$ 4,795.00	\$ 18,540.11
207	LOCAL TRANSPORT-SB 325	\$ 21,926.68	-	\$ 21,926.68	\$ -	\$ 134,327.05	\$ 20,732.44
209	GAS TAX-RMRA	\$ 24,895.99	-	\$ 24,895.99	\$ -	\$ 24,895.99	\$ -
251	CDBG	\$ 1,268.15	\$ 1,362.58	\$ 2,630.73	\$ -	\$ 129,161.43	\$ 89,106.67
254	AB2766 - TRANSIT	\$ -	-	\$ -	\$ -	\$ -	\$ 30,000.00
256	ENVIRONMENTAL PROGRAMS GRANT	\$ -	-	\$ -	\$ -	\$ 11,256.18	\$ 6,552.11
257	NEIGHBORHOOD STABILIZATION PROG	\$ -	\$ 1,235.65	\$ 1,235.65	\$ -	\$ 20,843.55	\$ 4,562.08
260	DISASTER PREPARED GRANT	\$ 693.17	-	\$ 693.17	\$ -	\$ 3,755.85	\$ 2,447.55
263	STREETS MAINTENANCE	\$ 36,594.70	\$ 7,530.18	\$ 44,124.88	\$ -	\$ 760,587.45	\$ 699,077.39
300	DEV. IMPACT FEES - STREET	\$ -	\$ 247.50	\$ 247.50	\$ -	\$ 116,288.03	\$ 304,077.27
301	DEV. IMPACT FEES - STORM DRAIN	\$ -	-	\$ -	\$ -	\$ 19,777.50	\$ 8,000.00
402	WATER RIGHTS ACQUISITION	\$ 1,028,329.10	-	\$ 1,028,329.10	\$ -	\$ 1,028,329.10	\$ 1,022,136.10
403	2013 REFUNDING LEASE REV BONDS	\$ -	-	\$ -	\$ -	\$ 555,102.92	\$ 535,368.63
504	CITY WIDE STREETS - CIP	\$ -	-	\$ -	\$ -	\$ 22,117.23	\$ -
509	CITY FACILITIES CIP	\$ -	\$ 1,312.50	\$ 1,312.50	\$ -	\$ 1,312.50	\$ -
800	EMPLOYEE BENEFITS	\$ 142,065.90	\$ 242,518.78	\$ 384,584.68	\$ -	\$ 2,025,942.08	\$ 1,873,177.98
801	TRUST/AGENCY	\$ 130.00	\$ 1,254.24	\$ 1,384.24	\$ -	\$ 508,150.02	\$ 1,371,242.10
802	AD 91-1 AGENCY	\$ -	-	\$ -	\$ -	\$ -	\$ 951.50
804	TRUST-INTEREST BEARING	\$ -	-	\$ -	\$ -	\$ 67.50	\$ 21,073.59
807	CFD 2005-1	\$ -	-	\$ -	\$ -	\$ 805,613.09	\$ 785,000.79
	CITY	\$ 1,400,863.85	\$ 391,482.53	\$ 1,792,346.38	\$ -	\$ 13,265,874.03	\$ 14,001,239.78
200	HESPERIA FIRE DISTRICT	\$ 508.13	\$ 10,332.00	\$ 10,840.13	\$ -	\$ 3,574,239.89	\$ 3,313,290.93
502	FIRE STATION BUILDING	\$ -	-	\$ -	\$ -	\$ 2,766.87	\$ 293,131.66
	FIRE	\$ 508.13	\$ 10,332.00	\$ 10,840.13	\$ -	\$ 3,577,006.76	\$ 3,606,422.59
160	REDEVELOP OBLIG RETIREMENT - PA1	\$ -	-	\$ -	\$ -	\$ 5,302,466.20	\$ 5,251,501.73
161	REDEVELOP OBLIG RETIREMENT - PA2	\$ -	-	\$ -	\$ -	\$ 426,245.91	\$ 424,981.13
162	REDEVELOP OBLIG RETIREMENT-HOUSING	\$ -	-	\$ -	\$ -	\$ 2,473,243.59	\$ 2,456,288.53
173	SUCCESSOR AGENCY ADMINISTRATION	\$ -	-	\$ -	\$ -	\$ 4,005.00	\$ -
	SUCCESSOR AGENCY	\$ -	\$ -	\$ -	\$ -	\$ 8,205,960.70	\$ 8,132,771.39
370	HOUSING AUTHORITY	\$ 148.13	-	\$ 148.13	\$ -	\$ 74,611.85	\$ 35,502.36
	HOUSING AUTHORITY	\$ 148.13	-	\$ 148.13	\$ -	\$ 74,611.85	\$ 35,502.36
170	COMMUNITY DEVELOPMENT COMMISSION	\$ 5,003.78	\$ 1,305.00	\$ 6,308.78	\$ -	\$ 119,775.80	\$ 151,612.25
	COMMUNITY DEVELOPMENT COMMISSION	\$ 5,003.78	\$ 1,305.00	\$ 6,308.78	\$ -	\$ 119,775.80	\$ 151,612.25
700	WATER OPERATING	\$ 67,090.40	\$ 285,626.99	\$ 352,717.39	\$ 33,586.80	\$ 1,967,971.72	\$ 3,614,280.18
701	WATER CAPITAL	\$ -	\$ 35,722.76	\$ 35,722.76	\$ -	\$ 995,533.13	\$ 119,445.44
710	SEWER OPERATING	\$ 5,050.52	\$ 123.28	\$ 5,173.80	\$ -	\$ 1,344,267.41	\$ 122,279.42
711	SEWER CAPITAL	\$ -	\$ 14,536.90	\$ 14,536.90	\$ -	\$ 61,163.20	\$ -
	WATER	\$ 72,140.92	\$ 336,009.93	\$ 408,150.85	\$ 33,586.80	\$ 4,368,935.46	\$ 3,856,005.04
	ACCOUNTS PAYABLE TOTAL	\$ 1,478,664.81	\$ 739,129.46	\$ 2,217,794.27	\$ 33,586.80	\$ 29,612,164.60	\$ 29,783,553.41
REG. PAYROLL							
	City	\$ -	\$ 234,338.23	\$ 234,338.23	\$ -	\$ 1,638,342.19	\$ 1,558,788.62
	Housing Authority	\$ -	\$ 2,051.43	\$ 2,051.43	\$ -	\$ 15,993.34	\$ 28,132.91
	Community Development Commission	\$ -	\$ 3,964.63	\$ 3,964.63	\$ -	\$ 27,606.23	\$ 46,711.07
	Water	\$ -	\$ 99,256.42	\$ 99,256.42	\$ -	\$ 689,224.12	\$ 669,644.51
	PAYROLL TOTAL	\$ -	\$ 339,610.71	\$ 339,610.71	\$ -	\$ 2,371,165.88	\$ 2,303,277.11

* The year to date totals for this Warrant Report are for the 2018-19 fiscal year starting July 1, 2018.

City of Hesperia STAFF REPORT



DATE: November 6, 2018

TO: Mayor and Council Members
Chair and Board Members, Hesperia Water District

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Assistant City Manager
David R. Burkett, Project Construction Manager

SUBJECT: Approve an Amendment to the Professional Services Agreement to Provide Grant Management Services for Recycled Water System (C.O. No. 8087)

RECOMMENDED ACTION

It is recommended that the City Council and the Board of Directors of the Hesperia Water District (Council/Board) approve an amendment to the existing Professional Services Agreement (PSA) with the Mojave Water Agency (MWA) for Professional Consulting Services for the Recycled Water System Project (C.O. No. 8087), and authorize the City Manager to execute said amendment.

BACKGROUND

The Victor Valley Wastewater Reclamation Authority (VWVRA) has completed construction of the Hesperia Sub-Regional Water Reclamation Plant (HSWRP). The HSWRP will be capable of supplying up to one million gallons (MG) per day of reclaimed or recycled water, which will be used for irrigation purposes. In order to utilize this resource, the City began construction on Phase 1 of a distribution system to convey the recycled water to potential users. The primary user under this first phase will be the Hesperia Golf Course, but many other users can be served as well, including parks, schools, and the Hesperia Civic Center Complex.

The first phase of the distribution system, which has been divided into two sub-phases, includes approximately 10 miles of "purple" water pipe (Phase 1A) and a 2.5 MG water storage tank and a booster station (Phase 1B). Construction on Phase 1A of the project should be completed in early November 2018. Construction on Phase 1B has commenced and is estimated to be completed in January 2020.

ISSUES/ANALYSIS

In order to assist with funding the project, in July 2014 the Hesperia Water District applied for Proposition 84 grant from the California Department of Water Resources (DWR) through MWA. In October 2014, the City was notified that it had secured a \$2.0 million dollar grant through the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2004 (also known as Proposition 84).

The Hesperia Water District was actually a sub-recipient of the grant as the grant was in fact awarded to MWA. As a condition for receipt of the grant funds, MWA was to take the lead in managing the grant program. MWA subsequently hired Kennedy/Jenks Consultants, a professional environmental and engineering consulting firm, to manage the grant program.

The Recycled Water System project was originally estimated to be completed in March 2018, but due to delays in securing environmental approvals and the departure of the City Engineer during the design process, the project has been delayed by nearly two years. Since the project will continue approximately two years beyond the estimated completion date and additional project management services will be required during that extended time period, Kennedy/Jenks Consultants has requested an amendment to the original agreement increasing their fees.

The original agreement was executed by the City Manager as the total original fee proposed for the services was below the \$50,000 limit for City Manager approval as stipulated in Joint Resolution No. 2014-22 approved by the City Council at its June 4, 2014 meeting. However, the additional fees requested will result in a revised total fee that exceeds City Manager signature authority and requires City Council approval.

In order to comply with the requirements of Proposition 84 Grant and the MWA stipulation that they manage the grant program, staff is recommending that the Council/Board approve an amendment to the existing Professional Services Agreement with MWA in the amount of \$28,800 (PSA) and approve an additional \$2,800 in contingency funding for a total amendment to the existing MWA agreement of \$31,600. The original Agreement amount was \$46,528. Approval of the amendment will increase MWA's total contract amount to \$75,328, plus the additional \$2,800 contingency amount for a total budget of \$78,128.

FISCAL IMPACT

The funds for the proposed amendment are available in the adopted Fiscal Year 2018-19 Capital Improvement Program Budget under C.O. No. 8087 Recycled Water System Project.

ALTERNATIVE(S)

1. Provide alternative direction to staff

ATTACHMENT(S)

1. Cost Proposal by Kennedy/Jenks Consultants

Kennedy/Jenks Consultants
Engineers & Scientists

2775 North Ventura Road, Suite 100
Oxnard, California 93036
805-973-5700
FAX: 805-973-1440

16 May 2018

Mr. Lance Eckhart
Principal Hydrogeologist
Mojave Water Agency
13846 Conference Center Drive
Apple Valley, CA 92307

Subject: Amendment to Contract for Mojave Area IRWMP Drought Round Implementation Grant Administration

Dear Mr. Eckhart:

As requested, Kennedy/Jenks Consultants (Kennedy/Jenks) is pleased to submit this proposal to continue Grant Administration Services in connection with the California Department of Water Resources (DWR) Proposition 84 Integrated Regional Water Management (IRWM) Drought Round Implementation Grant to Mojave Water Agency (MWA).

Kennedy/Jenks has been assisting MWA with administration of this grant since March 2015. At the time the original contract was executed it was expected that the grant and all associated projects would be completed by March 2018. As is the nature of construction projects, there have been delays and it has been necessary to extend the grant agreement. This is the current status of the three projects included in the grant:

- MWA CII Turf Removal. This project is basically done, the only work remaining is awaiting DWR payment of the retention invoice and archiving materials.
- Hi-Desert Water District Water Main Replacement. It is anticipated that project construction will be done in June 2018 and the project completion report, the retention invoice, and archiving materials to follow over the next 6 months. Kennedy/Jenks has a separate purchase order with Hi-Desert Water District for management of this project.
- Hesperia Reclaimed Water Distribution Project. This project has experienced significant delays and there is a pending amendment to the grant that will extend the grant through June 2020.

With the grant extended two and a half years, it is also necessary to extend grant administration activities; we propose using the same team that has handled grant administration in the past:

Meredith Clement is in the Kennedy/Jenks Ventura County office and will act as the Project Manager for Kennedy/Jenks. Meredith has been the Project Manager for the Kennedy/Jenks grant administration team for both the Ventura County and Santa Barbara County Proposition 50 and 84 Implementation grants.

Karen Miller, M2 Resource Consulting, Inc., will provide grant administration for the project. Karen's responsibilities will include reviewing materials submitted by the Local Project Sponsor, preparing written comments, tracking any DWR comments, logging and tracking grant deliverables related to the IRWMP Implementation Grant and submitting deliverables to DWR. Ms. Miller has provided on-going grant administration for Mojave Water Agency's current Proposition 84 grant.

Below is the scope of work, schedule and budget for the amendment to the contract.

Scope of Work

Task 1. Grant Kickoff

Task 1 is complete, no changes to scope or budget related to this task are proposed.

Task 2. Development of Web Tool

Task 2 is complete, no changes to scope or budget related to this task are proposed.

Task 3. DWR Drought Grant Project Management and QA/QC

Kennedy/Jenks will provide project management and communication to obtain MWA and Local Project Proponents input during the Drought Grant admin process. Other project management functions include coordination of Kennedy/Jenks staff, review of project status reports, preparation of monthly billings, and other project management duties such as quality assurance/quality control review on a technical and editorial basis.

Kennedy/Jenks will provide QA/QC of the grant admin documents prior to submitting to DWR to ensure that it meets our quality standards and maintains consistency with the grant agreement and guidelines.

Given the current grant project status – the following effort is anticipated:

- MWA CII Turf Removal. Task 3 performed for this project through June 2018.
- Hi-Desert Water District Water Main Replacement. Task 3 performed through December 2018 (Kennedy/Jenks has a separate purchase order with Hi-Desert Water District for management of this project).
- Hesperia Reclaimed Water Distribution Project. Task 3 performed for this project through June 2020.

3a. Project Management

Email communication with the MWA Project Director and the Local Project Proponents is planned to be the primary method of communication for the project. Email communication with the Local Project Proponents will be used to track overall project progress and solicit materials for grant administration.

3b. Project Files

The individual Local Project Proponents will be responsible for providing invoice and progress report input, and all other associated deliverables to the Kennedy/Jenks Team. Kennedy/Jenks will inform MWA when materials are not provided by the Local Project Proponents in a timely manner to ensure that grant requirements will be met within required timeframes.

Kennedy/Jenks will provide initial guidance on what items are due and applicable deadlines and will continue to provide regular communication about these items throughout the term of the grant agreement. On a quarterly basis, Kennedy/Jenks will compile all quarterly deliverables received from the Local Project Proponents.

3c. Responses to DWR

DWR comments on deliverables will be saved to the website and a copy emailed to the appropriate Local Project Proponent. The Deliverables Tracking Database will be revised to include a note about receipt of DWR comments.

3d. Other Assistance to MWA Project Director

This task is for providing up to 40 hours of support to the Project Director for topics not described in items 3a and 3b in years 4 through 6 of the grant agreement. Activities could include assisting with grant amendments, deviation requests, and site visit planning.

Task 3 Deliverables:

Tracking of deliverables to DWR via the Grant Website. Record of DWR comments on progress reports and reimbursement requests.

Task 4. Preparation of DWR Drought Grant Invoice Packages

This task describes the preparation and submittal of the quarterly invoices and quarterly progress reports (collectively known as the invoice package) and for project management during the course of invoice preparation. Quarterly invoice packages will be prepared and submitted starting in the first quarter of 2018 through the second quarter of 2020 (10 total invoice packages).

Preparation of the invoice package consists of several distinct steps:

1. Preparation of quarterly invoice and progress report templates for each Local Project Proponent and notice to the Local Project Proponents that the templates are ready to be populated.
2. Submittal of progress report and invoice materials by the Local Project Proponents via the Grant Website.
3. Review of the materials by Kennedy/Jenks and comments to the Local Project Proponents.

4. Corrections and revisions of invoice package materials by the Local Project Proponents.
5. Creation of the complete DRAFT invoice package.
6. Submittal of DRAFT invoice package to DWR.
7. Review and comment on the invoice package by DWR.
8. Compilation of DWR comments and coordination with Local Project Proponents to address DWR concerns.
9. Coordination with MWA on any significant issues raised by DWR during their review.
10. Correction to the invoice package, signature by MWA Project Director, and submittal of FINAL invoice package to DWR.

As described earlier, the Grant Website will provide the vehicle by which Local Project Proponents submit their invoice and progress report materials. Kennedy/Jenks will review the forms and back-up documentation submitted by the Local Project Proponents for completeness (e.g., were all line-items discussed, was all information for invoice and progress provided), and correctness (e.g., is the correct period being invoiced, is back-up documentation provided) for all invoices covering the three implementation projects. Review will be consistent with the terms described in Part 12 of the Grant Agreement (Method of Payment). Invoice review will be carried out following an Invoice Review Checklist.

The following assumptions are included in the budget for Task 4:

- Year 4 of grant (January 1, 2018 to December 31, 2018) – preparation of two invoice packages for all three projects; preparation of two invoice packages just covering the Hesperia Reclaimed Water Distribution Project.
- Year 5 of grant (January 1, 2019 to December 31, 2019) – preparation of four invoice packages for the Hesperia Reclaimed Water Distribution Project.
- Year 6 of grant (January 1, 2020 to June 30, 2020) – preparation of two invoice packages for the Hesperia Reclaimed Water Distribution Project.

Task 4 Deliverables:

- 10 Quarterly DRAFT invoice packages.
- List of DWR comments, organized by project, and revision made to DRAFT invoice package to address DWR concerns.
- 10 Quarterly FINAL invoice packages provided in hardcopy and electronic copy and provided on secure website.

Assumptions:

It is assumed that all reimbursement checks will be sent to MWA and that the MWA will have

the responsibility for distributing these funds to the Local Project Proponents. Kennedy/Jenks will receive quarterly updates on the receipts, deposits, and disbursements from the MWA.

Task 5. Project and Grant Completion Reports

5a. Preparation of Project Completion Report

Preparation of the Project Completion Report will be the responsibility of the Local Project Proponents. However, Kennedy/Jenks will include the Project Completion Reports in the deliverables tracking database and will prompt the Local Project Proponents to prepare the Project Completion Reports. In addition, Kennedy/Jenks will provide an annotated outline to guide preparation of this report. Kennedy/Jenks will provide information on dates invoice packages were submitted to the State and the amount of the invoice (including the amount for the particular project). The Document Library and past progress reports (available through the Grant Website) will greatly facilitate preparation of the Project Completion Reports.

5b. Preparation of Grant Completion Report

Within 30 calendar days of submitting the Project Completion Report for the final project funded under the grant, the Kennedy/Jenks Team will prepare a Grant Completion Report according to grant agreement Exhibit G. This report will be developed based on the Project Completion Reports prepared by Local Project Proponents. Kennedy/Jenks will compile and review these materials before providing them to the MWA for review. Kennedy/Jenks will make necessary revisions and will then submit the report to DWR. Responses to comments provided by DWR after submittal will be addressed in the same fashion as described for quarterly invoice packets.

5c. Post-Performance Report

Preparation of the Post-Performance Reports will be the responsibility of the Local Project Proponents. However, Kennedy/Jenks will provide an outline for these reports and example Post-Performance Reports (if made available by DWR).

Task 5 Deliverables:

- Annotated outline for Project Completion Reports.
- Grant Completion Report.

Schedule

The following schedule is proposed:

Task	Start	Finish
Notice to Proceed		complete
1. Grant Kickoff		complete
2. Development of Web Tool		complete
3. DWR Implementation Grant Project Management	3/31/2015	6/30/2020
4. Preparation of DWR Implementation Grant Invoice Packages	3/31/2015	4/30/2020
5. Project and Grant Completion Reports	9/15/2016	4/30/2020
Project Completion Reports	9/15/2016	4/30/2020
Grant Completion Report	1/1/2020	5/30/2020

Budget

A budget augmentation of \$28,800 is proposed for the work described in this letter.

We propose that this work be undertaken consistent with the terms and conditions specified within the existing MWA-Kennedy/Jenks Contract for Proposition 84 Drought Round Grant administration dated February 12, 2015.

We appreciate the opportunity to provide professional services to MWA and look forward to working with you on this important effort. Please contact Meredith Clement at 805-973-5718 if you have any questions.

If this proposal meets with your approval, please sign where noted below and return a copy to our office to serve as our authorization.

Mr. Lance Eckhart
Principal Hydrogeologist
Mojave Water Agency
16 May 2018
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Kennedy/Jenks Consultants

Very truly yours,
KENNEDY/JENKS CONSULTANTS, INC.



Ryan Huston P.E.
Principal Engineer

cc: Meredith Clement

AUTHORIZATION:

MOJAVE WATER AGENCY

By: _____
(Signature)

(Print Name)

Title: _____

Date: _____

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City of Hesperia STAFF REPORT



DATE: November 6, 2018

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Assistant City Manager
David Burkett, Project Construction Manager

SUBJECT: Rescind Award of Contract, Reject all Bids, and Re-bid Repaint City Hall Decorative Tube Steel

RECOMMENDED ACTION

It is recommended that the City Council rescind the award of a contract for the Repaint City Hall Decorative Tube Steel project to the lowest responsive/responsible bidder, Next Generation Painting, Inc., reject all bids received, and re-bid the project.

BACKGROUND

It has been approximately twelve years since Hesperia's City Hall completed construction. As a part of the design for the City Hall building, non-structural steel tubing was installed to enhance the exterior elevations of the building. The steel tubing was painted on site after installation and it appears that some of the work may have been substandard. There are various spots where the paint has begun to peel, most notably on the east side of City Hall near the main entrance. Unfortunately, the warranty period expired some time ago and it has become necessary to repaint the steel tubing before permanent damage to the underlying steel begins.

ISSUES/ANALYSIS

This project was advertised for bids beginning on August 16, 2018, and various contractors were notified about the project. Bids were received, opened, and publicly read on September 11, 2018.

After review of the submitted bids, staff had determined that Next Generation Painting, Inc. (NGP) was the lowest responsive/responsible bidder. Therefore, staff recommended that the City Council award a contract to NGP for the proposed work at its October 2, 2018 meeting.

Subsequent to the award of contract, staff prepared contract documents to be sent out to the contractor for signature. However, on October 3, 2018, NGP notified the City that they would not be signing the contract and refused to provide a reason. Staff was able to secure a cashier's check from NGP in the amount of \$4,700 (representing 10% of NGP's bid amount).

Under this circumstance, staff would normally return to Council for award of bid to the second lowest bidder, utilizing the \$4,700 to support the increase in costs between the lowest bidder and the second lowest bidder, but the second lowest bidder was deemed non-responsive by staff as they failed to provide the requisite original bid bond as specified in the Instructions to Bidders. In addition, the second lowest bidder began to make unreasonable demands on the City that were in conflict with the project's specifications.

The next logical step would be to award the contract to the third lowest bidder. However, that would represent an increase of \$26,900 (or a 57% increase) over the bid submitted by the lowest bidder. Since the second lowest bidder did not submit an original bid bond and the City is unable to file a claim against the non-existent bid bond, staff believes the additional costs to be unreasonable. Therefore, staff is recommending that the Council rescind the award of a contract to the lowest responsive/responsible bidder, reject all bids received, and direct staff to publicly re-bid the project.

FISCAL IMPACT

The Fiscal Year 2018-19 Budget includes \$30,000 for the Repaint City Hall Decorative Tube Steel.

ALTERNATIVE(S)

1. Provide alternative direction to staff

ATTACHMENT(S)

1. None