

**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: January 22, 2019
SPECIAL MEETING

Time: 5:30 P.M. (Closed Session)
6:30 P.M. (Regular Meeting)

CITY COUNCIL MEMBERS

Larry Bird, Mayor

William J. Holland, Mayor Pro Tem

Jeremiah Brosowske, Council Member

Cameron Gregg, Council Member

Rebekah Swanson, 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

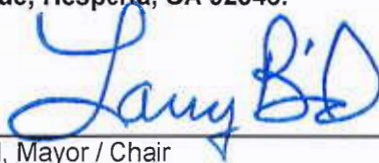
Documents produced by the City and distributed less than 72 hours prior to the meeting, regarding items on the agendas, will be made available in the City Clerk's Office located at 9700 Seventh Avenue during normal business hours.



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.

NOTICE AND CALL OF SPECIAL MEETING
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA FIRE PROTECTION DISTRICT
HESPERIA WATER DISTRICT

NOTICE IS HEREBY GIVEN that a special meeting of the Hesperia City Council, Successor Agency to the Redevelopment Agency, Hesperia Housing Authority, Hesperia Community Development Commission, Hesperia Fire Protection District, and Hesperia Water District will be held on Tuesday, January 22, 2019, at 6:30 p.m. in the City Council Chambers, at 9700 Seventh Avenue, Hesperia, CA 92345.



Larry Bird, Mayor / Chair

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**SPECIAL 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.

CLOSED SESSION - 5:30 PM

Roll Call

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

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

1. Negotiating Parties: Lewis Acquisitions Company, LLC and City of Hesperia
Location: APN: 3039-441-20
Under Negotiation: Price and Terms
2. Negotiating Parties: Bill Jensen and City of Hesperia
Location: Golf Course 17970 Bangor Ave (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 - 6:30 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

Mayor Larry Bird
Mayor Pro Tem William J. Holland
Council Member Jeremiah Brosowske
Council Member Cameron Gregg
Council Member Rebekah Swanson

D. Agenda Revisions and Announcements by City Clerk**E. Closed Session Reports by City Attorney****ANNOUNCEMENTS/PRESENTATIONS**

1. Recognition of former Advisory Committee and Planning Commission Members by the City Council
2. 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.

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.

JOINT CONSENT CALENDAR

1. Page 7 Consideration of the Draft Minutes from the Special Meeting held Tuesday, January 8, 2019

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Special Meeting held Tuesday, January 8, 2019.

Staff Person: City Clerk Melinda Sayre

Attachments: [Draft CC Min 2019-01-08](#)

2. Page 13 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 1-22-2019](#)
[Attachment 1 - Warrant Runs](#)

3. Page 15 Treasurer's Cash Report for the unaudited period ended November 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.

Staff Person: Director of Finance Casey Brooksher

Attachments: [SR Treasurer's Cash Report 1-22-2019](#)
[Attachment 1 - Investment Reports](#)

PUBLIC HEARINGS

Individuals wishing to comment on public hearing items must submit a speaker slip to the City Clerk with the numbered agenda item noted. Speaker slips should be turned in prior to an agenda item being taken up. Comments will be limited to five minutes for Public Hearing items.

WAIVE READING OF ORDINANCES

Approve the reading by title of all ordinances and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

PUBLIC HEARING

4. Page 25 Development Code Amendment DCA18-00003 & Title 8 amendment pertaining to Minor Exceptions regarding fence heights, and approved fencing materials; Applicant: City of Hesperia; Area affected: City-wide

Recommended Action:

It is recommended that the City Council introduce and place on first reading Ordinance No. 2019-01 amending the Hesperia Municipal Code, Chapter 16.12 related to fence height exceptions, amending Chapter 16.20 and Chapter 8.32 relating to fencing material and fencing maintenance regulations.

Staff Person: Acting Principal Planner Chris Borchert

Attachments: [SR Development Code Amendment DCA18-00003 1-22-2019](#)
[Ordinance 2019-01](#)
[Attachment 2 - Exhibit "A"](#)

5. Page 35 Consideration of Development Code Amendment DCA18-00002 amending the regulations pertaining to personal storage in Title 16 (Applicant: Topaz Ranchero, LLC; Area affected: City-wide)

Recommended Action:

It is recommended that the City Council introduce and place on first reading Ordinance No. 2019-03 amending the regulations pertaining to personal storage in Title 16.

Staff Person: Senior Planner Daniel Alcayaga

Attachments: [SR Development Code Amendment DCA18-00002 1-22-2019](#)
[Ordinance 2019-03](#)
[Attachment 2 - Exhibit "A"](#)

6. Page 47 Consideration of Specific Plan Amendment SPLA18-00003 to allow vehicle fuel stations and ancillary vehicle wash facilities within the Pedestrian Commercial zone of the Main Street and Freeway Corridor Specific Plan (Area City Wide; Applicant: City of Hesperia)

Recommended Action:

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2019-02 approving Specific Plan Amendment SPLA18-00003

Staff Person: Senior Planner Ryan Leonard

Attachments: [SR Specific Plan Amendment SPLA18-00003 1-22-2019](#)
[Attachment 1 - Aerial of the Pedestrian Commercial Zone](#)
[Ordinance 2019-02](#)
[Attachment 3 - Exhibit "A"](#)

NEW BUSINESS

7. Page 55 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

Attachments: [SR Consideration of Parliamentary Procedures 1-22-2019](#)
[Attachment 1 - Robert's Rules of Order](#)
[Attachment 2 - Rosenberg's Rules of Order](#)

8. Page 73 Reconsideration of Development Review Committee Composition

Recommended Action:

It is recommended that the City Council give Staff direction regarding the composition of the Development Review Committee.

Staff Person: Assistant City Manager Michael Blay and Acting Principal Planner Chris Borchert

Attachments: [SR Development Review Committee Composition 1-22-2019](#)

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 Thursday, January 17, 2019 at 5:30 p.m. pursuant to California Government Code §54954.2.

*Melinda Sayre,
City Clerk*

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding items on the agenda will be made available in the City Clerk's Office during normal business hours.

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City of Hesperia

Meeting Minutes - Draft

City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, January 8, 2019

6:30 PM

**SPECIAL 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**

CLOSED SESSION - 5:30 PM

Roll Call

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

Conference with Legal Counsel - Potential Litigation:
Government Code Section 54956.9(d)2

1. One (1) case

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

1. Negotiating Parties: Hesperia Community Development Commission, City of Hesperia, and Interstate Waste Technologies.

Location: APN's: 0410-061-01 thru 04, 06, 07 and 0410-071-06,07, 25 and 26

Under Negotiation: Price and Terms

2. Negotiating Parties: J.C. Property Investments, LLC (Southland Pipe Company), City of Hesperia, and Hesperia Community Development Commission

Location: APN: 0410-031-03

Under Negotiation: Price and Terms

CALL TO ORDER - 6:30 PM

A. Invocation by Travis Biglow of Victory Empowerment Center Church

B. Pledge of Allegiance to the Flag

C. Roll Call

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

D. Agenda Revisions and Announcements by City Clerk - None

E. Closed Session Reports by City Attorney - No reportable action taken, direction given to staff.

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation of Proclamation to the Children's Network and Mentoring Task Force for National Mentoring Month
2. Presentation of Certificate of Recognition to Mike Limbaugh former Board Member of the Hesperia Recreation and Park District
3. Community Events Calendar - *Military Banner Program to recognize active duty service members from Hesperia. Program details are available on the City website; Christmas Tree recycling is available for Hesperia residents through Advance Disposal all month; the next City Council Meeting is scheduled for Tuesday, January 22 at 6:30pm.*

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

Bob Nelson commented on free speech.

JOINT CONSENT CALENDAR

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

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

Nay: 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, December 18, 2018

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, December 18, 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. CivicPlus SSL Security Certificate

Recommended Action:

It is recommended that the City Council increase the Council Authority with CivicPlus by \$500, for a revised not to exceed amount of \$62,100. This increase will allow for the payment of SSL certificate updates which CivicPlus has made to the City's website.

Sponsors: Environmental Programs Coordinator Dan Sousa

4. Audited Hesperia Housing Authority Financial Statements for Fiscal Year Ended June 30, 2018 and Housing Successor SB 341 Report

Recommended Action:

It is recommended that the City Council and the Hesperia Housing Authority (HHA) Board receive and file the audited Hesperia Housing Authority - Component Unit Financial Statements for the Fiscal Year Ended June 30, 2018 and Housing Successor SB 341 Report.

Sponsors: Director of Finance Casey Brooksher

5. Parcel Map 19965

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2019-001 approving Parcel Map No. 19965 to create two parcels from 2.7 gross acres within the Limited Agriculture (A1) zone located on the south side of Poplar Street 250 feet east of Cottonwood Avenue (Applicant: Luis Fragoso; APN: 0409-052-05).

Sponsors: Assistant City Manager Michael Blay

NEW BUSINESS

6. City Council Appointments to Outside Agencies

Recommended Action:

It is recommended that the City Council follow past practice and appoint liaisons (both primary and alternate) to various outside agencies for a one-year period to commence in January 2019.

Sponsors: City Clerk Melinda Sayre

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

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

Nay: 0

(see table on next page)

Agency/Commission/Committee Name	Primary Rep.	Alternate Rep.
League of California Cities(LOCC)	Cameron Gregg	Bill Holland
LOCC Inland Empire & Desert Mountain Divisions	Cameron Gregg	Bill Holland
Mojave Desert Air Quality Management District (MDAQMD)	Rebekah Swanson	Cameron Gregg
San Bernardino County Transportation Authority (SBCTA) (formerly SANBAG) Board of Commissioners & Subcommittee – Mountain/Desert Measure I	Bill Holland	Rebekah Swanson
San Bernardino County Solid Waste Task Force	Julie Ryan (staff appointment)	Jeremiah Brosowske
Victor Valley Economic Development Authority (VVEDA)	Rebekah Swanson	Jeremiah Brosowske
Victor Valley Transit Authority (VVTA)	Larry Bird	Rebekah Swanson
Victor Valley Wastewater Reclamation Authority (VWVRA)	Larry Bird	Bill Holland
Hesperia Chamber of Commerce Liaison (no compensation, non-voting liaison)	Larry Bird	
Hesperia Chamber of Commerce 2034 Committee	Cameron Gregg	Rachel Molina (Staff appointment)
Tri Agency Committee (no compensation)	Cameron Gregg	Rebekah Swanson
City Council Advisory Committee - (no compensation)	Jeremiah Brosowske	Rebekah Swanson
Public Safety Advisory Committee (no compensation)	Cameron Gregg	Jeremiah Brosowske
Development Review Committee (liaisons)	No appointments made	

7. City Council Appointments to Advisory Committees and Planning Commission

Recommended Action:

It is recommended that newly elected and re-elected City Council Members appoint one (1) community representative to fill vacant seats on the City Council Advisory Committee, Public Safety Advisory Committee and Planning Commission to commence on January 11, 2019.

Sponsors: City Clerk Melinda Sayre

Mayor Pro Tem Holland appointed Cody Leis to the Planning Commission, Bob Stine to the City Council Advisory Committee, and Kelly Gregg to the Public Safety Advisory Committee.

Council Member Gregg appointed James Blocker to the Planning Commission, Brigit Bennington to the City Council Advisory Committee, and Shawna Luptin to the Public Safety Advisory Committee.

Council Member Brosowske appointed Kerrie Justice to the Planning Commission, Mark Kirk to the City Council Advisory Committee, and Anthony Rhoades to Public Safety Advisory Committee.

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Swanson commented on the Public Safety Advisory Committee, requesting that the following items be reviewed at a future meeting: residents running stop signs, the aqueduct, traffic patterns, survey of resident concerns, school district bussing and bus stops and crime statistics review. Council Member Swanson also requested that an item for review to feature shelter animals at council meetings and visits to Veterans homes

be agendized.

Council Member Brosowske commented on new Chairman of Board of Supervisors Curt Hagman, newly elected District Attorney Jason Anderson, newly elected Auditor- Controller Ensen Mason.

Council Member Gregg encouraged strong sense of community and commented on showcasing shelter animals and local businesses.

Mayor Pro Tem Holland commented on recent dog adopted at the City's animal shelter, requested an item for a clemency program for the first time unleashed dog citations and District 2 outreach goals.

Mayor Bird commented on student safety at schools, and grant recently obtained by the City for traffic signals at Timberlane at Sultana and Main. Commented on need for additional light for 7th and Ranchero, attendance at VVWRA meeting, West Villas grand opening and announced that volunteers for the Sultana Talent show were needed.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

Council Member Swanson closed the meeting at 8:00 p.m. in honor of her father's 91st birthday.

*Melinda Sayre,
City Clerk*

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City of Hesperia STAFF REPORT



DATE: January 22, 2019

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 December 8, 2018 through December 28, 2018.

<u>Agency/District</u>	<u>Accounts Payable</u>	<u>Payroll</u>	<u>Wires</u>	<u>Totals</u>
City of Hesperia	\$2,341,124.01	\$488,394.06	\$0.00	\$2,829,518.07
Successor Agency	0.00	0.00	0.00	0.00
Housing Authority	8,146.54	4,083.89	0.00	12,230.43
Community Development Commission	10,300.30	7,849.30	0.00	18,149.60
Fire	616.00	0.00	0.00	616.00
Water	1,211,803.99	196,791.05	0.00	1,408,595.04
Totals	\$3,571,990.84	\$697,118.30	\$0.00	\$4,269,109.14

ATTACHMENT(S)

1. Warrant Runs

City of Hesperia
WARRANT RUNS
12/08/2018 - 12/28/2018

		W/E		W/E		W/E		WARRANT		YEAR-TO		PRIOR FY YTD	
FUND #	FUND NAME	12/14/2018	12/21/2018	12/28/2018	TOTALS	Wires	DATE	TOTALS *	DATE	TOTALS			
Accounts Payable													
100	GENERAL	\$ 78,341.68	\$ 1,447,620.82	\$ -	\$ 1,525,962.50	\$ -	\$	10,929,921.97	\$	11,521,229.08			
204	MEASURE I - RENEWAL	\$ -	\$ 39.00	\$ -	\$ 39.00	\$ -	\$	260,011.40	\$	771,878.38			
205	GAS TAX	\$ -	\$ -	\$ -	\$ -	\$ -	\$	4,795.00	\$	127,818.54			
207	LOCAL TRANSPORT-SB 325	\$ 54,330.32	\$ -	\$ -	\$ 54,330.32	\$ -	\$	201,251.43	\$	22,834.36			
209	GAS TAX-RMRA	\$ -	\$ -	\$ -	\$ -	\$ -	\$	24,895.99	\$	-			
251	CDBG	\$ -	\$ 2,654.00	\$ -	\$ 2,654.00	\$ -	\$	141,522.57	\$	195,743.86			
254	AB2766 - TRANSIT	\$ -	\$ -	\$ -	\$ -	\$ -	\$	27,600.00	\$	30,000.00			
256	ENVIRONMENTAL PROGRAMS GRANT	\$ 54.39	\$ 336.90	\$ -	\$ 391.29	\$ -	\$	16,987.02	\$	16,097.90			
257	NEIGHBORHOOD STABILIZATION PROG	\$ 33.91	\$ 659.59	\$ -	\$ 693.50	\$ -	\$	21,839.27	\$	8,488.07			
260	DISASTER PREPARED GRANT	\$ -	\$ -	\$ -	\$ -	\$ -	\$	6,939.95	\$	3,833.29			
263	STREETS MAINTENANCE	\$ 10,042.29	\$ 40,680.58	\$ -	\$ 50,722.87	\$ -	\$	1,158,276.15	\$	1,046,997.17			
300	DEV. IMPACT FEES - STREET	\$ -	\$ -	\$ -	\$ -	\$ -	\$	138,699.70	\$	618,319.15			
301	DEV. IMPACT FEES - STORM DRAIN	\$ -	\$ -	\$ -	\$ -	\$ -	\$	20,827.50	\$	8,000.00			
402	WATER RIGHTS ACQUISITION	\$ -	\$ -	\$ -	\$ -	\$ -	\$	1,028,329.10	\$	1,023,886.10			
403	2013 REFUNDING LEASE REV BONDS	\$ 2,225.00	\$ -	\$ -	\$ 2,225.00	\$ -	\$	559,827.92	\$	537,593.63			
504	CITY WIDE STREETS - CIP	\$ -	\$ -	\$ -	\$ -	\$ -	\$	22,567.23	\$	-			
509	CITY FACILITIES CIP	\$ 123,591.10	\$ -	\$ -	\$ 123,591.10	\$ -	\$	212,339.73	\$	-			
800	EMPLOYEE BENEFITS	\$ 126,912.95	\$ 336,597.60	26,730.18	\$ 490,240.73	\$ -	\$	3,710,251.89	\$	3,398,254.59			
801	TRUST/AGENCY	\$ 78,752.10	\$ 11,521.60	\$ -	\$ 90,273.70	\$ -	\$	922,579.39	\$	1,831,133.26			
802	AD 91-1 AGENCY	\$ -	\$ -	\$ -	\$ -	\$ -	\$	367.50	\$	951.50			
804	TRUST-INTEREST BEARING	\$ -	\$ -	\$ -	\$ -	\$ -	\$	67.50	\$	40,276.59			
807	CFD 2005-1	\$ -	\$ -	\$ -	\$ -	\$ -	\$	808,940.54	\$	791,216.61			
CITY		\$ 474,283.74	\$ 1,840,110.09	\$ 26,730.18	\$ 2,341,124.01	\$ -	\$	20,218,838.75	\$	21,994,552.08			
200	HESPERIA FIRE DISTRICT	\$ 253.50	\$ 362.50	\$ -	\$ 616.00	\$ -	\$	348,815.74	\$	5,158,936.09			
502	FIRE STATION BUILDING	\$ -	\$ -	\$ -	\$ -	\$ -	\$	6,790,888.41	\$	295,806.66			
FIRE		\$ 253.50	\$ 362.50	\$ -	\$ 616.00	\$ -	\$	7,139,704.15	\$	5,454,742.75			
160	REDEVELOP OBLIG RETIREMENT - PA1	\$ -	\$ -	\$ -	\$ -	\$ -	\$	5,306,154.96	\$	5,254,836.13			
161	REDEVELOP OBLIG RETIREMENT - PA2	\$ -	\$ -	\$ -	\$ -	\$ -	\$	426,569.15	\$	425,241.63			
162	REDEVELOP OBLIG RETIREMENT-HOUSING	\$ -	\$ -	\$ -	\$ -	\$ -	\$	2,476,736.59	\$	2,461,078.63			
173	SUCCESSOR AGENCY ADMINISTRATION	\$ -	\$ -	\$ -	\$ -	\$ -	\$	4,005.00	\$	-			
SUCCESSOR AGENCY		\$ -	\$ -	\$ -	\$ -	\$ -	\$	8,213,465.70	\$	8,141,156.39			
370	HOUSING AUTHORITY	\$ 6,200.20	\$ 1,946.34	\$ -	\$ 8,146.54	\$ -	\$	94,245.10	\$	41,336.48			
HOUSING AUTHORITY		\$ 6,200.20	\$ 1,946.34	\$ -	\$ 8,146.54	\$ -	\$	94,245.10	\$	41,336.48			
170	COMMUNITY DEVELOPMENT COMMISSION	\$ 2,713.09	\$ 7,587.21	\$ -	\$ 10,300.30	\$ -	\$	151,695.17	\$	173,523.51			
COMMUNITY DEVELOPMENT COMMISSION		\$ 2,713.09	\$ 7,587.21	\$ -	\$ 10,300.30	\$ -	\$	151,695.17	\$	173,523.51			
700	WATER OPERATING	\$ 36,104.67	\$ 65,330.23	\$ -	\$ 101,434.90	\$ -	\$	4,424,360.85	\$	5,326,824.79			
701	WATER CAPITAL	\$ -	\$ 686,845.06	\$ -	\$ 686,845.06	\$ -	\$	3,798,590.15	\$	152,006.34			
710	SEWER OPERATING	\$ 201,165.19	\$ 222,358.84	\$ -	\$ 423,524.03	\$ -	\$	2,025,960.46	\$	557,688.65			
711	SEWER CAPITAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$	64,510.70	\$	-			
WATER		\$ 237,269.86	\$ 974,534.13	\$ -	\$ 1,211,803.99	\$ -	\$	10,313,422.16	\$	6,036,519.78			
ACCOUNTS PAYABLE TOTAL		\$ 720,720.39	\$ 2,824,540.27	\$ 26,730.18	\$ 3,571,990.84	\$ -	\$	46,131,371.03	\$	41,841,830.99			
REG. PAYROLL													
	City	\$ 238,424.43	\$ -	\$ 249,969.63	\$ 488,394.06	\$ -	\$	3,103,975.09	\$	2,951,730.61			
	Housing Authority	\$ 2,026.02	\$ -	\$ 2,057.87	\$ 4,083.89	\$ -	\$	28,722.55	\$	51,204.87			
	Community Development Commission	\$ 3,895.10	\$ -	\$ 3,954.20	\$ 7,849.30	\$ -	\$	54,262.98	\$	85,379.58			
	Water	\$ 98,880.94	\$ -	\$ 97,910.11	\$ 196,791.05	\$ -	\$	1,280,409.31	\$	1,269,847.22			
PAYROLL TOTAL		\$ 343,226.49	\$ -	\$ 353,891.81	\$ 697,118.30	\$ -	\$	4,467,369.93	\$	4,358,162.28			

* 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: January 22, 2019

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
Robert Worby, Financial Analyst

SUBJECT: Treasurer's Cash Report for the unaudited period ended November 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.

BACKGROUND

This report is presented to the City Council pursuant to Government Code Section 53646 (b) setting forth the City's investment portfolio.

ISSUES/ANALYSIS

The Treasurer's Cash Reports are presented on the following pages for each agency.

FISCAL IMPACT

These reports reflect unaudited cash balances as of November 30, 2018.

ALTERNATIVE(S)

Provide alternative direction to staff.

ATTACHMENT(S)

1. City of Hesperia Investment Report
2. Successor Agency to the Hesperia Community Redevelopment Agency Investment Report
3. Hesperia Housing Authority Investment Report
4. Community Development Commission Investment Report
5. Hesperia Fire Protection District Investment Report
6. Hesperia Water District Investment Report

CITY OF HESPERIA

<u>FUND</u>	<u>VALUE</u>
General Fund (100 & 800)	\$ 1,446,238.08
AB27666 - Transit (254)	23,164.67
AB3229 Supplemental Law (255)	100,715.08
AD No. 91-1 (802)	358,446.20
Beverage Recycling Grant (256)	128,724.35
CFD 2005-1 (807)	598,527.33
City Wide-Capital Projects (504)	(13,675.73)
City Facilities CIP (509)	537,279.93
Community Dev Block Grant (251, 252, & 253)	548,524.91
Development Impact Fund (300-304)	10,982,230.90
Development Impact Fund 2018 (306-312)	185,489.92
Disaster (260)	45,157.91
Gas Tax Fund (205)	218,906.00
Gas Tax - RMRA (209)	495,801.83
Gas Tax Swap (206)	(9,210.87)
Local Transportation SB325 (207)	1,767,594.27
Measure I - Renewal (204)	3,681,015.93
Neighborhood Stabilization Prog (257)	2,189,433.29
Public Works Street Maint (263)	323,401.17
Trust Fund (801, 803-806, & 815)	1,680,411.19
2012 Water Rights Acquisition (402)	(1,012,804.82)
2013 Refunding Lease Rev Bonds (403)	(172,837.36)
TOTAL CITY FUNDS	<u><u>\$ 24,102,534.18</u></u>

SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

<u>FUND</u>	<u>VALUE</u>
Redevelop Oblig Retirement - (160, 161, & 162)	<u><u>\$ 819,077.68</u></u>

HESPERIA HOUSING AUTHORITY

<u>FUND</u>	<u>VALUE</u>
Hesperia Housing Authority Fund (370)	\$ 3,183,510.70
WEDA Housing Authority (371)	1,748,896.76
TOTAL HOUSING AUTHORITY FUNDS	<u>\$ 4,932,407.46</u>

COMMUNITY DEVELOPMENT COMMISSION

<u>FUND</u>	<u>VALUE</u>
Community Development Commission Fund (170)	<u>\$ (674,369.45)</u>

FIRE

<u>FUND</u>	<u>VALUE</u>
Fire District Fund (200)	\$ 259,767.46
TOTAL FIRE FUNDS	<u>\$ 259,767.46</u>

WATER

<u>FUND</u>	<u>VALUE</u>
Water Operating (700)	\$ 6,251,747.52
Water Capital (701)	(13,455,399.52)
Sewer Operating (710)	12,745,257.60
Sewer Capital (711)	4,116,178.36
TOTAL WATER FUNDS	<u>\$ 9,657,783.96</u>

City of Hesperia
Investment Report
Unaudited
November 30, 2018

ATTACHMENT 1

<u>Type of Investment</u>	<u>Institution/ Fiscal Agent</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>	<u>Account Description</u>
Investments under the direction of the City:								
Local Agency Investment Funds	State of Calif.	2.208%	30-Nov-18	Demand	\$ 17,757,697.55	17,757,697.55	17,757,697.55	
Money Market	Bank of the West	1.510%	30-Nov-18	Demand	4,640,661.25	4,640,661.25	4,640,661.25	
Citizens Business Bank Checking	Citizens Bus Bank	n/a	30-Nov-18	Demand	1,704,175.38	1,704,175.38	1,704,175.38	
Total Unaudited Investments under the direction of the City					\$ 24,102,534.18	\$ 24,102,534.18	\$ 24,102,534.18	


Investments under the direction of fiscal agents:

2012 Lease Revenue Bonds	Union	2.150%	30-Nov-18	Demand	336.53	336.53	336.53	2012 - Water Rights Revenue Fund
2012 Lease Revenue Bonds	Union	2.140%	30-Nov-18	Demand	1,459,179.81	1,459,179.81	1,459,179.81	2012 - Water Rights Reserve Fund
2013 Refunding Lease Revenue Bonds	Union	2.140%	30-Nov-18	Demand	496.85	496.85	496.85	2005 Civic Plaza - Revenue Fund
2013 Refunding Lease Revenue Bonds	Union	2.140%	30-Nov-18	Demand	1,155,330.75	1,155,330.75	1,155,330.75	2005 Civic Plaza - Reserve Fund
2014 CFD 2005-1 Refunding	Union	2.150%	30-Nov-18	Demand	206.01	206.01	206.01	2014 CFD 05-1 - Special Tax Fund
2014 CFD 2005-1 Refunding	Union	2.140%	30-Nov-18	Demand	124.64	124.64	124.64	2014 CFD 05-1 - Bond Fund
2014 CFD 2005-1 Refunding	Union	2.140%	30-Nov-18	Demand	1,437,322.73	1,437,322.73	1,437,322.73	2014 CFD 05-1 - Reserve Fund
2014 CFD 2005-1 Refunding	Union	2.140%	30-Nov-18	Demand	23,232.49	23,232.49	23,232.49	2014 CFD 05-1 Administrative Expense Bonds
Deposits - Workers' Comp	PERMA	n/a	30-Nov-18	n/a	1,009,986.43	1,009,986.43	1,009,986.43	GL 1352
Total Unaudited Investments under the direction of fiscal agents					\$ 5,086,216.24	5,086,216.24	5,086,216.24	

Please Note: All market value data is provided courtesy of the City's fiscal agents,
Union Bank of California & Bank of New York (BNY) Trust Company.

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.

* Note: 2005 Certificates of Participation began in May 2005 for the financing of the Civic Plaza.


Virginia Villasenor, Senior Accountant

Investment Report

Unaudited

November 30, 2018

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>	<u>Account Description</u>
Investments under the direction of the City:								
Local Agency Investment Funds	State of Calif.	2.208%	30-Nov-18	Demand	\$ 616,030.63	\$ 616,030.63	616,030.63	
Money Market	Bank of the West	1.510%	30-Nov-18	Demand	157,703.83	157,703.83	157,703.83	
Citizens Business Bank Checking	Citizens Bus Bank	n/a	30-Nov-18	Demand	45,343.22	45,343.22	45,343.22	
Total Unaudited Investments under the direction of the City					\$ 819,077.68	\$ 819,077.68	\$ 819,077.68	

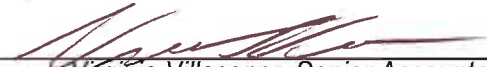
Investments under the direction of fiscal agents:

2018 Refunding Bonds	Union	2.120%	30-Nov-18	Demand	21,969.74	21,969.74	21,969.74	2018A & 2018B - Debt Service Account
2018 Refunding Bonds	Union	2.110%	30-Nov-18	Demand	57.31	57.31	57.31	2018A & 2018B - Interest Account
2018 Refunding Bonds	Union	0.000%	30-Nov-18	Demand	1.00	1.00	1.00	2018A & 2018B - Reserve Account
2018 Refunding Bonds	Union	2.120%	30-Nov-18	Demand	3,647.71	3,647.71	3,647.71	2018A - Cost of Issuance Account
2018 Refunding Bonds	Union	2.120%	30-Nov-18	Demand	11,034.38	11,034.38	11,034.38	2018B - Cost of Issuance Account
2018 Refunding Bonds	Union	2.100%	30-Nov-18	Demand	4,608,318.28	4,607,289.69	4,608,318.28	2018A & 2018B - Escrow Account
Total Unaudited Investments under the direction of fiscal agents					\$ 4,645,028.42	\$ 4,643,999.83	\$ 4,645,028.42	

Please Note: All market value data is provided courtesy of the City's fiscal agent
Union Bank of California.

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.

* Note: The 2005 and 2007 Series Bonds were refinanced to 2018 Series Bonds in November 2018.


Virginia Villasenor, Senior Accountant

Hesperia Housing Authority

ATTACHMENT 3

Investment Report

Unaudited

November 30, 2018

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>
Investments under the direction of the City:							
Local Agency Investment Funds	State of California	2.208%	30-Nov-18	Demand	\$ 3,633,983.02	3,633,983.02	3,633,983.02
Money Market	Bank of the West	1.510%	30-Nov-18	Demand	949,677.41	949,677.41	949,677.41
Citizens Business Bank Checking	Citizens Business Bank	n/a	30-Nov-18	Demand	348,747.03	348,747.03	348,747.03
Total Unaudited Investments under the direction of the City					\$ 4,932,407.46	\$ 4,932,407.46	\$ 4,932,407.46

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.


Virginia Villasenor, Senior Accountant

Investment Report

Unaudited

November 30, 2018

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>
Investments under the direction of the City:							
Local Agency Investment Funds	State of California	2.208%	30-Nov-18	Demand	\$ (496,846.04)	(496,846.04)	(496,846.04)
Money Market	Bank of the West	1.510%	30-Nov-18	Demand	(129,841.96)	(129,841.96)	(129,841.96)
Citizens Business Bank Checking	Citizens Business Bank	n/a	30-Nov-18	Demand	(47,681.45)	(47,681.45)	(47,681.45)
Total Unaudited Investments under the direction of the City					\$ (674,369.45)	\$ (674,369.45)	\$ (674,369.45)

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.


Virginia Villasenor, Senior Accountant

Hesperia Fire District
Investment Report
Unaudited
November 30, 2018

ATTACHMENT 5

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>
Investments under the direction of the City:							
Local Agency Investment Funds	State of California	2.208%	30-Nov-18	Demand	\$ 191,385.35	191,385.35	191,385.35
Money Market	Bank of the West	1.510%	30-Nov-18	Demand	50,015.19	50,015.19	50,015.19
Citizens Business Bank Checking	Citizens Business Bank	n/a	30-Nov-18	Demand	18,366.92	18,366.92	18,366.92
Total Unaudited Investments under the direction of the City					\$ 259,767.46	\$ 259,767.46	\$ 259,767.46

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.


 Virginia Villasenor, Senior Accountant

Hesperia Water District
Investment Report
Unaudited
November 30, 2018

ATTACHMENT 6

<u>Type of Investment</u>	<u>Issuer/ Institution</u>	<u>Interest Rate</u>	<u>Date of Purchase</u>	<u>Date of Maturity</u>	<u>Par Value at Maturity</u>	<u>Book Value</u>	<u>Market Value</u>	<u>Account Description</u>
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Investments under the direction of the City:

Local Agency Investment Funds	State of California	2.208%	30-Nov-18	Demand	\$ 7,115,434.64	7,115,434.64	7,115,434.64	
Money Market	Bank of the West	1.510%	30-Nov-18	Demand	1,859,493.42	1,859,493.42	1,859,493.42	
Citizens Business Bank Checking	Citizens Business Bank	n/a	30-Nov-18	Demand	682,855.90	682,855.90	682,855.90	
Total Unaudited Investments under the direction of the City					\$ 9,657,783.96	\$ 9,657,783.96	\$ 9,657,783.96	

Investments under the direction of fiscal agents:

First American Treas - Money Market	US Bank	0.000%	30-Nov-18	Demand	8,977.74	8,977.74	8,977.74	98 A - 95453340
First American Treas - Money Market	US Bank	0.000%	30-Nov-18	Demand	31.48	32.48	31.48	98 A - 95453341
First American Treas - Money Market	US Bank	0.000%	30-Nov-18	Demand	2.74	2.74	2.74	98 A - 95453346
98 A & B Dep w/Trustee - Collateral	Bank of America	n/a	30-Nov-18	Demand	1,880,000.00	1,880,000.00	1,880,000.00	GL 1319
Deposits - Workers' Comp	PERMA	n/a	30-Nov-18	n/a	531,769.34	531,769.34	531,769.34	GL 1352
Deposits w/Other Agencies	Various	n/a	30-Nov-18	n/a	0.00	0.00	0.00	GL 1350
Total Unaudited Investments under the direction of fiscal agents					\$ 2,420,781.30	\$ 2,420,782.30	\$ 2,420,781.30	

**Please Note: All market value data is provided courtesy of the City's fiscal agents
Bank of New York (BNY) Trust Company and US Bank.**

I certify that this investment portfolio is in compliance with the statement of investment policy of the City of Hesperia and the investment program provides sufficient liquidity to meet expenditure requirements for the next six months, as required by the California Government Code sections 53646(b)(2) and (3), respectively.


Virginia Villasenor, Senior Accountant

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City of Hesperia STAFF REPORT



DATE: January 22, 2019
TO: City Council
FROM: Mike Blay, Assistant City Manager
BY: Chris Borchert, Acting Principal Planner
SUBJECT: Development Code Amendment DCA18-00003 & Title 8 amendment pertaining to Minor Exceptions regarding fence heights, and approved fencing materials; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

It is recommended that the City Council introduce and place on first reading Ordinance No. 2019-01 amending the Hesperia Municipal Code, Chapter 16.12 related to fence height exceptions, amending Chapter 16.20 and Chapter 8.32 relating to fencing material and fencing maintenance regulations.

BACKGROUND

The proposed amendments to the Variances and Minor Exceptions section, the Projections Into Yards section, and Title 8 Property Maintenance section of the City of Hesperia Municipal Code are intended to 1) help residents deal with privacy and screening issues; 2) help residents understand what materials are appropriate to use for fencing; and 3) help Code Enforcement when they need to pursue a fencing violation.

On November 8, 2018, the Planning Commission unanimously (5-0) forwarded this item to the City Council with a recommendation for approval. The Commission's only concern was that the "Animal Enclosures" section be expanded to state that the prohibited fence materials are also prohibited from use on an animal enclosure. Staff has added that line to the end of the paragraph. There were no comments received during the public comment period or public hearing.

ISSUES/ANALYSIS

16.12 - Minor Exceptions for Fence Height

The current Minor Exception language only allows 20% of the total length of the fence to exceed the maximum height, which can result in only a portion of a fence being allowed which does not completely resolve the issue. The proposed amendment would remove the 20% maximum and allow the reviewing body (DRC) to approve the additional height where it is needed to resolve the issue. The majority of requests to exceed the fence height are for residential properties. The current maximum height allowed is 6 feet, and exception requests are typically for the two foot maximum, resulting in a fence height of 8 feet.

Current Code: The following section is from 16.12.220 (B)(1) Minor Exceptions and is allowed through the Development Review Committee with a hearing and the findings contained within the section.

1. Fence Height. In any zone, the maximum height of any fence, wall, hedge or equivalent screening may be increased by a maximum of two feet, for not more than twenty (20) percent of the total length of said wall or other screening, where the topography of sloping sites or a difference in grade between abutting sites warrants such increase in height to maintain a level of privacy, or to maintain effectiveness of screening, provided that the increased height does not encroach into the clear sight triangle area. The requirement for an exception may be waived where the requesting party is located on the low side of said wall or other screening, and the proposal does not present visual impacts to area larger than the properties directly involved in the request.

Technically, if your rear property line is 80 feet, only 16 feet can be approved to exceed the maximum height, however, staff has taken a more liberal view of the "total length", which allows accounting for the entire length of fence on the property, thereby using the sides also, and potentially the front as well. If the sides are 100 feet long, the total would equal 360 feet, which would then allow 72 feet of the rear wall to exceed the height, still not enough to complete the 80 foot rear property line.

Proposed Code: The following proposal would remove the 20% maximum, allowing the applicant to propose the amount they think is appropriate. A planner would then visit the property and determine whether their proposal complies with the need, or is excessive and requires reduction.

1. Fence Height. In any zone, the maximum height of any fence, wall, hedge or equivalent screening may be increased by a maximum of two feet, for ~~not more than twenty (20) percent of~~ the total length or portion of said wall or other screening, where the topography of sloping sites or a difference in grade between abutting sites warrants such increase in height to maintain a level of privacy, or to maintain effectiveness of screening, provided that the increased height does not encroach into the clear sight triangle area. The requirement for an exception may be waived where the requesting party is located on the low side of said wall or other screening, and the proposal does not present visual impacts to an area larger than the properties directly involved in the request.

16.20 & 8.32 Fence and Wall Materials

Staff is proposing amendments to both Title 16, Projections Into Yards, and Title 8 Property Maintenance. Code Enforcement has encountered cases where residents have utilized a variety of materials not typically associated with fencing, such as garage doors, pallets and metal roofing, to repair or enhance existing fences. The proposed amendments will give them more support in enforcing these situations.

Proposed Code: For Title 16, the proposed amendment will separate fences and walls into its own section and add the following paragraphs discussing construction materials to help clarify what materials are allowed, and what is prohibited, for fences.

C. Fences, walls or yard enclosures (not including animal enclosures) shall be constructed of approved materials. Approved materials include masonry block, split face block, wrought iron, chain link, wood or plastic slats, vinyl fencing, and split rail. Any other material must be approved by the Director or designee as a fencing material. Fencing constructed of approved materials must still meet all other requirements of this code, including but not limited to design standards and permitting requirements.

D. All fencing shall be constructed to add to the overall look of the property, installed in a professional manner using treated materials to withstand the environment. In no case shall a

fence be constructed of secondhand or castoff materials not originally designed for fencing. Examples of prohibited materials include, but are not limited to garage doors, corrugated metal scrap, mattresses, tires, car parts, and plywood less than five-eighths inches thick, plywood not of a grade approved by the Director or designee, particle board, paper, visqueen plastic, plastic tarp, cloth or similar material.

E. Animal enclosures shall be constructed of materials treated and installed to withstand the environment, be appropriate for the keeping of animals, and be properly maintained. Animal enclosures shall meet all other requirements of this code. The materials listed as prohibited in Section D are also prohibited for use as an animal enclosure.

The Title 8 change will ensure existing fencing is maintained with the appropriate material. This will be the section that Code Enforcement lists on their notice of violation, which will have a reference to Title 16 for the approved materials.

8.32.040 - Property maintenance.

J. Buildings, structures, walls or fences, or yard enclosures constructed of materials not approved for exterior use unapproved materials or improperly maintained. Improperly maintained may include but not be limited to listing from the vertical axis, moveable with a lateral force of ten pounds or less, dilapidation or similar structural deficiency. (See Chapter 16.20.080 for approved materials)

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as Development Code Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan.

Conclusion: Staff supports the Development Code Amendments, as it will provide property owners the ability to more effectively mitigate privacy and screening issues, along with improving aesthetics and property values.

FISCAL IMPACT

There is no fiscal impact associated with this item.

ALTERNATIVE(S)

Minor Exceptions

1. The City Council could raise the minimum fence height in residential zones to 7 or 8 feet. This could cut down on the number of exceptions, however, the additional height could negatively impact the aesthetics of a neighborhood. The number of exceptions is minor in light of the city as a whole, and six feet is adequate in most cases, therefore, staff does not support this alternative.
2. The City Council could increase the percentage of wall allowed to be increased, however, there could still be cases where it does not completely address the issue. Therefore, staff does not support this alternative.
3. Provide alternative direction to staff.

Fence and Wall Materials

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance 2019-01
2. Exhibit "A"

ORDINANCE NO. 2019-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT TO AMEND ARTICLE VI (VARIANCES AND MINOR EXCEPTIONS) OF CHAPTER 16.12 OF THE DEVELOPMENT CODE PERTAINING TO FENCE HEIGHTS; CHAPTER 16.20 REGARDING FENCES AND WALLS; AND TITLE 8 OF THE MUNICIPAL CODE REGARDING FENCING MATERIALS (DCA18-00003)

WHEREAS, on January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, the City proposes to amend Article VI of Chapter 16.12 of the City of Hesperia Development Code regulations which pertain to variances and minor exceptions; and

WHEREAS, the City finds that it is necessary to amend the fence height regulations in order to provide a better ability to meet the purpose of the section, which is to ensure that “no property, because of special circumstances applicable to it, due to size, shape, topography, location, or surroundings, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and land use designation”; and

WHEREAS, the current code restriction of only allowing 20 percent of a length of wall makes it difficult to accomplish the purpose if more than 20 percent of the wall needs to be raised to provide privacy and screening, and to make the property the same as those in the vicinity; and

WHEREAS, the current code does not specify materials that fences may be constructed of, leading to aesthetic issues and difficulties in enforcement when a resident or homeowner uses material not typically associated with fencing such as pallets, garage doors and automotive parts; and

WHEREAS, the City finds that it is necessary to provide appropriate fencing material regulations in order to avoid negative aesthetic impacts, negative impacts to private property values and the degradation of neighborhoods; and

WHEREAS, the proposed Development Code amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City’s CEQA Guidelines, as Development Code Amendments are exempt if they do not propose to increase the density or intensity allowed in the General Plan; and

WHEREAS, on November 8, 2018, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date, and unanimously recommended forwarding a recommendation to adopt to the City Council; and

WHEREAS, on January 22, 2019, the City Council of the City of Hesperia conducted a hearing on the Application and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Ordinance are true and correct.

Section 2. Based upon substantial evidence presented to the City Council, including written and oral staff reports, this Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Development Code Amendment DCA18-00003, amending Article VI (Variances and Minor Exceptions) of Chapter 16.12 of the Development Code pertaining to fence heights; Chapter 16.20 regarding fences and walls; and Title 8 of the Municipal Code regarding fencing materials as shown on Exhibit "A."

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

ADOPTED AND APPROVED on this 22nd day of January 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre
City Clerk

Attachment 2

EXHIBIT “A”

The following are modifications to Title 8, Chapter 8.32 and Title 16, Chapter 16.12 & 16.20 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

Title 8 – HEALTH AND SAFETY

Chapter 8.32 – PUBLIC NUISANCES

8.32.040 – Property maintenance.

J. Buildings, structures, walls ~~or~~ fences, or yard enclosures constructed ~~of materials not approved for exterior use~~ unapproved materials or improperly maintained. Improperly maintained may include but not be limited to: listing from the vertical axis, moveable with a lateral force of ten pounds or less, dilapidation or similar structural deficiency. (See Chapter 16.20.080 for approved materials)

Title 16 – DEVELOPMENT CODE

Chapter 16.12 - PERMITS AND PROCEDURES

ARTICLE VI. – VARIANCES AND MINOR EXCEPTIONS

16.12.220 - Reviewing authority.

B. Review and approval for the following minor exception requests will be through the administrative review with notice procedure, pursuant to Section 16.12.005(A)(2).

1. Fence Height. In any zone, the maximum height of any fence, wall, hedge or equivalent screening may be increased by a maximum of two feet, for ~~not more than twenty (20) percent of~~ the total length or portion of said wall or other screening, where the topography of sloping sites or a difference in grade between abutting sites warrants such increase in height to maintain a level of privacy, or to maintain effectiveness of screening, provided that the increased height does not encroach into the clear sight triangle area. The requirement for an exception may be waived where the requesting party is located on the low side of said wall or other screening, and the proposal does not present visual impacts to an area larger than the properties directly involved in the request.

Chapter 16.20 – GENERAL REGULATIONS

ARTICLE III. – PROJECTION INTO YARDS

16.20.070 - Clear areas.

The projections listed in the table in Section 16.20.075 may not, in any event, encroach on the following:

- A. The clear sight triangle required at traffic intersections by Sections ~~87.0701(e)~~ 16.20.045.

- B. Within five feet of any yard in which the projection is not allowed.
- C. Within five feet of any lot line (three feet for substandard lots). (Exception: Projections listed in items 1 and 6 in Section 16.20.075 may encroach to within three feet of a lot line.)

Section D & E and the accompanying Table below are moving to a new Section 16.20.080 titled Fences and Walls

- ~~D. Fences and walls within the front yard setback may be approved by the director of development services or his designee as provided in subsection E and shall require the approval of a plot plan.~~
- ~~E. Standards for Fences and Walls within the Front Yard Setback Area. The maximum height of a wall, fence or hedge shall be limited to a maximum of thirty-six (36) inches above grade when view-obscuring; however, non-view-obscuring estate type fences (i.e., those constructed of ornamental metal and masonry pillars) may be constructed in the front yard up to a maximum of six feet above grade (Chain link with slats is not considered an ornamental fence, and is limited in height to thirty-six (36) inches unless on a lot at least fifteen thousand (15,000) square feet or larger). The director of development services or his designee may limit the height and alter the size and location of fences and pillars, based on the position of the residence as well as other factors, which may include the topography of the site, development on adjacent parcels, and legally located structures and utilities. In no event shall any view-obscuring portion of the estate type fence, other than pillars consistent with Section 16.20.045, exceed the maximum height of thirty-six (36) inches above grade. The maximum height of fences, walls, and hedges shall be as provided within the table below:~~

16.20.080 – Fences and Walls

- A. Fences and walls within the front yard setback may be approved by the director of development services or his designee as provided in subsection B and shall require the approval of a plot plan.
- B. Standards for Fences and Walls within the Front Yard Setback Area. The maximum height of a wall, fence or hedge shall be limited to a maximum of thirty-six (36) inches above grade when view-obscuring; however, non-view-obscuring estate type fences (i.e., those constructed of ornamental metal and masonry pillars) may be constructed in the front yard up to a maximum of six feet above grade (Chain link with slats is not considered an ornamental fence, and is limited in height to thirty-six (36) inches unless on a lot at least fifteen thousand (15,000) square feet or larger). The director of development services or his designee may limit the height and alter the size and location of fences and pillars, based on the position of the residence as well as other factors, which may include the topography of the site, development on adjacent parcels, and legally located structures and utilities. In no event shall any view-obscuring portion of the estate type fence, other than pillars consistent with Section 16.20.045, exceed the maximum height of thirty-six (36) inches above grade. The maximum height of fences, walls, and hedges shall be as provided within the table below:

Fencing & Hedges	Front and Street Side Yards	Rear and Interior Side Yards
Fences, screening, safety guard rails, walls and dense hedges	Allowed	Allowed

Commercial and all zones other than Agricultural, Residential or Industrial	6 ft. max. height	10 ft. max. height
Industrial † In accordance with Section 16.16.585	12 ft. max. height†	12 ft. max. height†
Agricultural & Residential	<p>3 ft. max. high solid and open wire with slats fencing. 4 ft. open wire max. height in the front yard of lots under 15,000 square feet in net area. (16.20.070 080 D & E A & B)</p> <p>6 ft. max. height in front yards for open wire fencing without slats on lots at least 15,000 square feet in net area. 6 ft. high solid or open wire fencing with slats shall be allowed in the area of the front yard which overlaps the street side yard if the fence does not encroach within a required clear sight triangle. The fence may also extend across the front yard to connect to a logical portion of the residence to form a private yard as approved by the director of development services or his designee (chain link is not considered an ornamental fence and is limited in height as provided herein).</p> <p>6 ft. max. height within street side yards</p>	6 ft. max. height

C. Fences, walls or yard enclosures (not including animal enclosures) shall be constructed of approved materials. Approved materials include masonry block, split face block, wrought iron, chain link, wood or plastic slats, vinyl fencing, and split rail. Any other material must be approved by the Director or designee as a fencing material. Fencing constructed of approved materials must still meet all other requirements of this code, including but not limited to design standards and permitting requirements.

D. All fencing shall be constructed to add to the overall look of the property, installed in a professional manner using treated materials to withstand the environment. In no case shall a fence be constructed of secondhand or castoff materials not originally designed for fencing. Examples of prohibited materials include, but are not limited to garage doors, corrugated metal scrap, mattresses, tires, car parts, and plywood less than five-eighths inches thick, plywood not of a grade approved by the Director or designee, particle board, paper, visqueen plastic, plastic tarp, cloth or similar material.

E. Animal enclosures shall be constructed of materials treated and installed to withstand the environment, be appropriate for the keeping of animals, and be properly maintained. Animal enclosures shall meet all other requirements of this code. The materials listed as prohibited in Section D are also prohibited for use as an animal enclosure.

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City of Hesperia STAFF REPORT



DATE: January 22, 2019

TO: City Council

FROM: Nils Bentsen, City Manager

BY: Mike Blay, Assistant City Manager
Chris Borchert, Acting Principal Planner
Daniel Alcayaga, Senior Planner

SUBJECT: Development Code Amendment DCA18-00002 amending the regulations pertaining to personal storage in Title 16; Applicant: Topaz Ranchero, LLC; Area affected: City-wide

RECOMMENDED ACTION

It is recommended that the City Council introduce and place on first reading Ordinance No. 2019-03 amending the regulations pertaining to personal storage in Title 16.

BACKGROUND

Personal storage facilities are currently allowed in the Service Commercial (C3), Limited Industrial (I1), and General Industrial (I2) designations, as well as the Commercial/Industrial Business Park (CIBP) and General Industrial (GI) Zones of Main Street and Freeway Corridor Specific Plan. Pursuant to Section 16.16.365(H), a new personal storage facility cannot be permitted within 660 feet of Interstate-15, Highway-395, Bear Valley Road, Main Street or a railway. This distance limitation was established because storage facilities generate little sales tax and the City desired to keep such uses away from prime commercial real estate. The City has traditionally not permitted such facilities in residential and agricultural zones/designations.

Personal storage facilities are not allowed in the Regional Commercial (RC), Auto Sales Commercial (ASC), Office Park (OP), Office Commercial (OC), Pedestrian Commercial (PC), Neighborhood Commercial (NC), and the Mixed Use (MU) Zones of the Main Street and Freeway Corridor Specific Plan (Specific Plan).

In Section 16.16.060 (Uses provided for in any zone or land use district) certain uses are allowed in any zone subject to approval of a site plan review or a conditional use permit. Such uses include schools and churches. The proposed amendment adds personal storage to the list of uses allowed in any zone subject to a conditional use permit (CUP). Storage facilities will continue to be not permitted in areas where the Specific Plan prohibits such uses and where prohibited pursuant to Section 16.16.365(H).

On November 8, 2018, the Planning Commission (4-0-1) forwarded this item to the City Council with a recommendation for approval. One Commissioner was absent. During the discussion, Commissioners acknowledged that the amendment opened up areas by which personal storage would be permitted, but does not give free range because the Commission would still need to determine the use is appropriate in a given neighborhood through the CUP process. There were no other comments received during the public comment period or public hearing.

ISSUES/ANALYSIS

The applicant, Topaz Ranchero, LLC, requests a development code amendment to allow personal storage facilities on their property, which is currently designated as Public (P). In addition, there have been other requests to establish storage facilities in different zones from which they are not currently permitted. By amending Section 16.16.060 (Uses provided for in any zone or land use district), it will open up zones from where personal storage facilities can be permitted. Storage facilities would be allowed in the Convenience Commercial (C1), General Commercial (C2) and Public (P) zones, as well as the Public/Institutional Overlay (PIO) zone of the Main Street and Freeway Corridor Specific Plan. In any residential zone, personal storage facilities would be allowed if proposed on a lot size of 2 1/2 acres or larger, unless the facility is proposed as part of a subdivision. This minimum lot size for residential zones would limit placing such facilities in the majority of established residential neighborhoods. Personal storage facilities will not be permitted in the Medium Density Residential (MDR) zone, unless part of a collateral component of a multi-family residential project. Requiring a CUP will make the process a discretionary action, so the Planning Commission would still have to determine the use is appropriate in the neighborhood and has proper access.

The distance limitation that new personal storage can be from Interstate-15, Highway-395, Bear Valley Road, Main Street or a railway will remain in place. Staff agrees with the policy that prime land should be reserved for retailers that will generate sales tax, but can be allowed in areas outside prime commercial areas. Storage facilities are low impact uses, and do not create a lot of noise, odors, and traffic. "Mini storage" facility, as it is currently referenced in the code, will change to a "personal storage" facility, and a definition has been added.

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment.

Conclusion: The Development Code Amendment complies with the General Plan. Making personal storage facilities subject to a conditional use permit will provide the City the opportunity of determining whether such use is appropriate in a particular neighborhood with proper access.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance 2019-03
2. Exhibit "A"

ORDINANCE NO. 2019-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA,
CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT
PERTAINING TO PERSONAL STORAGE IN TITLE 16(DCA18-00002)**

WHEREAS, on January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, the City proposes to amend Article III (Additional Uses), Article IX (Commercial and Industrial Land Use Designations) and Article X (Commercial and Industrial Development Standards) of Chapter 16.16 of the Development Code pertaining to personal storage;

WHEREAS, the City finds that it is necessary to amend the regulations, as the amendment would open up areas that would permit personal storage facilities, while at the same time making the process by which to approve personal storage a discretionary decision. Through the conditional use permit (CUP) process, the City will have the opportunity to determine if the use is appropriate for the neighborhood and if sufficient access is provided to the property; and

WHEREAS, the proposed Development Code amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment; and

WHEREAS, on November 8, 2018, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date; and

WHEREAS, on January 22, 2019, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Ordinance are true and correct.

Section 2. Based upon substantial evidence presented to the Council, including written and oral staff reports, the Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Development Code Amendment DCA18-00002, amending the personal storage regulations in Title 16 as shown on Exhibit "A."

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101.

ADOPTED AND APPROVED on this 22nd day of January 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre
City Clerk

Attachment 2

EXHIBIT “A”

The following are modifications to Chapter 16.16 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

ARTICLE III. - ADDITIONAL USES

16.16.060 - Uses provided for in any zone or land use district.

A. Land uses listed in Section 16.16.060(A)(2) may be permitted or conditionally permitted in any zone or land use designation subject to the land use entitlement established in Table 1 and when one or more of the conditions cited in Section 16.16.060(A)(1) have been met. Land uses approved with a site plan review (SPR) shall be in accordance with the provisions in Chapter 16.12, Article II; and land uses approved with a conditional use permit (CUP) shall be in accordance with the provisions in Chapter 16.12, Article III.

1. Condition of Uses.

- a. The location of land use is determined by other land uses which are directly supported by the proposed use; or
- b. The land use is part of the community or regional infrastructure; or
- c. The location of the proposed use is determined by the location of raw materials in their natural state such as mineral deposits, natural vegetation and energy sources; or
- d. The character of the proposed use is such that it requires a remote location away from other land uses; or
- e. The land use is deemed essential or desirable to the public convenience or welfare.

2. Land Uses Permitted Subject to Land Use Approval. The additional uses in this section are provided in a table format and apply to all land use designations or districts in the city, including specific plan areas. Land uses are listed in the first (vertical) column of the table and required land use entitlements in the top (horizontal) row. An "X" in the corresponding column represents the required entitlement process. Footnotes are also provided and considered part of this Development Code.

Table 1

	SPR	CUP
GENERAL USES:		
Cemeteries, including pet cemeteries ¹	X	
Solid waste disposal sites, rubbish incinerators and recycling centers		X
Sewer treatment plants and sewage disposal sites		X
Electrical generating stations, as defined in Section 16.08.208 ²	X	X
Solar or wind farms, as defined in Section 16.08.771 ^{3 & 4}		X
Radio and television stations or towers providing broadcast services		X

Racetracks or stadiums		X
Campgrounds, not exceeding a density of four sites per acre	X	
Natural resources (i.e. mineral deposits and natural vegetation together with the necessary buildings, apparatus or appurtenances incidental thereto)		X
Transportation facilities principally involved in the movement of people together with the necessary buildings, apparatus or appurtenances incidental thereto, including, but not limited to, train stations and bus stations ⁵		X
Carpool facilities	X	
Testing ranges, airports, landing strips, launching/testing facilities and other aerospace-type uses ⁴		X
<u>Personal Storage</u> ⁸		<u>X</u>
INSTITUTIONAL USES:		
Schools and universities ^{2 & 6}	X	X
Conference centers ²	X	X
Hospitals		X
Churches	X	
Rehabilitation centers ⁷		X
Organizational camps ⁷		X
PUBLIC UTILITIES AND PUBLIC SERVICE USES:		
Temporary and permanent governmental facilities and enterprises (federal, state and local) where buildings and/or property are publicly owned or leased		X
Reservoirs, pumping plants	X	
Temporary support facilities associated with the construction of highways and other public facilities including, but not limited to, batch plants and equipment storage yards	X	
Electrical substations, as defined in Section 16.08.209 ²	X	X
Central communication office	X	
Microwave and repeater huts	X	
Towers and satellite receiving stations		X
SPORT ORIENTED RECREATIONAL USES:		
Sky diving jump sites, and recreational camps	X	
Rifle and archery ranges (indoor/outdoor)		X
Off-road vehicle parks		X
Golf courses, country clubs		X
Hunting and fishing clubs		X

Notes:

1. Cemeteries shall not be allowed in the R3 land use designation.
2. Projects in nonresidential designations shall require approval of a SPR. Projects in residential and agricultural designations shall require approval of a CUP.
3. Solar or Wind farms shall be subject to Section 16.16.036, Alternative Energy Technology Standards.
4. These uses shall not be allowed in residential and agricultural land use designations or districts.
5. Bus stations shall not be allowed in the PC District of the Main Street and Freeway Corridor Specific Plan.
6. A CUP shall be required in areas specified by the Main Street and Freeway Corridor Specific Plan.
7. These uses shall be subject to Section 16.16.072, Residential care facilities, group homes, and sex offender residency.
- 8. Shall be subject to Section 16.16.365 (H). Personal storage shall not be allowed in Zones prohibited by the Main Street and Freeway Corridor Specific Plan**

16.16.315 - Permitted uses and permit requirements.

The permitted uses and permit requirements in this article are provided in a table format. Land uses are provided in the first (vertical) column of the table and commercial/industrial land use designation in the top (horizontal) row. In order to determine which permit process is applicable or if the land use is allowed, the use must be matched up with the corresponding land use designation. Once the land use and land use designation are matched, the symbol in the box represents the applicable process. The following key legend demonstrates which symbol corresponds with the applicable permit process. Footnotes are also provided and considered part of this development code.

Key to Permit Requirements

Symbol	Applicable Process
A	Accessory Use
CUP	Requires a Conditional Use Permit
NP	Not Permitted
P	Permitted Use
R	Requires a Site Plan Review

16.16.320 - Commercial and industrial uses.

	Land Use Designations				
Land Uses	C1	C2	C3	I1	I2
A. Art studio/gallery (including photo)	R	R	R	R	
B. Assemblies of people — Entertainment (e.g., theater — Live performance, auditorium, banquet hall, nightclub, etc.) ¹		R	R	R	R

C. Auction service, exchange or barter			R	R	R
D. Automotive parking	R	R			
E. Bank and financial institution/service	R	R			
F. Bar, saloon, cocktail lounge and tavern		CUP			
G. Business support services and facilities (including graphic reproduction, computer-service, uniform store, etc.)		R	R	R	R
H. Catering establishment		R	R	R	R
I. Cemetery	R	R	R	R	R
J. Club or lodge (non-profit), fraternal or religious association	CUP	R			
K. Composting plant	NP	NP	NP	NP	CUP
L. Contractors and building trades	R	R	R	R	R
M. Equipment sales and rental — Indoors		R	R	R	
N. Grocery store (not including off-sale alcohol ⁷)	R	R	R	NP	NP
O. Health and fitness club	R	R	R	R	R
P. Heavy equipment sales and rental				R	R
Q. Helicopter landing and take-off pad		CUP		CUP	CUP
R. Historical and monument site	R	R	R	R	R
S. Home improvement sales and service, retail (e.g., hardware, lumber and building materials stores)	R	R	R		
T. Hospital		CUP	CUP	CUP	CUP
U. Hotel/motel		R			
V. Impound/towing ²	NP	NP	NP	CUP	CUP
W. Industrial uses (includes outdoor storage ³)	NP	NP	NP	P	P
X. Institutional uses	R	R	R	R	R
Y. Kennel — Boarding of domestic animals		CUP	CUP	R	R
Z. Laboratory — Research		CUP		R	R
AA. Machine shop/repair				R	R
BB. Manufactured housing (sales)				R	R
CC. Manufacturing/warehouse (includes outdoor storage ³)				R	R
DD. Medical services (not including hospitals)		R	R	NP	NP
EE. Microwave and radio communication towers and facilities			R	R	R
FF. <u>Personal</u> Mini-storage ²	NP CUP	NP CUP	R CUP	R CUP	R CUP

GG. Mortuary, not include crematory		R			
HH. Museum, library and reading room	R	R	R		
II. Off-sale alcohol establishment (ABC type 20 & 21 licenses) ⁷	CUP	CUP			
JJ. Office/professional buildings	R	R	R	R ⁵	R ⁵
KK. Parking/storage of recreational vehicles			R	R	R
LL. Personal services (e.g., spas, salons, and massage facilities)	R	R	R		
MM. Planetarium, aquarium, botanical garden and zoo		R			
NN. Publishing and printing		R	R	R	
OO. Processing (recycling) facility ⁴	NP	NP	NP	CUP	CUP
PP. Recreational facility — Commercial		R	R	R	
QQ. Recycling center — Large collection facility ⁴	NP	NP	NP	NP	CUP
RR. Repair shop — Small items	R	R	R	R	R
SS. Restaurant (sit down and takeout), including outdoor dining ²	R	R	R		
TT. Retail sales (not including off-sale alcohol ⁷)	R	R	R	R ⁶	R ⁶
UU. School — Trade, community college, university		R	R	R	R
VV. School — Specialty non-degree (e.g., dance and martial arts)	R	R	R	R	R
WW. Semi-truck repair and storage				CUP	CUP
XX. Shopping center (not including off-sale alcohol ⁷)	R	R	R		
YY. Terminal (bus and truck)		CUP		CUP	CUP
ZZ. Theater	NP	NP	NP	NP	NP
AAA. Upholstery and furniture repair/refinishing		R	R	R	R
BBB. Vehicle fuel station ²	R	R	R		
CCC. Vehicle parts and accessories sales		R	R		
DDD. Vehicle repair facility — Major		R	R	R	R
EEE. Vehicle repair facility — Minor		R	R	R	R
FFF. Vehicle sales/rentals and leasing — new and used ²		R			
GGG. Vehicle wash facility ²		R	R	R	
HHH. Veterinary services — Clinics and small animals hospitals (short term boarding)	R	R	R		
III. Warehousing and wholesale distribution center				R	R
JJJ. Wrecking yard ²	NP	NP	NP	NP	CUP

Notes:

1. Shall not include a motion picture theater. Establishments serving alcohol shall require a CUP.
2. Shall correspond with standards in Section 16.16.365 (Specific land use standards).
3. Shall be subject to Section 16.16.360(A)(4).
4. Shall be subject to Section 16.16.070 (Recycling facilities).
5. Shall be supportive to a manufacturing/industrial use.
6. May sell products manufactured or distributed on-site pursuant to Section 16.16.360(A)(3).
7. Applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 SF in floor area shall be forwarded to the city council for final action. Such establishments shall be located within five hundred (500) feet of the intersection of two arterial or major arterial streets identified on the City's adopted circulation plan.

16.16.365 - Specific land use standards.

- H. ~~Personal Mini-storage.~~ **Personal storage means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property. Personal Mini-storage** facilities are subject to a **conditional use permit** ~~site plan review~~ and shall be constructed in the following manner:

1. The site shall be entirely paved, except for structures, drainage facilities and landscaping;
2. The site shall be completely enclosed with a six foot high solid decorative masonry wall, except for points of ingress and egress (including emergency fire access) which shall be properly gated. The gate(s) shall be maintained in good working order and shall remain closed except when in use;
3. No business activity shall be conducted other than the rental of storage spaces for inactive storage use or the sale of unclaimed articles by the landlord;
4. All storage shall be located within a fully enclosed structure(s);
5. No flammable or otherwise hazardous materials shall be stored on-site;
6. Residential quarters for a manager or caretaker may be provided in the development;
7. The development shall provide for two parking spaces for the manager or caretaker, and a minimum of five spaces located adjacent or in a close proximity to the manager's quarters for customer parking;
8. Boats, recreational vehicles, campers, trailers, etc., may be stored on-site if located behind buildings and not visible from the public right-of-way;
9. Storage facilities located **within or** adjacent to **residentially or agriculturally zoned properties** ~~residential designations~~ shall have their hours of operation restricted to seven a.m. to nine p.m., Monday through Saturday, and nine a.m. to nine p.m. on Sundays;
10. **Personal Mini-storage** storage facilities shall not be permitted within six hundred sixty (660) feet of Interstate-15, Highway-395, Bear Valley Road, Main Street or a railway; and
11. ~~Storage facilities may be developed in conjunction with a residential development, provided that the facility is for the sole use of the residents, is designed as an integrated part of the project and may not contain garages or parking spaces that exceed the dwelling units within the associated residential development.~~ **For residentially or agriculturally zoned properties, the minimum lot size to have a personal storage facility shall be two and half**

acres, unless designed as part of a subdivision. Personal storage shall not be allowed in the MDR zone of the Main Street and Freeway Corridor Specific Plan, unless designed as a collateral component of a multi-family residential project.

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DATE: January 22, 2019

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Mike Blay, Assistant City Manager
Chris Borchert, Acting Principal Planner
Ryan Leonard, Senior Planner

SUBJECT: Specific Plan Amendment SPLA18-00003; Applicant: City of Hesperia; Area affected: City-wide

RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2019-02 approving Specific Plan Amendment SPLA18-00003 applying to the Pedestrian Commercial zone in the Main Street and Freeway Corridor Specific Plan.

BACKGROUND

The Main Street and Freeway Corridor Specific Plan (MSFCSP) was adopted by the City Council on September 16, 2008. The MSFCSP encompasses approximately 10,636 acres and includes all properties that are parallel to the freeway corridor as well as commercial, industrial, and residential properties that are adjacent to Main Street. The MSFCSP includes 15 different zoning designations including 2 industrial zones, 5 residential zones, 6 commercial zones, a Mixed Use zone and a Public/Institutional overlay.

The proposed Specific Plan Amendment would apply only to the Pedestrian Commercial zone in the MSFCSP (Attachment 1). The intent of the Pedestrian Commercial zone is to promote a pedestrian environment by providing setbacks and uses conducive to walkability. This zone is characterized as one that creates a vital, active pedestrian-oriented area that encourages a concentration of uses and mix of activities that generate activity during daytime, evening and weekend hours.

On December 13, 2018 the Planning Commission forwarded this item to the City Council with a recommendation for approval by a 5-0 vote. There were no residents who spoke either in favor or opposition to the project.

ISSUES/ANALYSIS

Staff recently met with representatives from Circle K regarding a proposal to demolish an existing used car dealership and construct a new gas station and automated car wash at the southwest corner of Main Street and Seventh Avenue. Based upon the current zoning standards staff is unable to accommodate their request as gas stations are listed as prohibited uses within the Pedestrian Commercial zone. However, staff believes that the request has merit and would greatly improve the overall site. The site was originally developed as a gas station, however the

gas station closed in the mid 2000's and changed to a used car dealership. Nonetheless many of the original features of the gas station remain including the fuel canopy, pump islands, and rollup service doors.

This proposal is a staff initiated Specific Plan Amendment to allow vehicle fuel stations and vehicle wash facilities as conditionally permitted uses within the Pedestrian Commercial zone of the MSFCSP. Additionally, the discussion with Circle K has brought into question the entire purpose of the Pedestrian Commercial zone district. Staff believes that the intent of the Pedestrian Commercial zone is inconsistent with the development potential of the area as there are very few vacant parcels. Some of the development regulations required in this zone such as 0 foot setbacks and limited square footage are common in an old downtown area with a combination of street parking and parking at the rear of the buildings, however, they are probably not realistic along Main Street.

If the proposed Specific Plan Amendment is approved the development potential for additional gas stations in this zone would be limited. Staff is recommending that new gas stations be located on a corner lot that is at an intersection between two arterial streets. This is also consistent with the City's Municipal Code requirement which limits off-sale alcohol licenses to businesses that are located at an intersection of two arterial streets. In addition, staff recommends that vehicle wash facilities only be allowed as an ancillary use.

With regard to future development, there is only one vacant lot that is located at the corner of two arterial streets. Staff believes that vehicle fueling stations and ancillary vehicle wash facilities would be compatible with the existing development and existing uses within the Pedestrian Commercial zone.

At the December 13th Planning Commission meeting a separate discussion item was also presented to the Commission regarding the existing development standards in the Pedestrian Commercial zone. Staff explained that there are some issues with the current zoning standards that staff feels can be improved. For example, most of the area along Main Street is already developed with uses that do not conform to the standards in the Pedestrian Commercial zone. As a result, there is very little development opportunity along Main Street for encouraging pedestrian uses. In addition, some of the development regulations pertaining to setbacks are inconsistent with the zoning standards in place for other commercial designations. As a result, staff is in the early stages of preparing a substantial amendment to the Pedestrian Commercial zone that will include alterations to the permitted uses, conditionally permitted uses, prohibited uses, and development standards. Staff requested feedback from the Commission on potential changes that could be implemented. The Commission unanimously expressed their support for a wider variety of allowable uses and less restrictive development standards.

Environmental: Approval of the Specific Plan Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Specific Plan Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Specific Plan Amendment does not propose to increase the density or intensity allowed in the General Plan.

Conclusion: Staff supports the Specific Plan Amendment because it will allow consideration of vehicle fuel stations and ancillary vehicle wash facilities on a limited number of parcels within the Pedestrian Commercial zone. Staff believes that vehicle fueling stations and ancillary vehicle wash facilities are compatible with the existing development and uses in the zoning district

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Aerial Photo of the Pedestrian Commercial Zone
2. Ordinance 2019-02
3. Exhibit "A"

ATTACHMENT 1



Pedestrian Commercial Zone

APPLICANT(S):
CITY OF HESPERIA

FILE NO(S):
SPLA18-00003

LOCATION:
CITY-WIDE

APN(S):
CITY-WIDE

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT TO AMEND THE PEDESTRIAN COMMERCIAL ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN TO ALLOW VEHICLE FUELING STATIONS AND ANCILLARY VEHICLE WASH FACILITIES.



AERIAL OF THE PEDESTRIAN COMMERCIAL ZONE

ORDINANCE NO. 2019-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA ADOPTING A SPECIFIC PLAN AMENDMENT TO ALLOW VEHICLE FUEL STATIONS AND ANCILLARY VEHICLE WASH FACILITIES IN THE PEDESTRIAN COMMERCIAL ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN (SPLA18-00003)

WHEREAS, on January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, On September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the City finds it necessary to amend the uses within the Pedestrian Commercial zone of the Main Street and Freeway Corridor Specific Plan to allow vehicle fuel stations and ancillary vehicle wash facilities; and

WHEREAS, the Pedestrian Commercial zone includes a portion of Main Street between Fifth Street and Eleventh Avenue. This section of Main Street is nearly built-out and many of the existing uses do not comply with the current standards or allowable uses in the Pedestrian Commercial zone; and

WHEREAS, the intent of the Pedestrian Commercial zone is inconsistent with the development potential of the area as there are very few vacant parcels; and

WHEREAS, vehicle fueling stations and ancillary vehicle wash facilities are compatible with the existing development and existing uses in the Pedestrian Commercial zone; and

WHEREAS, the proposed Specific Plan Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Specific Plan Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the proposed Ordinance does not significantly expand the allowable uses, change densities, or grant entitlements not already permitted by the Specific Plan; and

WHEREAS, on December 13, 2018, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

WHEREAS, on January 22, 2019, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in this Ordinance are true and correct.

Section 2. Based upon substantial evidence presented to the City Council during the above referenced January 22, 2019 hearing, including public testimony and written and oral staff reports, this Council specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Specific Plan Amendment SPLA18-00003, amending the Pedestrian Commercial zone uses as shown on Exhibit "A."

Section 4. This Ordinance shall take effect thirty (30) days from the date of adoption.

Section 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted in three (3) public places within the City of Hesperia pursuant to the provisions of Resolution No. 2007-101

ADOPTED AND APPROVED on this 22nd day of January 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre, City Clerk

EXHIBIT “A”

The following are modifications to Chapter 7 of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

Chapter 9, Subsection (F) (2) shall be amended to read:

2. Conditionally Permitted Uses

The following uses are conditionally permitted in the Pedestrian Commercial zone:

- a) Alcohol sales – off-site.
- b) Alcohol sales – on-site, incidental to the primary use.
- c) Bars, saloons, cocktail lounges and taverns.
- d) Farmers’ markets – certified.
- e) Health and fitness clubs.
- f) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).
- g) Schools – vocational and technical – total enrollment 20 persons or less or a total size of 2,000 square feet or less.
- h) Medical and dental services.
- i) Vehicle fuel stations (i.e. gasoline stations) that are located at the intersection of two arterial or major arterial streets identified on the City's adopted circulation plan.
- J) Vehicle wash facilities when ancillary to a primary use.

3. Prohibited Uses

The following uses are prohibited in the Pedestrian Commercial zone:

- a) Agricultural uses.
- b) Bus terminals.
- c) Drive thru lanes, incidental to the primary use, pursuant to the HMC.
- d) Hotel.
- e) Industrial uses.

- f) Mini-storage.
- g) Motel.
- h) Shopping center – more than 5 acres in size.
- ~~i) Vehicle fuel stations (i.e., gasoline stations).~~
- ~~j) Vehicle repair facilities.~~
- ~~j k) Vehicle sales, leasing or rental – new or used.~~
- ~~j) Vehicle wash facilities.~~
- ~~k m) Other uses not specifically authorized or determined by the Development Services Director or his/her designee to be detrimental to the public welfare.~~



DATE: January 22, 2019
TO: Mayor and Council Members
FROM: Nils Bentsen, City Manager
BY: Eric Dunn, City Attorney
Melinda Sayre, City Clerk
Stephanie McClure, Assistant City Clerk
SUBJECT: 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.

BACKGROUND

At the October 2, 2018 City Council Meeting, then Mayor Pro Tem Swanson requested that an item be agendaized to discuss the adoption of parliamentary procedures to govern the procedural conduct of City meetings as the City has not previously adopted a formal parliamentary procedure.

An item discussing two commonly used parliamentary procedures – Robert's Rules of Order and Rosenberg's Rules of Order were discussed at the October 16, 2018 City Council Meeting. At that time the City Council reached a consensus that the City Council should take some time to research both sets of procedures and revisit the item at a future City Council Meeting.

ISSUES/ANALYSIS

Robert's Rules of Order and Rosenberg's Rules of Order are standardized parliamentary procedures which provide guidelines for the procedural conduct of meetings.

Robert's Rules of Order (example attached) was adapted from rules and practices set by Congress in 1876 to assist group decision making. Robert's Rules of Order is a comprehensive guide for handling various situations that can occur at a group meeting including votes, motions, substitute motions, and discussion.

Rosenberg's Rules of Order (attached) were developed by Dave Rosenberg, an elected Yolo county supervisor, in 2003 and revised in 2011, to simplify the rules set by Robert's Rules of Order while establishing the same principles for discussion, motions, and voting to ensure decorum and courtesy are maintained during meetings.

Under state law, meetings of city councils and other legislative bodies are governed by the Brown Act. A city is not required to adopt parliamentary rules of procedure. According to Government Code Section 36813, the "council may establish rules for the conduct of its

proceedings.” A legislative body's failure to follow its procedural rules does not invalidate substantive actions taken, provided the actions are otherwise compliant with the Brown Act. (City of Pasadena v Paine (1954) 126 CA2d 93).

FISCAL IMPACT

There is no fiscal impact associated with approval of the recommended action.

ALTERNATIVE(S)

1. Provide alternative direction to staff

ATTACHMENT(S)

1. Robert's Rules of Order Chart (complete book of Robert's Rules on file in the City Council Office)
2. Rosenberg's Rules of Order Sheet

ATTACHMENT 1

ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

PROCEDURE FOR HANDLING A MAIN MOTION

NOTE: Nothing goes to discussion without a motion being on the floor.

Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

How the Motion is Brought Before the Assembly

- The member makes the motion: *I move that (or "to") ...* and resumes his seat.
- Another member seconds the motion: *I second the motion* or *I second it* or *second*.
- The chair states the motion: *It is moved and seconded that ... Are you ready for the question?*

Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if he claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

The chair puts the motion to a vote

1. The chair asks: *Are you ready for the question?* If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'.* (Pause for response.) *Those opposed, say 'Nay'.* (Pause for response.) *Those abstained please say 'Aye'.*

The chair announces the result of the vote.

1. *The ayes have it, the motion carries, and ...* (indicating the effect of the vote) or
2. *The nays have it and the motion fails*

WHEN DEBATING YOUR MOTIONS

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite

HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition, make a main motion.
- Member: "Madame Chairman, I move that _____."

AMENDING A MOTION

You want to change some of the wording that is being discussed.

- After recognition, "Madame Chairman, I move that the motion be amended by adding the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words, _____, and adding in their place the following words _____."

REFER TO A COMMITTEE

You feel that an idea or proposal being discussed needs more study and investigation.

- After recognition, "Madame Chairman, I move that the question be referred to a committee made up of members Smith, Jones and Brown."

POSTPONE DEFINITELY

You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.

- After recognition, "Madame Chairman, I move to postpone the question until _____."

PREVIOUS QUESTION

You think discussion has gone on for too long and you want to stop discussion and vote.

- After recognition, "Madam President, I move the previous question."

LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.

- After recognition, "Madam President, I move to limit discussion to two minutes per speaker."

POSTPONE INDEFINITELY

You want to kill a motion that is being discussed.

- After recognition, "Madam Moderator, I move to postpone the question indefinitely."

POSTPONE INDEFINITELY

You are against a motion just proposed and want to learn who is for and who is against the motion.

- After recognition, "Madame President, I move to postpone the motion indefinitely."

RECESS

You want to take a break for a while.

- After recognition, "Madame Moderator, I move to recess for ten minutes."

ADJOURNMENT

You want the meeting to end.

- After recognition, "Madame Chairman, I move to adjourn."

PERMISSION TO WITHDRAW A MOTION

You have made a motion and after discussion, are sorry you made it.

- After recognition, "Madam President, I ask permission to withdraw my motion."

CALL FOR ORDERS OF THE DAY

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

SUSPENDING THE RULES

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

POINT OF PERSONAL PRIVILEGE

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chairman: "State your point."
- Member: "There is too much noise, I can't hear."

COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and the press.

- After recognition, "Madame Chairman, I move that we go into a committee of the whole."

POINT OF ORDER

It is obvious that the meeting is not following proper rules.

- Without recognition, "I rise to a point of order," or "Point of order."

POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."

POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

APPEAL FROM THE DECISION OF THE CHAIR

Without recognition, "I appeal from the decision of the chair."

Rule Classification and Requirements

Class of Rule	Requirements to Adopt	Requirements to Suspend
Charter	Adopted by majority vote or as proved by law or governing authority	Cannot be suspended
Bylaws	Adopted by membership	Cannot be suspended
Special Rules of Order	Previous notice & 2/3 vote, or a majority of entire membership	2/3 Vote
Standing Rules	Majority vote	Can be suspended for session by majority vote during a meeting
Modified Roberts Rules of Order	Adopted in bylaws	2/3 vote

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Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.


The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:



First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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DATE: January 22, 2019
TO: City Council
FROM: Nils Bentsen, City Manager
BY: Mike Blay, Assistant City Manager
Chris Borchert, Acting Principal Planner
SUBJECT: Reconsideration of Development Review Committee Composition

RECOMMENDED ACTION:

It is recommended that the City Council give staff direction regarding the composition of the Development Review Committee.

BACKGROUND:

The Development Review Committee (DRC) consists of representatives from the Building, Economic Development, Engineering, Fire, Planning departments and Recreation and Park District who review, comment on, and condition projects for approval. The Committee meets at 10:00 a.m. every other Wednesday of each month for public hearings, and every Thursday at 9:30 a.m. for project review. DRC agendas are publicly posted and meetings are open to the public.

At the August 7, 2018 City Council Meeting, the Council selected members Paul Russ and Jeremiah Brosowske to what had previously been a staff member only committee. Their attendance at these meetings stopped in early November, and the question of whether a council members attendance at these meetings is needed was recommended for discussion at the January 8, 2019 Council Meeting.

ISSUES/ANALYSIS:

At the January 8th Council Meeting, Mayor Pro-Tem Bill Holland requested the Council revisit the previous decision to have two council members as regular sitting members of the Development Review Committee. The other members agreed to hear the item again, and Council Member Brosowske added that with the meetings in the morning, it is difficult for those with employment to attend.

The addition of Council Members to the DRC did not heavily impact the “public hearing” DRC meeting where projects are approved every other week. However, it did negatively impact the informal Thursday “pre-DRC” meetings where staff meets to go over the merits and issues of the projects to determine if they are ready to move forward. The following changes occurred with the addition of the Council Members:

- The meetings had to become open to the public, as required by the Brown Act, requiring posting of the agenda, and restricting the ability to add items which came in late;

- Staff members were more reserved with their comments with council members present;
- The meetings were used by consultants to raise issues with staff in front of the Council Members; and
- The meetings took longer, as staff felt a need to go over each item in detail to ensure the council members were informed.

Additionally, Municipal Code section 2.08.080 is titled “Internal relations” and is under Chapter 2.08 titled “City Manager”. This section states:

A. Council—Manager Relations. The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders or instructions to any subordinates of the city manager. The city manager shall take his/her orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual councilmember shall give any orders or instructions to the city manager.

Council Member participation in the DRC meetings, which are administrative, may conflict with this section.

FISCAL IMPACT:

None.

ALTERNATIVE(S):

1. Select two members of the Council to serve on the DRC.
2. Remove the Council members from the DRC.
3. Provide alternative direction to staff.

ATTACHMENTS:

None.