

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

Regular Joint Meetings
1st and 3rd Tuesday

Date: October 15, 2019
REGULAR MEETING

Time: 6:00 P.M. (Closed Session)
6:30 P.M. (Regular Meeting)



CITY COUNCIL MEMBERS

Larry Bird, Mayor

William J. Holland, Mayor Pro Tem

Cameron Gregg, Council Member

Rebekah Swanson, Council Member

Vacant, Council Member



Nils Bentsen, City Manager

Eric L. Dunn, City Attorney

City of Hesperia

Council Chambers
9700 Seventh Avenue
Hesperia, CA 92345

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

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

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



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

**REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA 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 - 6:00 PM

Roll Call

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

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

1. Jeremiah Brosowske v City of Hesperia Case No. CIVDS1926015

CALL TO ORDER - 6:00 PM

- A. Invocation**
- B. Pledge of Allegiance to the Flag**
- C. Roll Call**

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

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

1. Community Events Calendar

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

Individuals wishing to speak during General Public Comments or on a particular numbered item are requested to 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 Regular Meeting held Tuesday, October 1, 2019

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, October 1, 2019.

Staff Person: City Clerk Melinda Sayre

Attachments: [Draft CC Min 2019-10-01](#)

2. Page 13 Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - 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, and Water District.

Staff Person: Director of Finance Casey Brooksher

Attachments: [SR Warrant Run 10-15-2019](#)

[Attachment 1 - Warrant Runs](#)

3. Page 15 Treasurer's Cash Report for the unaudited period ended August 31, 2019

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, and Water District.

Staff Person: Director of Finance Casey Brooksher

Attachments: [SR Treasurer's Report 10-15-2019](#)
[Attachment 1 - Investment Reports](#)

4. Page 23

Parcel Map No. 19997

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2019-053 approving Parcel Map No. 19997 to create nine parcels from 11.6 gross acres within the C2 zone located on the south side of Bear Valley, approximately 1,400 feet to the east of Jacaranda Avenue (Applicant: Rich Development Enterprises, LLC; APN: 0399-011-24).

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR Parcel Map 19997 10-15-2019](#)
[Resolution 2019-053](#)
[Attachment 2 - Parcel Map](#)

5. Page 29

Award a Professional Services Agreement for Engineering Design Services for FY 2019-20 CDBG Street Improvements (C.O. No. 7158)

Recommended Action:

It is recommended that the Council award a Professional Services Agreement (PSA) to Angenius Engineering Services, Inc. in the amount of \$459,888 plus a contingency amount of \$46,000 for a total not-to-exceed amount of \$505,888 for professional engineering services for FY 2019-20 CDBG Street Improvements (C.O. No. 7158), and authorize the City Manager to execute said agreement.

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR Angenius Engineering PSA 10-15-2019](#)

6. Page 31

Amendment to the Covenant Agreement for Reimbursement of Sewer Connection Operating Costs between the City of Hesperia and 18667 Hesperia, LLC.

Recommended Action:

It is recommended that the City Council approve an amendment to the Covenant Agreement for Reimbursement of Sewer Connection Operating Costs (Agreement) between the City of Hesperia (City) and 18667 Hesperia, LLC (Developer) to change the owner name on the Agreement from Rich Development Enterprises, LLC to 18667 Hesperia, LLC.

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR Amendment to Sewer Covenant Agreement 10-15-2019](#)
[Resolution 2019-058](#)
[Attachment 2 - Covenant Agreement](#)

7. Page 47 Heating Ventilation and Air Conditioning (HVAC) Services Contract

Recommended Action:

It is recommended that the Mayor and Council Members and Chair and Board Members of the Hesperia Water District authorize the City Manager to execute a modification to an existing Professional Services Agreement 2018-19-024 with MDM West Inc. in the not-to-exceed amount of \$89,500 and extend the agreement expiration date to June 30, 2021.

Staff Person: Assistant City Manager Michael Blay

Attachments: [SR HVAC Services Contract 10-15-2019](#)

CONSENT ORDINANCES

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.

8. Page 49 Amendments to Title 5 of Hesperia Municipal Code - Cannabis Regulations

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2019-52 amending Title 5 of the Hesperia Municipal Code modifying cannabis regulations.

Staff Person: Assistant City Manager Michael Blay and Administrative Analyst Tina Bulgarelli

Attachments: [SR Title 5 Cannabis Regulations Amendment 10-1-2019](#)

[Ordinance 2019-52](#)

[Attachment 2 - Exhibit A Title 5 Amendment \(clean copy\)](#)

[Attachment 3 - Exhibit A Title 5 Amendment \(track changes\)](#)

PUBLIC HEARING

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.

9. Page 55 General Plan Amendment GPA19-00001 & Tentative Parcel Map TPM19-00004; Applicant: Mas Tierra, Inc.; APN: 0405-371-37

Recommended Action:

The Planning Commission recommends that City Council adopt Resolution Nos. 2019-056 and 2019-057, approving General Plan Amendment GPA19-00001 from RR-2 1/2 to RR-1 and Tentative Parcel Map TPM19-00004 to create two parcels from 4.8 gross acres.

Staff Person: Senior Planner Daniel Alcayaga

Attachments: [SR GPA2019-00001 Mas Tierra 10-15-2019](#)

[Resolution 2019-056](#)

[Attachment 2 - Exhibit 'A'](#)

[Resolution 2019-057](#)

[Attachment 4 - List of Conditions](#)

[Attachment 5 - Planning Commission Staff Report](#)

NEW BUSINESS

10. Page 69 City Council District Four Vacancy

Recommended Action:

It is recommended that the City Council appoint a qualified resident of District Four to the vacant seat on the City Council.

Staff Person: City Attorney Eric Dunn

Attachments: [SR Council District Four Vacancy 10-15-2019](#)

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 Wednesday, October 9, 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.



City of Hesperia

Meeting Minutes - Draft

City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, October 1, 2019

6:30 PM

**REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA WATER DISTRICT
HESPERIA PUBLIC FINANCING AUTHORITY - SPECIAL MEETING**

CLOSED SESSION - 6:00 PM

Roll Call

Present: 3 - Mayor Bird, Council Member Gregg and Council Member Swanson

Excused: 1 - Mayor Pro Tem William J. Holland

Conference with Labor Negotiator
Government Code Section 54957.6

1. Negotiations between the City of Hesperia and the Teamsters Local 1932 with the City's Negotiator. (Staff person: Michael Blay, Assistant City Manager)

CALL TO ORDER - 6:30 PM

A. Invocation by Tom Beasley of Hesperia Community Church

B. Pledge of Allegiance to the Flag

C. Roll Call

Present: 3 - Mayor Bird, Council Member Gregg and Council Member Swanson

Excused: 1 - Mayor Pro Tem William J. Holland

D. Agenda Revisions and Announcements by City Clerk - *None*

E. Closed Session Reports by City Attorney- *No reportable action taken.*

ANNOUNCEMENTS/PRESENTATIONS

1. Community Events Calendar - Electronic waste recycling 10/ 5-10/6, behind Eagle Plaza, from 9:00 AM to 4:00 PM each day; Cleanup Day 10/26 for more information visit www.KeepHesperiaBeautiful.com.

JOINT CONSENT CALENDAR

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

Aye: 3 - Bird, Gregg and Swanson

Nay: 0

Absent: 1 - Holland

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, September 17, 2019

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, September 17, 2019.

Sponsors: City Clerk Melinda Sayre

2. Warrant Run Report (City - Successor Agency - Housing Authority - Community Development Commission - 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, and Water District.

Sponsors: Director of Finance Casey Brooksher

3. Purchase and Sale Agreement - APNs 0398-304-25 and 26

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2019-052: (i) approving the "Agreement For The Purchase And Sale Of Real Property And Joint Escrow Instructions" (PSA) for real property located at the east end of the Temecula Avenue cul-de-sac just east of Lassen Avenue, Assessor's Parcel Numbers 0398-304-25 & 26 (Property) by and between The Douglas and Nancy Coats Trust, Dated April 13, 1995 (Seller) and the City of Hesperia (Buyer); and (ii) authorizing the City Manager to execute all documents necessary to consummate the transaction.

Sponsors: Economic Development Manager Rod Yahnke

4. Vehicle Procurement

Recommended Action:

It is recommended that the City Council authorize the City Manager to approve the procurement of a new Freightliner Dump Truck and award the bid to Valew Quality Truck Bodies in the not-to-exceed amount of \$123,930.

Sponsors: Public Works Manager Mark Faherty

5. Approve and Accept Construction of FY 2018-19 CDBG Street Improvements

Recommended Action:

It is recommended that the City Council accept the work constructed under FY 2018-19 CDBG Street

Improvements (C.O. No. 7150) and authorize staff to record a "Notice of Completion" and release all withheld retention amounts after 35 calendar days from the date of recordation.

Sponsors: Assistant City Manager Michael Blay

6. Award Professional Services Agreement for the I Avenue Corridor Enhancement Study, C.O. No. 7151

Recommended Action:

It is recommended that the City Council award a Professional Services Agreement (PSA) for Sustainable Transportation Planning Services for the I Avenue Corridor Enhancement Study, C.O. No. 7151 to KOA Corporation in the amount of \$255,455; and authorize City Manager to execute said PSA.

Sponsors: Assistant City Manager Michael Blay

7. Parcel Map No. 20020

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2019-049 approving Parcel Map No. 20020 to create two parcels from 2.1 gross acres within the R1-18,000 zone located 600 feet south of Cromdale Street on the east side of Maple Avenue (Applicant: Mas Tierra, Inc; APN: 0405-441-32).

Sponsors: Assistant City Manager Michael Blay

8. Approve Contract Change Orders and Increase Contract Amount for Recycled Water System - Phase 1B, C.O. No. 8087

Recommended Action:

It is recommended that the Board of Directors of the Hesperia Water District approve the proposed Contract Change Orders to the contract with R.I.C. Construction Company, Inc. for Recycled Water System - Phase 1B (C.O. No. 8087) in the amount of \$235,828.97; approve an additional 10% contingency in the amount of \$23,580.00; and authorize a revised total construction budget of \$5,404,540.34.

Sponsors: Assistant City Manager Michael Blay

CONSENT ORDINANCES

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

Aye: 3 - Bird, Gregg and Swanson

Nay: 0

Absent: 1 - Holland

9. Amendments to Title 6 of Hesperia Municipal Code - Animal Keeping

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2019-12 amending Title 6 of the Hesperia Municipal Code modifying Animal Keeping regulations for mandatory spay and neuter requirements.

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

PUBLIC HEARING

10. **ITEM CONTINUED FROM THE 9/3/2019 and 9/17/2019 MEETINGS.** Planned Development PPD18-00001,

Conditional Use Permit CUP18-00007 (Americana-Hesperia Retirement Project, LLC; APN: 0405-062-56 & 70)

Recommended Action:

It is recommended that the City Council introduce and place on first reading Ordinance 2019-11 approving Planned Development PPD18-00001, and adopt Resolution 2019-046, approving Conditional Use Permit CUP18-00007 for the development of the project.

Sponsors: Principal Planner Chris Borchert

A motion was made by Gregg, seconded by Bird, that this item be continued to the November 5 meeting. The motion carried by the following vote:

Aye: 2 - Bird and Gregg

Nay: 1 - Swanson

Absent: 1 - Holland

11. Amendments to Title 5 of Hesperia Municipal Code - Cannabis Regulations

Recommended Action:

It is recommended that the City Council introduce and place on first reading Ordinance No. 2019-52 amending Title 5 of the Hesperia Municipal Code modifying cannabis regulations.

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

A motion was made by Gregg, seconded by Swanson, that this item be approved as amended to revise the requirement that the audit fee be paid at the time of business license renewal rather than 30 days prior to an audit. The motion carried by the following vote:

Aye: 3 - Bird, Gregg and Swanson

Nay: 0

Absent: 1 - Holland

NEW BUSINESS

12. Desert Candle Appeal of CFD 2005-1 Special Taxes

Recommended Action:

It is recommended that the City Council evaluate the three appeal requests made by Desert Candle, LP regarding properties within Community Facilities District (CFD) 2005-1 and:

A. Uphold the recommendation of the City Attorney and staff by providing direction as follows: Appeal Request #1 - approve a \$6,342.02 refund of special taxes for APN# 3046-301-01 for which confirmation of a building permit could not be obtained; Appeal Request #2 - deny the request for special tax reimbursement related to 24 parcels that were properly added to the Assessor's Tax Roll upon issuance of a building permit; and Appeal Request #3 - approve a refund of \$843.24 for the overcharge of APN #3046-261-39 which should have been levied as a Class 7 category; and authorize the City Manager and City Attorney to effectuate the necessary actions.

B. Adopt Resolution Nos. 2019-054 and HPFA 2019-01, providing clarification to the CFD 2005-1

Rate and Method of Apportionment for the treatment of Developed Property where a change in square footage occurs after the issuance of a building permit for new construction.

Sponsors: Director of Finance Casey Brooksher

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

Aye: 3 - Bird, Gregg and Swanson

Nay: 0

Absent: 1 - Holland

13. Support of Mojave River Valley Movement

Recommended Action:

It is recommended that the City Council consider adoption of Resolution 2019-055 and provide direction to staff on support of the Mojave River Valley movement.

Sponsors: Assistant to the City Manager Rachel Molina

Tari Blalock, Jeri Pike, Joseph Brady, and Kelly Gregg commented on item 13.

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

Aye: 3 - Bird, Gregg and Swanson

Nay: 0

Absent: 1 - Holland

14. Options for Filling Vacancy in City Council District Four

Recommended Action:

It is recommended that the City Council determine whether to take one of the following actions, and give direction to staff to prepare an action item for the October 15 City Council agenda:

(1) Make an appointment to fill the District Four vacancy on the City Council. Because the vacancy occurred in the first half of the term, the District Four seat will be up for election in November 2020 in accordance with state law. The person elected in November 2020 will serve the remainder of the unexpired term, which ends December 2022.

(2) Call a special election to be held March 3, 2020 to fill the vacancy. The person elected in March 2020 will serve the remainder of the unexpired term which ends December 2022.

Sponsors: City Attorney Eric Dunn

Bob Nelson and James Blocker commented on item 14.

A motion was made by Gregg, seconded by Bird, that an appointment be made to fill the District 4 vacancy. The motion carried by the following vote:

Aye: 3 - Bird, Gregg and Swanson

Nay: 0

Absent: 1 - Holland

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

*Bob Nelson commented on a news article regarding retiring in Hesperia.
Daniel Krist commented on the Hesperia Days parade.
Al Vogler commented on speed limits within the City.
Jeri Pike commented on New Castle bird disease.*

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Swanson commented on District Four vacancy, Hesperia Days parade, attendance at Victor Valley Rescue Mission event, attendance at the Performance of Twelfth Night at Civic Plaza Park, Groundbreaking event for Dairy Queen, and State of Education event.

Council Member Gregg commented on statements made about bird disease during public comment, Hesperia Days parade, and attendance at the Tri-Agency meeting.

Mayor Bird commented on District Four vacancy, Hesperia Days parade, Groundbreaking event for Dairy Queen, local high schools band performance event, and State of Education event.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

8:22 p.m.

*Melinda Sayre,
City Clerk*

City of Hesperia STAFF REPORT



DATE: October 15, 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 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 – 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, and Hesperia Water District.

BACKGROUND

The Warrant Run totals represented below are for the period September 7, 2019 through September 20, 2019.

<u>Agency/District</u>	<u>Accounts Payable*</u>	<u>Payroll</u>	<u>Wires</u>	<u>Totals</u>
City of Hesperia	\$3,350,320.90	\$232,933.06	\$0.00	\$3,583,253.96
Successor Agency	0.00	0.00	0.00	0.00
Housing Authority	6,071.52	269.60	0.00	6,341.12
Community Development Commission	1,186.55	6,834.45	0.00	8,021.00
Water	410,891.19	104,135.38	0.00	515,026.57
Totals	\$3,768,470.16	\$344,172.49	\$0.00	\$4,112,642.65

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

ATTACHMENT(S)

1. Warrant Runs

City of Hesperia
WARRANT RUNS
09/07/2019 - 09/20/2019

FUND #	FUND NAME	W/E		WARRANT TOTALS	Wires	YEAR-TO	PRIOR FY YTD
		9/13/2019	9/20/2019			DATE	DATE
						TOTALS *	TOTALS
Accounts Payable							
100	GENERAL	\$ 1,420,390.34	\$ 273,317.40	\$ 1,693,707.74	\$ -	\$ 7,401,108.53	\$ 6,599,618.68
200	HESPERIA FIRE DISTRICT	\$ 700.00	\$ -	\$ 700.00	\$ -	\$ 700.00	\$ 3,563,399.76
204	MEASURE I - RENEWAL	\$ -	\$ -	\$ -	\$ -	\$ 7,712.50	\$ 212,802.50
205	GAS TAX	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,795.00
207	LOCAL TRANSPORT-SB 325	\$ -	\$ -	\$ -	\$ -	\$ 142,052.11	\$ 112,400.37
209	GAS TAX-RMRA	\$ 655,112.23	\$ -	\$ 655,112.23	\$ -	\$ 1,420,331.85	\$ -
210	HFPD (PERS)	\$ -	\$ -	\$ -	\$ -	\$ 874,510.00	\$ -
251	CDBG	\$ -	\$ 1,768.43	\$ 1,768.43	\$ -	\$ 454,422.26	\$ 126,530.70
254	AB2766 - TRANSIT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
256	ENVIRONMENTAL PROGRAMS GRANT	\$ 6.00	\$ 58.65	\$ 64.65	\$ -	\$ 3,659.06	\$ 11,256.18
257	NEIGHBORHOOD STABILIZATION PROG	\$ -	\$ 202.10	\$ 202.10	\$ -	\$ 47,527.65	\$ 12,825.50
260	DISASTER PREPARED GRANT	\$ -	\$ -	\$ -	\$ -	\$ 1,242.06	\$ 842.68
263	STREETS MAINTENANCE	\$ 26,901.90	\$ 24,589.20	\$ 51,491.10	\$ -	\$ 724,892.73	\$ 716,462.57
300	DEV. IMPACT FEES - STREET	\$ 1,522.50	\$ -	\$ 1,522.50	\$ -	\$ 26,313.90	\$ 116,040.53
301	DEV. IMPACT FEES - STORM DRAIN	\$ -	\$ -	\$ -	\$ -	\$ 50,800.25	\$ 19,777.50
402	WATER RIGHTS ACQUISITION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
403	2013 REFUNDING LEASE REV BONDS	\$ 561,569.37	\$ -	\$ 561,569.37	\$ -	\$ 561,569.37	\$ 555,102.92
501	CFD 91-3 BELGATE	\$ -	\$ -	\$ -	\$ -	\$ 837,793.25	\$ -
502	FIRE STATION BUILDING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,766.87
504	CITY WIDE STREETS - CIP	\$ -	\$ -	\$ -	\$ -	\$ 13,578.51	\$ 22,117.23
509	CITY FACILITIES CIP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
800	EMPLOYEE BENEFITS	\$ 156,710.57	\$ 29,823.47	\$ 186,534.04	\$ -	\$ 1,783,065.91	\$ 1,495,968.65
801	TRUST/AGENCY	\$ -	\$ 9,611.21	\$ 9,611.21	\$ -	\$ 271,560.78	\$ 506,765.78
802	AD 91-1 AGENCY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
804	TRUST-INTEREST BEARING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 67.50
807	CFD 2005-1	\$ 45.00	\$ -	\$ 45.00	\$ -	\$ 3,481.79	\$ 805,613.09
808	HFPD (TRANSITION)	\$ -	\$ 187,992.53	\$ 187,992.53	\$ -	\$ 1,044,720.48	\$ -
CITY		\$ 2,822,957.91	\$ 527,362.99	\$ 3,350,320.90	\$ -	\$ 15,671,042.99	\$ 14,885,154.01
160	REDEVELOP OBLIG RETIREMENT - PA1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,302,466.20
161	REDEVELOP OBLIG RETIREMENT - PA2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 426,245.91
162	REDEVELOP OBLIG RETIREMENT-HOUSING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,473,243.59
163	REDEVELOP OBLIG RETIREMENT-2018	\$ -	\$ -	\$ -	\$ -	\$ 7,740,765.38	\$ -
173	SUCCESSOR AGENCY ADMINISTRATION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,005.00
SUCCESSOR AGENCY		\$ -	\$ -	\$ -	\$ -	\$ 7,740,765.38	\$ 8,205,960.70
370	HOUSING AUTHORITY	\$ 1,986.00	\$ 4,085.52	\$ 6,071.52	\$ -	\$ 28,279.18	\$ 74,443.72
HOUSING AUTHORITY		\$ 1,986.00	\$ 4,085.52	\$ 6,071.52	\$ -	\$ 28,279.18	\$ 74,443.72
170	COMMUNITY DEVELOPMENT COMMISSION	\$ -	\$ 1,186.55	\$ 1,186.55	\$ -	\$ 121,329.59	\$ 113,467.02
COMMUNITY DEVELOPMENT COMMISSION		\$ -	\$ 1,186.55	\$ 1,186.55	\$ -	\$ 121,329.59	\$ 113,467.02
700	WATER OPERATING	\$ 92,905.30	\$ 70,508.23	\$ 163,413.53	\$ -	\$ 1,835,452.01	\$ 1,617,813.34
701	WATER CAPITAL	\$ -	\$ 235,722.64	\$ 235,722.64	\$ -	\$ 779,159.35	\$ 959,810.37
710	SEWER OPERATING	\$ 7,566.86	\$ 4,188.16	\$ 11,755.02	\$ -	\$ 737,656.99	\$ 1,339,093.61
711	SEWER CAPITAL	\$ -	\$ -	\$ -	\$ -	\$ 20,052.50	\$ 46,626.30
WATER		\$ 100,472.16	\$ 310,419.03	\$ 410,891.19	\$ -	\$ 3,372,320.85	\$ 3,963,343.62
ACCOUNTS PAYABLE TOTAL		\$ 2,925,416.07	\$ 843,054.09	\$ 3,768,470.16	\$ -	\$ 26,933,737.99	\$ 27,242,369.07
REG. PAYROLL							
	City	\$ -	\$ 232,933.06	\$ 232,933.06	\$ -	\$ 1,424,328.41	\$ 1,404,003.96
	Housing Authority	\$ -	\$ 269.60	\$ 269.60	\$ -	\$ 1,765.09	\$ 13,941.91
	Community Development Commission	\$ -	\$ 6,834.45	\$ 6,834.45	\$ -	\$ 43,528.31	\$ 23,641.60
	Water	\$ -	\$ 104,135.38	\$ 104,135.38	\$ -	\$ 613,912.51	\$ 589,967.70
PAYROLL TOTAL		\$ -	\$ 344,172.49	\$ 344,172.49	\$ -	\$ 2,083,534.32	\$ 2,031,555.17

* The year to date totals for this Warrant Report are for the 2019-20 fiscal year starting July 1, 2019.

City of Hesperia STAFF REPORT



DATE: October 15, 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 Water District

FROM: Nils Bentsen, City Manager

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

SUBJECT: Treasurer's Cash Report for the unaudited period ended August 31, 2019

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, 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 August 31, 2019.

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 Water District Investment Report

CITY OF HESPERIA

<u>FUND</u>	<u>VALUE</u>
General Fund (100 & 800)	\$ 5,572,816.31
Fire District Fund (200)	145,739.82
HFPD (PERS) (210)	1,045,730.11
AB27666 - Transit (254)	23,539.39
AB3229 Supplemental Law (255)	110,058.69
AD No. 91-1 (802)	363,872.42
Beverage Recycling Grant (256)	153,041.89
CFD 2005-1 (807)	1,656,167.78
HFPD Transition (808)	(184,262.27)
CFD 91-3 Belgate (501)	(837,793.25)
City Wide-Capital Projects (504)	(29,017.67)
City Facilities CIP (509)	39,189.17
Community Dev Block Grant (251, 252, & 253)	198,341.96
Development Impact Fund (300-304)	9,782,097.21
Development Impact Fund 2018 (306-312)	1,412,571.01
Disaster (260)	43,073.05
Gas Tax Fund (205)	(44,884.45)
Gas Tax - RMRA (209)	1,043,051.32
Gas Tax Swap (206)	99,787.67
Local Transportation SB325 (207)	1,023,327.61
Measure I - Renewal (204)	4,868,227.81
Neighborhood Stabilization Prog (257)	2,274,113.50
Public Works Street Maint (263)	729,660.36
Trust Fund (801, 803-806, & 815)	1,717,209.42
2012 Water Rights Acquisition (402)	12,487.55
2013 Refunding Lease Rev Bonds (403)	151,552.86
TOTAL CITY FUNDS	<u>\$ 31,369,699.27</u>

SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

<u>FUND</u>	<u>VALUE</u>
RORF Retention - (163)	<u>\$ 1,608,693.80</u>

HESPERIA HOUSING AUTHORITY

<u>FUND</u>	<u>VALUE</u>
Hesperia Housing Authority Fund (370)	\$ 3,475,119.50
WEDA Housing Authority (371)	1,777,880.30
TOTAL HOUSING AUTHORITY FUNDS	<u>\$ 5,252,999.80</u>

COMMUNITY DEVELOPMENT COMMISSION

<u>FUND</u>	<u>VALUE</u>
Community Development Commission Fund (170)	<u>\$ (1,038,131.81)</u>

WATER

<u>FUND</u>	<u>VALUE</u>
Water Operating (700)	\$ 6,039,149.95
Water Capital (701)	(12,722,702.03)
Sewer Operating (710)	11,224,058.57
Sewer Capital (711)	4,315,880.49
TOTAL WATER FUNDS	<u>\$ 8,856,386.98</u>

City of Hesperia
Investment Report
Unaudited
August 31, 2019

<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.	2.341%	31-Aug-19	Demand	\$ 24,893,389.82	24,893,389.82	24,893,389.82	
Money Market	Bank of the West	1.490%	31-Aug-19	Demand	5,115,587.77	5,115,587.77	5,115,587.77	
Citizens Business Bank Checking	Citizens Bus Bank	n/a	31-Aug-19	Demand	1,360,721.68	1,360,721.68	1,360,721.68	
Total Unaudited Investments under the direction of the City					\$ 31,369,699.27	\$ 31,369,699.27	\$ 31,369,699.27	

Investments under the direction of fiscal agents:

2012 Lease Revenue Bonds	Union	2.000%	31-Aug-19	Demand	185.74	185.74	185.74	2012 - Water Rights Revenue Fund
2012 Lease Revenue Bonds	Union	2.000%	31-Aug-19	Demand	1,483,867.99	1,483,867.99	1,483,867.99	2012 - Water Rights Reserve Fund
2012 Lease Revenue Bonds	Union	3.230%	31-Aug-19	Demand	0.31	0.31	0.31	2012 - Water Rights Surplus Revenue Fund
2013 Refunding Lease Revenue Bonds	Union	1.990%	31-Aug-19	Demand	278.54	278.54	278.54	2005 Civic Plaza - Revenue Fund
2013 Refunding Lease Revenue Bonds	Union	2.000%	31-Aug-19	Demand	1,174,878.09	1,174,878.09	1,174,878.09	2005 Civic Plaza - Reserve Fund
2013 Refunding Lease Revenue Bonds	Union	3.230%	31-Aug-19	Demand	0.31	0.31	0.31	2005 Civic Plaza - Surplus Rev Fund
2014 CFD 2005-1 Refunding	Union	2.000%	31-Aug-19	Demand	-	-	-	2014 CFD 05-1 - Special Tax Fund
2014 CFD 2005-1 Refunding	Union	2.000%	31-Aug-19	Demand	854,244.06	854,244.06	854,244.06	2014 CFD 05-1 - Bond Fund
2014 CFD 2005-1 Refunding	Union	2.000%	31-Aug-19	Demand	1,430,961.98	1,430,961.98	1,430,961.98	2014 CFD 05-1 - Reserve Fund
2014 CFD 2005-1 Refunding	Union	2.000%	31-Aug-19	Demand	23,625.76	23,625.76	23,625.76	2014 CFD 05-1 Administrative Expense Bonds
Deposits - Workers' Comp	PERMA	n/a	31-Aug-19	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					\$ 5,978,029.21	5,978,029.21	5,978,029.21	

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
August 31, 2019

Type of Investment	Issuer/ Institution	Interest Rate	Date of Purchase	Date of Maturity	Par Value at Maturity	Book Value	Market Value	Account Description
Investments under the direction of the City:								
Local Agency Investment Funds	State of Calif.	2.341%	31-Aug-19	Demand	\$ 1,276,577.17	\$ 1,276,577.17	1,276,577.17	
Money Market	Bank of the West	1.490%	31-Aug-19	Demand	262,336.41	262,336.41	262,336.41	
Citizens Business Bank Checking	Citizens Bus Bank	n/a	31-Aug-19	Demand	69,780.22	69,780.22	69,780.22	
Total Unaudited Investments under the direction of the City					\$ 1,608,693.80	\$ 1,608,693.80	\$ 1,608,693.80	

Investments under the direction of fiscal agents:

2018 Refunding Bonds	Union	0.000%	31-Aug-19	Demand	1.00	1.00	1.00	2018A & 2018B - Debt Service Account
2018 Refunding Bonds	Union	2.010%	31-Aug-19	Demand	2,286,796.16	2,286,796.16	2,286,796.16	2018A & 2018B - Interest Account
2018 Refunding Bonds	Union	0.000%	31-Aug-19	Demand	1.00	1.00	1.00	2018A & 2018B - Reserve Account
Total Unaudited Investments under the direction of fiscal agents					\$ 2,286,798.16	\$ 2,286,798.16	\$ 2,286,798.16	

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

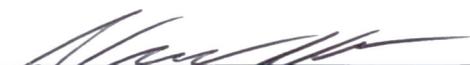
Investment Report

Unaudited

August 31, 2019

<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	2.341%	31-Aug-19	Demand	\$ 4,168,512.12	4,168,512.12	4,168,512.12
Money Market	Bank of the West	1.490%	31-Aug-19	Demand	856,628.60	856,628.60	856,628.60
Citizens Business Bank Checking	Citizens Business Bank	n/a	31-Aug-19	Demand	227,859.08	227,859.08	227,859.08
Total Unaudited Investments under the direction of the City					\$ 5,252,999.80	\$ 5,252,999.80	\$ 5,252,999.80

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

August 31, 2019

<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	2.341%	31-Aug-19	Demand	\$ (823,808.34)	(823,808.34)	(823,808.34)
Money Market	Bank of the West	1.490%	31-Aug-19	Demand	(169,292.49)	(169,292.49)	(169,292.49)
Citizens Business Bank Checking	Citizens Business Bank	n/a	31-Aug-19	Demand	(45,030.98)	(45,030.98)	(45,030.98)
Total Unaudited Investments under the direction of the City					\$ (1,038,131.81)	\$ (1,038,131.81)	\$ (1,038,131.81)

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
August 31, 2019

<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 California	2.341%	31-Aug-19	Demand	\$ 7,027,976.00	7,027,976.00	7,027,976.00	
Money Market	Bank of the West	1.490%	31-Aug-19	Demand	1,444,247.98	1,444,247.98	1,444,247.98	
Citizens Business Bank Checking	Citizens Business Bank	n/a	31-Aug-19	Demand	384,163.00	384,163.00	384,163.00	
Total Unaudited Investments under the direction of the City					\$ 8,856,386.98	\$ 8,856,386.98	\$ 8,856,386.98	

Investments under the direction of fiscal agents:

First American Treas - Money Market	US Bank	0.000%	31-Aug-19	Demand	9,103.47	9,103.47	9,103.47	98 A - 95453340
First American Treas - Money Market	US Bank	0.000%	31-Aug-19	Demand	31.91	31.91	31.91	98 A - 95453341
98 A Dep w/Trustee - Collateral	Bank of America	2.400%	31-Aug-19	Demand	1,880,000.00	1,880,000.00	1,880,000.00	GL 1319
Deposits - Workers' Comp	PERMA	n/a	31-Aug-19	n/a	531,769.34	531,769.34	531,769.34	GL 1352
Deposits w/Other Agencies	Various	n/a	31-Aug-19	n/a	0.00	0.00	0.00	GL 1350
Total Unaudited Investments under the direction of fiscal agents					\$ 2,420,904.72	\$ 2,420,904.72	\$ 2,420,904.72	

**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



DATE: October 15, 2019
TO: Mayor and Council Members
FROM: Nils Bentsen, City Manager
BY: Michael Blay, Assistant City Manager
Jamie Carone, Administrative Analyst
SUBJECT: Parcel Map No. 19997

RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution No. 2019-053 approving Parcel Map No. 19997 to create nine parcels from 11.6 gross acres within the C2 zone located on the south side of Bear Valley, approximately 1,400 feet to the east of Jacaranda Avenue (Applicant: Rich Development Enterprises, LLC; APN: 0399-011-24).

BACKGROUND

On November 14, 2018, the Development Review Committee approved Tentative Parcel Map No. 19997 to create nine parcels from 11.6 gross acres within the C2 zone located on the south side of Bear Valley, approximately 1,400 feet to the east of Jacaranda Avenue (APN: 0399-011-24).

Staff has reviewed the map and determined that it complies with all General Plan and zoning regulations, all required conditions of approval, and with all local ordinances related to the creation of these parcels.

ISSUES/ANALYSIS

There are no issues identified with this item.

FISCAL IMPACT

There are no significant fiscal impacts to the City related to this action.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. 2019-053
2. Parcel Map No. 19997

RESOLUTION NO. 2019-053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING PARCEL MAP NO. 19997 TO CREATE NINE PARCELS FROM 11.6 GROSS ACRES WITHIN THE C2 ZONE LOCATED ON THE SOUTH SIDE OF BEAR VALLEY, APPROXIMATELY 1,400 FEET TO THE EAST OF JACARANDA AVENUE (APPLICANT: RICH DEVELOPMENT ENTERPRISES, LLC; APN: 0399-011-24).

WHEREAS, On November 14, 2018, the Development Review Committee approved Tentative Parcel Map No. 19997 to create nine parcels from 11.6 gross acres within the C2 zone located on the south side of Bear Valley, approximately 1,400 feet to the east of Jacaranda Avenue (APN: 0399-011-24);

WHEREAS, Parcel Map No. 19997 is to create nine parcels from 11.6 gross acres within the C2 zone located on the south side of Bear Valley, approximately 1,400 feet to the east of Jacaranda Avenue; and

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AS FOLLOWS:

Section 1. Parcel Map No. 19997 is hereby approved and the City Clerk is authorized to present same to the County Recorder to be filed for record.

Section 2. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 15th day of October, 2019.

Larry Bird
Mayor

ATTEST:

Melinda Sayre
City Clerk

PARCEL MAP NO. 19997

IN THE CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
BEING A SUBDIVISION OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN.



DAVID EVANS AND ASSOCIATES INC.
John C Bentley, PLS 7223
March 2018

OWNER'S STATEMENT:

WE HEREBY STATE THAT WE ARE ALL AND THE ONLY PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND SUBDIVIDED AS SHOWN ON THIS MAP AND WE CONSENT TO THE PREPARATION AND RECORDATION OF THIS PARCEL MAP.

WE HEREBY DEDICATE TO THE CITY OF HESPERIA THAT PORTION SHOWN AS LOT A OF THIS PARCEL MAP, FOR RIGHT OF WAY AND PUBLIC UTILITY PURPOSES, AND EMERGENCY VEHICLE INGRESS AND EGRESS, DESIGNATED AS LOT A, AS SHOWN HEREON.

WE ALSO HEREBY DEDICATE TO THE CITY OF HESPERIA, AN EASEMENT WITHIN PARCELS 1 THROUGH 6, INCLUSIVE, FOR PUBLIC ACCESS, FOR PUBLIC UTILITY PURPOSES, AND FOR EMERGENCY VEHICLE INGRESS AND EGRESS, DESIGNATED AS F AND H, AS SHOWN HEREON.

18667 HESPERIA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

NAME: TITLE:
NAME: TITLE:

NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF }
}SS
COUNTY OF }

ON BEFORE ME, A NOTARY PUBLIC,

PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE

PRINT:

COMMISSION NO.:

COMMISSION EXPIRES.:

PRINCIPAL PLACE OF BUSINESS:

BENEFICARY STATEMENT:

PACIFIC WESTERN BANK, AS BENEFICIARY UNDER DEED OF TRUST RECORDED MAY 28, 2019 AS INSTRUMENT NO. 2019-0170975.

NAME:

TITLE:

NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF }
}SS
COUNTY OF }

ON BEFORE ME, A NOTARY PUBLIC,

PERSONALLY APPEARED

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE

PRINT:

COMMISSION NO.:

COMMISSION EXPIRES.:

PRINCIPAL PLACE OF BUSINESS:

SEE EASEMENT NOTES ON SHEET 2

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF COSBEY WATSON, JR. IN JANUARY 2018. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN SUCH POSITIONS INDICATED WITHIN 1 YEAR OF RECORDATION, AND THAT SAID MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. I HEREBY STATE THAT THIS FINAL MAP CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

John C Bentley
JOHN C. BENTLEY,
L.S. NO. 7223

DATE



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP AND THAT THE SUBDIVISION SHOWN THEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH, AND I AM SATISFIED THAT HIS MAP IS TECHNICALLY CORRECT.

DATED:

MICHAEL P. THORNTON
CONTRACT CITY ENGINEER
CITY OF HESPERIA, CALIFORNIA
R.C.E. NO. 44226, L.S. 6897



CITY COUNCIL STATEMENT:

THE UNDERSIGNED OFFICER ON BEHALF FOR THE CITY COUNCIL PURSUANT TO AUTHORITY CONFERRED BY TITLE NO. 17 OF THE CITY OF HESPERIA MUNICIPAL CODES, HEREBY APPROVES THE ANNEXED MAP AND ACCEPTS THE ADDITIONAL DEDICATIONS AS SHOWN ON THE ANNEXED MAP.

DATED:

MELINDA SAYRE
CITY CLERK, CITY OF HESPERIA, CALIFORNIA

AUDITOR'S CERTIFICATE:

I HEREBY CERTIFY THAT ACCORDING TO THE RECORDERS OF THIS OFFICE, AS OF THIS DATE, THERE ARE NO LIENS AGAINST THE REAL PROPERTY SHOWN UPON THE ANNEXED MAP FOR UNPAID STATE, COUNTY, MUNICIPAL, OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS NOT YET PAYABLE, ESTIMATED TO BE \$

DATED:

OSCAR VALDEZ, COUNTY AUDITOR/CONTROLLER
COUNTY OF SAN BERNARDINO, CALIFORNIA

BOARD OF SUPERVISOR'S CERTIFICATE:

I HEREBY CERTIFY THAT A BOND IN THE SUM OF \$ HAS BEEN EXECUTED AND FILED WITH THE BOARD OF SUPERVISOR OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, CONDITIONED UPON THE PAYMENT OF ALL TAXES, STATE, COUNTY, MUNICIPAL, OR LOCAL, AND ALL SPECIAL ASSESSMENTS, COLLECTED AS TAXES WHICH AT THE TIME OF FILING OF THE ANNEXED MAP WITH THE COUNTY RECORDER ARE A LIEN AGAINST SAID PROPERTY, BUT NO YET PAYABLE, AND THAT THE SUBDIVIDER HAS FILED WITH ME A CERTIFICATE BY THE PROPER OFFICER, GIVING HIS ESTIMATE OF THE AMOUNT OF SAID TAXES AND ASSESSMENTS, AND SAID BOND IS HEREBY ACCEPTED.

DATED:

LAURA H. WELCH
CLERK OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO

BY: DEPUTY

SIGNATURE OMISSIONS NOTES

PURSUANT TO THE PROVISIONS OF SECTION 66436(a)(3)(A) OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA, THE FOLLOWING SIGNATURES HAVE BEEN OMITTED. THEIR INTEREST BEING SUCH THAT IT CANNOT RIPEN INTO FEE:

- 1. SOUTHERN CALIFORNIA EDISON COMPANY, A CORPORATION, HOLDER OF AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES RECORDED JANUARY 27, 1966 IN BOOK 6560, PAGE 38 OF OFFICIAL RECORDS; AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES RECORDED APRIL 12, 1966 IN BOOK 6606, PAGE 508 OF OFFICIAL RECORDS.
2. COUNTY OF SAN BERNARDINO, HOLDER OF AN EASEMENT FOR A PRIVATE ROAD RECORDED JULY 01, 1964 IN BOOK 6181, PAGE 181 OF OFFICIAL RECORDS.
3. RONALD BRUBAKER et al., HOLDER OF AN EASEMENT FOR INGRESS AND EGRESS RECORDED AUGUST 16, 1988 AS INSTRUMENT NO. 88-268587 OF OFFICIAL RECORDS.

SAN BERNARDINO COUNTY RECORDER'S CERTIFICATE

THIS MAP HAS BEEN FILED UNDER DOCUMENT NUMBER, THIS DAY OF, 2016, AT, M, IN BOOK OF TRACT MAPS AT PAGES AT THE REQUEST OF AT THE AMOUNT OF \$

BOB DUTTON
ASSESSOR-RECORDER
COUNTY OF SAN BERNARDINO

PARCEL MAP NO. 19997

IN THE CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
 BEING A SUBDIVISION OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE
 NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN.



**DAVID EVANS
 AND ASSOCIATES INC.**
 John C Bentley, PLS 7223
 March 2018

EASEMENTS:

- (A) INTENTIONALLY DELETED
- (B) DENOTES AN EASEMENT IN FAVOR OF SAN BERNARDINO COUNTY FOR A PRIVATE ROADWAY PER DOCUMENT RECORDED IN BOOK 6181, PAGE 181 OF OFFICIAL RECORDS.
- (C) DENOTES AN EASEMENT IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY FOR PUBLIC UTILITY PURPOSES PER DOCUMENT RECORDED IN BOOK 6560, PAGE 38 OF OFFICIAL RECORDS.
- (D) DENOTES AN EASEMENT IN FAVOR OF SOUTHERN CALIFORNIA EDISON COMPANY FOR PUBLIC UTILITY PURPOSES PER DOCUMENT RECORDED IN BOOK 6606, PAGE 508 OF OFFICIAL RECORDS.
- (E) DENOTES AN EASEMENT AGREEMENT FOR INGRESS AND EGRESS PER INSTRUMENT NO. 88-268587 OF OFFICIAL RECORDS.

FD. 2" I.P. W/BRASS CAP, DN. 1.0',
 AT NW COR. SEC. 1, T.4 N., R. 4.W., S.B.M.
 PER R5, C.S.F.B. 423/30, C.S.F.B. 4154/78.

BEAR VALLEY CUT-OFF ROAD

N 90° 00' 00" E 2637.50'

FD. 1-1/4" I.P. W/BRASS CAP, DN. 0.5',
 AT N1/4 COR. SEC. 1, T.4 N., R. 4.W., S.B.M.
 PER PER R3 AND R5, ACCEPTED AS THE
 N1/4 COR.

SURVEYOR'S NOTES

BEARINGS ARE BASED ON THE CENTERLINE OF BASE LINE ROAD
 BEING N90°00'00"E PER RECORD OF SURVEY R.S.B. NO. 13/52,
 SAN BERNARDINO COUNTY RECORDS.

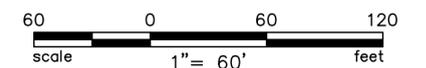
- INDICATES SET 1" IRON PIPE, TAGGED 'LS 7223',
 AT ALL BOUNDARY CORNERS AND ANGLE POINTS.
- INDICATES FOUND MONUMENT AS NOTED
- SFN INDICATES SEARCHED, FOUND NOTHING.

Line #	Length	Direction
L7	37.57	S20° 37' 49"E
L8	55.46	S00° 00' 00"E
L9	9.00	N00° 00' 00"E
L10	33.11	N89° 55' 48"W
L11	138.18	S00° 00' 00"E
L12	42.82	N89° 59' 46"E
L13	47.99	S00° 00' 00"E
L14	66.15	N89° 59' 22"W
L15	27.18	N88° 40' 33"E
L16	4.82	S73° 18' 00"E
L17	7.00	N88° 40' 33"E
L18	7.09	N00° 00' 00"E
L19	9.00	N00° 00' 00"E
L20	44.72	S00° 00' 00"E

Curve #	Length	Radius	Delta
C3	31.70	200.00	009°04'55"
C4	125.34	350.00	020°31'09"
C5	15.32	155.00	005°39'41"
C6	24.20	140.00	009°54'10"
C8	31.74	152.00	011°57'55"
C9	8.38	8.00	060°00'00"
C11	16.07	152.00	006°03'32"
C12	47.12	30.00	090°00'00"
C13	47.13	30.00	090°00'14"
C14	47.81	152.00	018°01'27"

REFERENCE MAPS

- (R1) INDICATES RECORD OF SURVEY R.S.B. 13/52, SAN BERNARDINO COUNTY RECORDS.
- (R2) INDICATES RECORD OF SURVEY R.S.B. 29/15, SAN BERNARDINO COUNTY RECORDS.
- (R3) INDICATES RECORD OF SURVEY R.S.B. 52/2-3, SAN BERNARDINO COUNTY RECORDS.
- (R4) INDICATES TRACT MAP 18917-2 M.B. 341/90-95, SAN BERNARDINO COUNTY RECORDS.
- (R5) INDICATES RECORD OF SURVEY 17-0115 R.S.B. 162/44, SAN BERNARDINO COUNTY RECORDS



PARCEL MAP NO. 19997

IN THE CITY OF HESPERIA, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA
 BEING A SUBDIVISION OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHEAST 1/4 OF THE
 NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN.



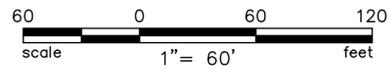
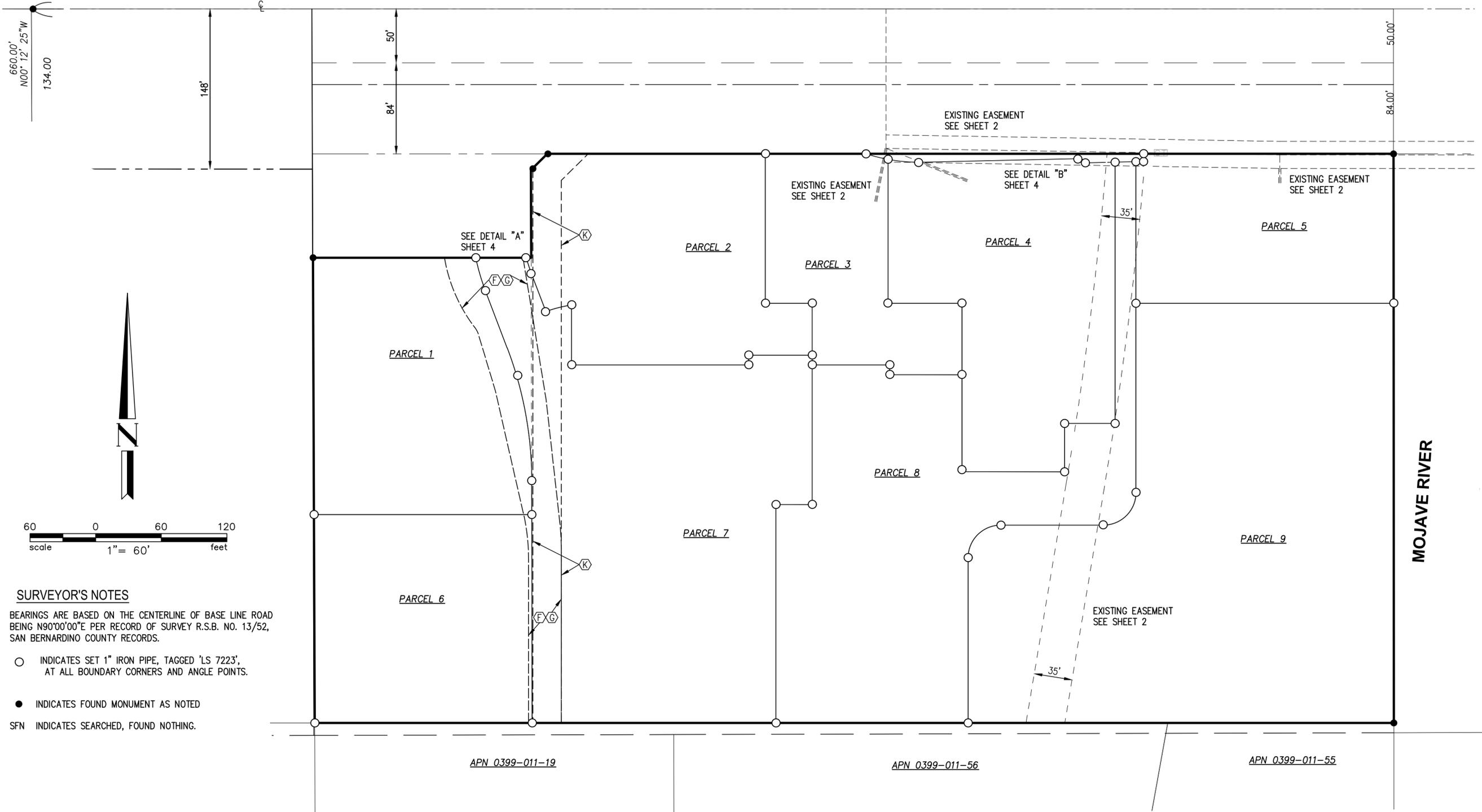
**DAVID EVANS
 AND ASSOCIATES INC.**
 John C Bentley, PLS 7223
 March 2018

PROPOSED EASEMENTS:

- (E) INDICATES A PROPOSED EASEMENT FOR PUBLIC UTILITY PURPOSES IN FAVOR OF THE CITY OF HESPERIA DEDICATED HEREON.
- (K) INDICATES A 26 FOOT EASEMENT FOR UTILITIES IN FAVOR OF SOUTHERN CALIFORNIA EDISON AS DEDICATED HEREON.
- (G) INDICATES A RESERVATION FOR A PRIVATE ACCESS EASEMENT OVER PARCELS 1, 6 AND 7 FOR THE BENEFIT OF APN 0399-011-19 AS SHOWN HERON.

FD. 2" I.P. W/BRASS CAP, DN. 1.0',
 AT NW COR. SEC. 1, T.4 N., R. 4.W., S.B.M.
 PER C.S.F.B. 423/30, C.S.F.B. 4154/78.

BEAR VALLEY CUT-OFF ROAD



SURVEYOR'S NOTES

BEARINGS ARE BASED ON THE CENTERLINE OF BASE LINE ROAD BEING N90°00'00"E PER RECORD OF SURVEY R.S.B. NO. 13/52, SAN BERNARDINO COUNTY RECORDS.

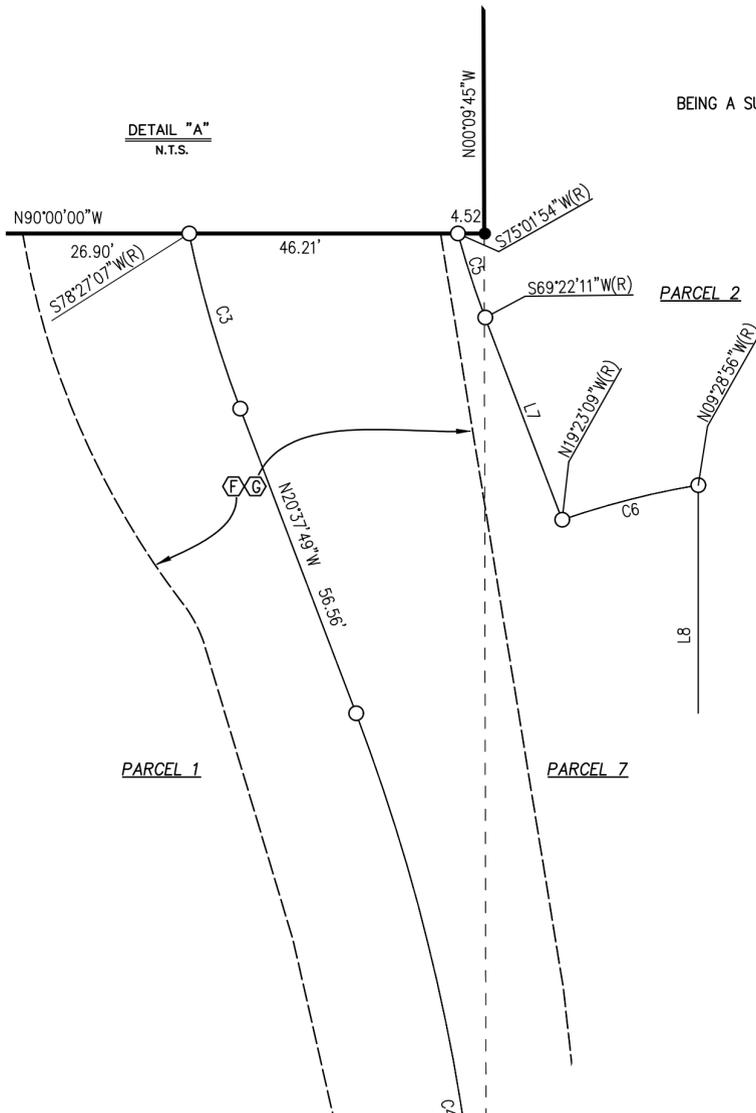
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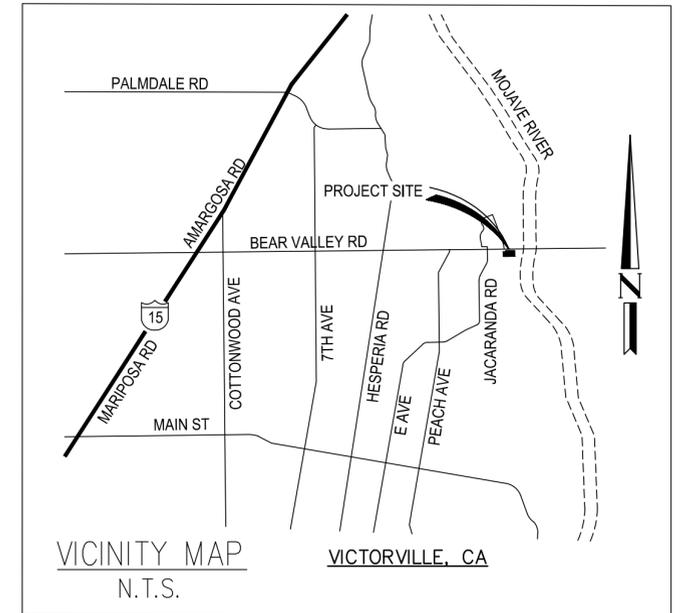


**DAVID EVANS
 AND ASSOCIATES INC.**
 John C Bentley, PLS 7223
 March 2018



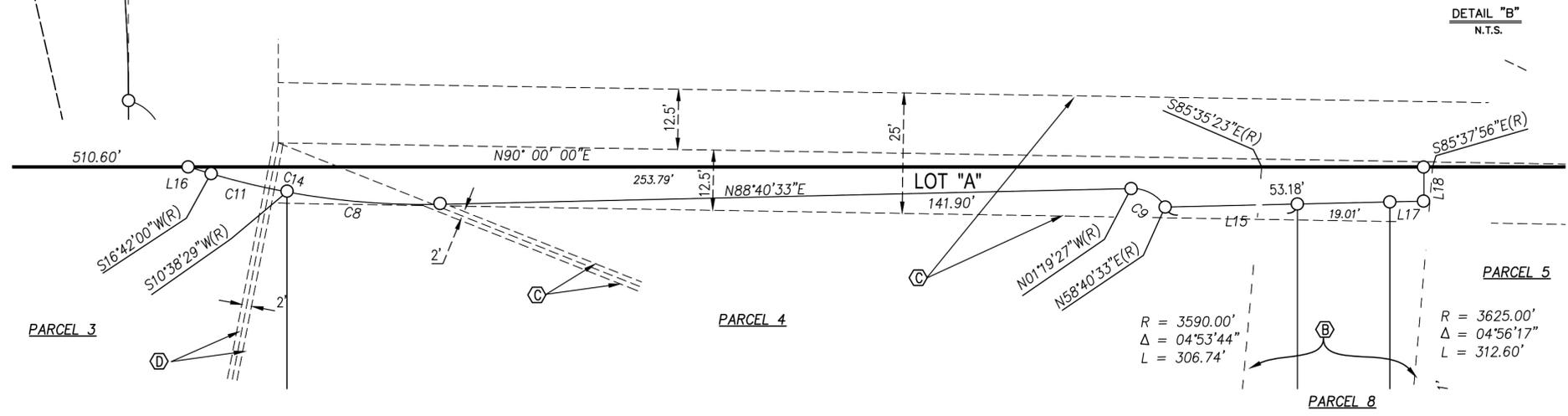
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C13	47.13	30.00	090°00'14"
C14	47.81	152.00	018°01'27"



AREAS:

	SQUARE FEET	ACRES
PARCEL 1	43,303	0.99±
PARCEL 2	41,488	0.95±
PARCEL 3	23,855	0.55±
PARCEL 4	47,075	1.08±
PARCEL 5	32,500	0.75±
PARCEL 6	38,322	0.88±
PARCEL 7	84,755	1.95±
PARCEL 8	67,790	1.56±
PARCEL 9	119,483	2.74±
ROAD DEDICATION	1,594	0.04±
TOTAL	500,165	11.48±



City of Hesperia STAFF REPORT



DATE: October 15, 2019

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

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

SUBJECT: Award a Professional Services Agreement for Engineering Design Services for FY 2019-20 CDBG Street Improvements (C.O. No. 7158)

RECOMMENDED ACTION

It is recommended that the Council award a Professional Services Agreement (PSA) to Angenius Engineering Services, Inc. in the amount of \$459,888 plus a contingency amount of \$46,000 for a total not-to-exceed amount of \$505,888 for professional engineering services for FY 2019-20 CDBG Street Improvements (C.O. No. 7158), and authorize the City Manager to execute said agreement.

BACKGROUND

The City Council has continuously expressed a desire to improve existing roadways within the City. As a result, staff has sought innovative ways to fund such improvements. Annually the City receives Community Development Block Grant (CDBG) funding from the U.S. Department of Housing and Urban Development (HUD). In the past a large part of this funding was directed to programs, which left small amounts available for capital projects. In order to accomplish the Council's goal of improving more streets throughout the City, staff has designated a larger amount of the CDBG funding towards the CDBG Capital Fund.

The FY 2019-20 CDBG Street Improvements project consists of design and construction of a new reinforced concrete box (RCB) drainage structure, raised roadway embankment, and roadway improvements resulting from elevating Peach Avenue where the existing roadway crosses the Antelope Valley Wash. During large storm events, storm water that flows down the Antelope Valley Wash heading towards the Mojave River will often flow across Peach Avenue, as Peach Avenue and the Antelope Valley Wash are at the same elevation where they intersect, creating hazardous conditions for vehicular traffic. This project will resolve that conflict by elevating Peach Avenue and constructing a storm drain structure under the re-constructed Peach Avenue allowing the storm flows to cross under Peach Avenue.

ISSUES/ANALYSIS

On July 25, 2019 staff released a Request for Proposal via the City's new online bidding site, which made contact with more than 6,000 civil engineering design firms with qualifications to provide professional design services for a project of this type. Seven of those firms submitted proposals on August 28, 2019. Proposals were reviewed and ranked by a selection panel made up of seven City staff members.

The seven firms were ranked as follows by the selection panel:

1.	Angenious Engineering Services	Irvine, CA
2.	IDC Consulting Engineers	Rancho Cucamonga, CA
3.	TKE Engineering	Riverside, CA
4.	David Evans & Associates	Victorville, CA
5.	Ludwig Engineering	Victorville, CA
6.	IMEG Corporation	Ontario, CA
7.	Merrell-Johnson Engineering	Apple Valley, CA

After careful review of the proposals submitted by each firm, Angenious Engineering Services, Inc. (AES) was selected by the panel as the most qualified firm meeting the City's needs on this project. Once the selection panel completed their review and ranking of the consultants, the Fee Proposals were opened and reviewed. AES's fee is less than 2% higher than the average fee of the three highest fee proposals that were submitted, an acceptable range. This indicates that AES's proposed fee is fair and reasonable and within the market rate for providing such services.

Consequently, staff is recommending award of a PSA to AES. The Fee Proposal from AES to perform this work is \$459,888. Staff is also recommending an additional 10% contingency amount of \$46,000 be included in the PSA in order to address any unanticipated requirements that may arise, for a total contract amount of \$505,888.

AES is a full-service civil engineering and construction management firm located in Irvine, California. The firm was started in 2018, however the principles of the firm have been providing such services for more than 20 years, several of these projects here in Hesperia such as the Rancho Road & BNSF Grade Separation project and the Rancho Road & I-15 Interchange project. AES's primary consulting sphere includes the High Desert, San Bernardino, Riverside, Orange, and Los Angeles counties. Andy Cheah, the project manager assigned to this project, has received high praise from former clients as a part of the reference check done by staff. AES is more than capable of performing the work.

FISCAL IMPACT

On June 18, 2019, the City Council adopted the FY 2019-20 Capital Improvement Program (CIP) Budget that included \$651,776 for the FY 2019-20 CDBG Street Improvements project, C.O. No. 7158. Funds for this project are available in Fund 251 – CDBG Capital.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

None.



DATE: October 15, 2019

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Assistant City Manager
Jamie Carone, Administrative Analyst

SUBJECT: Amendment to the Covenant Agreement for Reimbursement of Sewer Connection Operating Costs between the City of Hesperia and 18667 Hesperia, LLC.

RECOMMENDED ACTION

It is recommended that the City Council approve an amendment to the Covenant Agreement for Reimbursement of Sewer Connection Operating Costs (Agreement) between the City of Hesperia (City) and 18667 Hesperia, LLC (Developer) to change the owner name on the Agreement from Rich Development Enterprises, LLC to 18667 Hesperia, LLC.

BACKGROUND

On March 5, 2019, City Council approved the final, amended version of an agreement between the City and CSA 64 (CSA Agreement) to facilitate the extension of sewer service to the south of CSA 64 in order to serve property within the City's boundary located on the southern portion of Bear Valley Road near Fish Hatchery Road. The purpose of the CSA Agreement was to provide sewer service to the Rich Development Retail Project.

The CSA Agreement established a method for CSA 64 to collect meter data and sewer service fees whereby CSA 64 will bill the City directly for sewer services from the aforementioned property on a bimonthly basis. Furthermore, in order to recoup these costs, the City had to enter into an Agreement with the Developer to establish a method of reimbursement as well as related terms and conditions to that reimbursement arrangement.

On August 6, 2019, City Council approved this Agreement which established that the Developer would reimburse the City for all sewer invoices incurred pursuant to the CSA Agreement as well as a 10% administrative fee.

However, upon final review, the Developer notified City Staff that the owner name on the Agreement was incorrect. The original Agreement lists Rich Development, LLC as the property owner; however, San Bernardino County Records indicates that the property owner of this parcel is 18667 Hesperia, LLC.

ISSUES/ANALYSIS

Staff recommends that City Council approve the amendment to the Agreement between the City and 18667 Hesperia, LLC to change the owner name from Rich Development Enterprises, LLC

to the correct owner name of 18667 Hesperia, LLC. This approval is needed in order to finalize the agreement and facilitate a repayment arrangement between the City and the Developer to cover all sewer invoices and related administrative costs.

FISCAL IMPACT

There is no fiscal impact associated with this request.

ALTERNATIVE(S)

Provide alternative direction to Staff.

ATTACHMENT(S)

1. Resolution No. 2019-058
2. Covenant Agreement for Reimbursement of Sewer Connection Operating Costs

RESOLUTION NO. 2019-058

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING AN AMENDMENT TO THE COVENANT AGREEMENT FOR REIMBURSEMENT OF SEWER CONNECTION COSTS BETWEEN THE CITY OF HESPERIA (CITY) AND 18667 HESPERIA, LLC.

WHEREAS, On March 5, 2019, City Council approved the final version of the agreement between the City and CSA 64 (CSA Agreement) to facilitate the extension of sewer service to the south of CSA 64 in order to serve property within the City's boundary located on the southern portion of Bear Valley Road near Fish Hatchery Road to provide sewer service to the Rich Development Retail Project; and

WHEREAS, the City entered into the CSA Agreement on April 2, 2019 which established that CSA 64 would provide sewer service to the City for the Development Area and established a method for collecting sewer service fees whereby CSA 64 would bill the City directly for sewer services to the aforementioned property on a bimonthly basis; and

WHEREAS, the City then had to enter into a reimbursement Agreement with the Developer and/or all future property owners, to establish a method of reimbursement as well as related terms and conditions; and

WHEREAS, On August 2, 2019 City Council approved the aforementioned Agreement between the City and the Developer which established that the Developer would reimburse the City for all sewer invoices incurred pursuant to the CSA Agreement as well as a 10% administrative fee; and

WHEREAS, Upon final review, the Developer notified City Staff that the owner name on the Agreement was incorrect which initiated an amendment in the Agreement to change the owner name from Rich Development Enterprises, LLC to 18667 Hesperia, LLC.; and

WHEREAS, Council approval is needed in order to amend the Agreement and change the owner name.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AS FOLLOWS:

- Section 1. The City Council hereby specifically finds that all of the facts set forth in this resolution are true and correct; and
- Section 2. The City Council hereby approves an amendment to the Covenant Agreement for Reimbursement of Sewer Connection Operating Costs between the City of Hesperia and 18667 Hesperia, LLC to change the owner name from Rich Development Enterprises, LLC to 18667 Hesperia, LLC

ADOPTED AND APPROVED this 15th day of October, 2019.

Larry Bird
Mayor

ATTEST:

Melinda Sayre
City Clerk

ATTACHMENT 2

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

City of Hesperia
9700 Seventh Ave.
Hesperia, CA 92345
Attn: City Clerk

APN:

SPACE ABOVE FOR RECORDER'S USE ONLY
Exempt from recording fees pursuant to Govt Code
27383

**COVENANT AGREEMENT FOR REIMBURSEMENT OF
SEWER CONNECTION OPERATING COSTS**

THIS REIMBURSEMENT AGREEMENT (“**Agreement**”) is entered into effective the ___ day of _____, 2019 (“**Effective Date**”), by and between the **CITY OF HESPERIA**, a California municipal corporation (“**City**”), and **18667 HESPERIA, LLC**, a California Limited Liability Company (“**Developer**”). City and Developer may be referred to, individually or collectively, as “**Party**” or “**Parties.**”

RECITALS

- A.** Developer is, or will be, the owner of that certain real property commonly known as 18667 Bear Valley Road in the City of Hesperia, and further identified as Assessor’s Parcel No. 039901124 (“**Property**”). The Property is more particularly described in Exhibit “A” hereto.
- B.** Developer desires to begin construction of a commercial shopping center (“**Project**”) on the Property, but the Property is not, at the time of the execution of this Agreement, served by any sewer system.
- C.** The Parties desire to construct a connection (“**Sewer Connection**”) with a sewer system owned by San Bernardino County Service Area 64 (“**CSA**”) to service the Property and the Project.
- D.** The City has entered into, or will enter into, an Agreement for Sewer Service with CSA (“**CSA Agreement**”) that would permit the construction of the Sewer Connection, and provides for CSA to collect meter data and bill the City for sewer services to the Project on a bimonthly basis (“**Sewer Invoices**”). A copy of the CSA Agreement is attached hereto as Exhibit “B.”
- E.** The City and Developer have executed a list of conditions for the approval of a Conditional Use Permit, CUP 18-00002 (“**List of Conditions**”), that requires Developer to, among other things, construct, or contract for the construction of, the Sewer Connection. A copy of the List of Conditions is attached hereto as Exhibit “C.”
- F.** As a condition to, and as a material consideration for the City executing the CSA Agreement, Developer has agreed to reimburse the City for the Sewer Invoices incurred pursuant to the CSA Agreement.

NOW, THEREFORE, for the purposes set forth herein, and for good and valuable consideration, the adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

TERMS

1. Incorporation of Recitals. The foregoing Recitals are true and correct and are incorporated herein as if set forth in full.

2. Developer Responsibility for Sewer Invoices. Developer shall reimburse City for the payment of the Sewer Invoices and for City's costs related to paying the Sewer Invoices contemplated in the CSA Agreement, to include an administrative fee as set forth in Section 2.1 of this Agreement, below.

2.1 Sewer Invoice Administrative Fees. In addition to reimbursing City for the payment of the Sewer Invoices, Developer shall pay to City an administrative fee equal to 10% of the amount of any Sewer Invoice for which Developer is responsible for reimbursing City.

2.2 Billing. Within thirty (30) days of the payment of any Sewer Invoice, the City shall bill the Developer, or any subsequent owner of the Property/Project, for the full amount of the Sewer Invoice plus the Administrative Fee set forth in Section 2.1 of this Agreement. Developer shall then reimburse the City in the stated amount within thirty (30) days of receiving such an invoice from the City.

3. City's Obligations. City shall timely pay all invoices it receives pursuant to the CSA Agreement and shall bear responsibility for the timely billing of Developer within thirty (30) days of City's payment of any Sewer Invoice.

3.1 Accounting. City shall maintain an accounting of the Sewer Invoices paid by the City and the reimbursement payments made by Developer. Upon written request, City shall provide to Developer a summary of the Sewer Invoices paid by the City and reimbursement payments made by the Developer. Failure of City to provide any accounting shall not excuse Developer's duty to perform any act under this Agreement. Developer may question or challenge any use of funds set forth in the accounting and may appeal same to the City Council.

4. Additional Taxes, Fees, and Charges. Developer shall pay all normal and customary fees and charges applicable to all permits necessary for the Sewer Connection, and any taxes, fees, and charges hereafter imposed by City in connection with the Sewer Connection which are standard and uniformly-applied to similar projects in the City, provided such fees and charges shall not duplicate the fees charged to the City by CSA under the CSA Agreement.

5. City Release; Termination. This Agreement may be terminated only in a writing executed by City and any and all owners of the Property and recorded in the Official Records of San Bernardino County.

6. Indemnity. Developer agrees to protect, defend, indemnify, and hold City free and harmless from any and all losses, claims, liens, demands, and causes of action of every kind and character including, but not limited to, the amounts of judgments, penalties, interest, court costs, legal fees, and all other expenses incurred by City including claims, liens, debts, personal injuries, death, or damages to property (including employees or property of the City) and without limitation by enumeration, all other claims or demands of every character occurring or in any way incident

to, in connection with or arising directly or indirectly out of, this Agreement, (collectively “Claims”) excluding any Claims arising from (i) the City’s default or failure to comply with the terms of the CSA Agreement, (ii) the negligence, gross negligence or willful misconduct of the City, its employees, agents or contractors, (iii) City’s failure to maintain or repair the connections, and (iv) City’s failure to timely bill Developer for its billings under Section 2.2.

7. Remedies; Attorney’s Fees. In the event of a breach by either Party, the non-defaulting Party may, in addition to any other remedies, seek to recover its attorneys’ fees in enforcing this Agreement. This provision will not be interpreted to curtail any of City’s remedies at law or equity against Developer for any violation of its codes, nor shall it be interpreted as a waiver of any defense or affirmative action of Developer.

8. Conflicts of Interest.

8.1 No Financial Relationship. Developer acknowledges the requirements of Government Code Sections 1090 *et seq.* (“**1090 Laws**”) and warrants that it has not entered into any financial or transactional relationships or arrangements that would violate the 1090 Laws, nor shall Developer solicit, participate in, or facilitate a violation of the 1090 Laws.

8.2 Developer’ Representations and Warranties. Developer represents and warrants that for the 12-month period preceding the Effective Date of this Agreement it has not entered into any arrangement to pay financial consideration to, and has not made any payment to, any City official, agent or employee that would create a legally cognizable conflict of interest as defined in the Political Reform Act (California Government Code sections 87100 *et seq.*).

9. Relationship between the Parties. The Parties agree that this Agreement does not operate to create the relationship of partnership, joint venture, or agency between City and Developer. Nothing herein shall be deemed to make Developer an agent of City.

10. Authority to Enter Agreement. Developer warrants that it has the legal capacity to enter into the Agreement. Each Party warrants that the individuals who have signed the Agreement have the legal power, right, and authority to make this Agreement and bind each respective Party.

11. Notices. All notices, demands, invoices, and communications shall be in writing and delivered to the following addresses or such other addresses as the Parties may designate by written notice:

To City: City of Hesperia
9700 Seventh Ave.
Hesperia, CA 92345
Attention: Nils Bentsen, City Manager
Email: nbentsen@cityofhesperia.us

With a Copy to: Aleshire & Wynder, LLP
3880 Lemon Street, Suite 520
Riverside, CA 92501
Attention: Eric Dunn, Esq.

Email: edunn@awattorneys.com

To Developer: 18667 HESPERIA, LLC
1000 N. Western Avenue, #200
San Pedro, CA 90732
Attention: Joe Rich

Depending upon the method of transmittal, notice shall be deemed received as follows: by overnight delivery, one business day after depositing with FedEx or UPS; by messenger, as of the date delivered; by U.S. Mail first class postage prepaid, as of seventy-two (72) hours after deposit in the U.S. Mail; and by email, upon the sender's receipt of an email from the recipient acknowledging receipt (provided a hard copy is subsequently also physically mailed by overnight delivery).

12. Cooperation; Further Acts. The Parties shall fully cooperate with one another, and shall take any additional acts or sign any additional documents as may be necessary, appropriate, or convenient to attain the purposes of this Agreement.

13. Construction; References; Captions. It being agreed the Parties or their agents have participated in the preparation of this Agreement, the language of this Agreement shall be construed simply, according to its fair meaning, and not strictly for or against any Party. Unless otherwise specified, any term referencing time, days, or period for performance shall be deemed calendar days and not business days, provided, however, that any deadline that falls on a weekend or holiday shall be extended to the next City business day. All references to Developer include all employees, agents, and contractors of Developer, except as otherwise specified in this Agreement. All references to City include its elected officials, appointed boards and commissions, officers, employees, agents, and volunteers. The captions of the various paragraphs are for convenience and ease of reference only, and do not define, limit, augment, or describe the scope, content, or intent of this Agreement.

14. Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and signed by both Parties.

15. Waiver. No waiver of any default shall constitute a waiver of any other default or breach, whether of the same or other covenant or condition. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual right by custom, estoppel, or otherwise.

16. Binding Effect. Each and all of the covenants and conditions contained in this Agreement shall be binding on and shall inure to the benefit of the Parties, and their successors, heirs, personal representatives, or assigns. This section shall not be construed as an authorization for any Party to assign any right or obligation. It is the intention of the Parties that the covenants contained herein shall run with the land. Upon execution, this Agreement will be recorded in the Official Records of San Bernardino County.

17. No Third Party Beneficiaries. There are no intended third party beneficiaries of any right or obligation assumed by the Parties.

18. Invalidity; Severability. If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

19. Consent to Jurisdiction and Venue. This Agreement shall be construed in accordance with and governed by the laws of the State of California. Any legal action or proceeding brought to interpret or enforce this Agreement, or which in any way arises out of the Parties' activities undertaken pursuant to this Agreement, shall be filed and prosecuted in the appropriate California State Court in the County of San Bernardino, California. Each Party waives the benefit of any provision of state or federal law providing for a change of venue to any other court or jurisdiction including, without limitation, a change of venue based on the fact that a governmental entity is a party to the action or proceeding, or that a federal right or question is involved or alleged to be involved in the action or proceeding. Without limiting the generality of the foregoing waiver, Developer expressly waives any right to have venue transferred pursuant to California Code of Civil Procedure Section 394.

20. Time is of the Essence. Time is of the essence with respect to this Agreement.

21. Counterparts. This Agreement may be signed in counterparts, each of which shall constitute an original and which collectively shall constitute one instrument.

22. Entire Agreement. This Agreement contains the entire agreement between City and Developer and supersedes any prior oral or written statements or agreements between City and Developer with respect to the subject matter of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first above written.

OWNER:

18667 HESPERIA,
a California limited liability company

By: _____
Name: _____
Title: _____

CITY:

CITY OF HESPERIA,
a municipal corporation

By: _____
Nils Bentsen, City Manager
_____, 2019

ATTEST:

Melinda Sayre, City Clerk

APPROVED AS TO FORM:

Aleshire & Wynder, LLP

Eric Dunn, City Attorney

DEVELOPER' SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS OR OTHER ORGANIZATIONAL OR FORMATIONAL DOCUMENTS OR OTHER RULES OR REGULATIONS APPLICABLE TO DEVELOPER' BUSINESS ENTITY.

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO UNITED STATES GOVERNMENT SURVEY.

ALSO EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE COUNTY OF SAN BERNARDINO, A BODY CORPORATE AND POLITIC OF THE STATE OF CALIFORNIA, BY DEED RECORDED JULY 1, 1964, IN BOOK 6181, PAGE 178, OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM AN UNDIVIDED 1/4 INTEREST IN AND TO ALL OIL, GAS AND MINERALS LYING AND BEING MORE THAN 200 FEET BELOW THE RESPECTIVE PRESENT SURFACE ELEVATIONS OF THE PROPERTY HEREIN CONVEYED WHICH SAID RESERVED RIGHT SHALL NOT, HOWEVER, INCLUDE ANY RIGHT OF ENTRY UPON ANY PART OF THE SURFACE OF THE HEREIN DESCRIBED PROPERTY FOR THE PURPOSE OF EXPLORATION, DEVELOPMENT, DRILLING, STORAGE OR OTHER ACTIVITY ANCILLARY TO THE REMOVAL OF SUCH OIL, GAS OR MINERALS, AS RESERVED BY LACY MANUFACTURING COMPANY IN DEED RECORDED JUNE 11, 1954 IN BOOK 3400, PAGE 405, OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM AN UNDIVIDED 1/4 INTEREST IN AND TO ALL OIL, GAS AND MINERALS LYING AND BEING MORE THAN 200 FEET BELOW THE RESPECTIVE PRESENT SURFACE ELEVATIONS OF THE PROPERTY HEREIN CONVEYED WHICH SAID RESERVED RIGHT SHALL NOT, HOWEVER, INCLUDE ANY RIGHT OF ENTRY UPON ANY PART OF THE SURFACE OF THE HEREIN DESCRIBED PROPERTY FOR THE PURPOSE OF EXPLORATION, DEVELOPMENT, DRILLING, STORAGE OR OTHER ACTIVITY ANCILLARY TO THE REMOVAL OF SUCH OIL, GAS OR MINERALS AS RESERVED BY SECURITY-FIRST NATIONAL BANK OF LOS ANGELES AND C. W. STEVENSON, IN DEED RECORDED JUNE 11, 1954, IN BOOK 3400, PAGE 405, OFFICIAL RECORDS.

AND ALSO EXCEPTING THEREFROM AN UNDIVIDED 1/2 INTEREST IN AND TO ALL OIL, GAS, AND MINERALS, LYING AND BEING MORE THAN 200 FEET BELOW THE RESPECTIVE PRESENT SURFACE ELEVATIONS OF THE ABOVE DESCRIBED PROPERTY, PROVIDED, HOWEVER, THAT SUCH EXCEPTED OWNERSHIP OF SUCH 1/2 INTEREST IN AND TO SUCH OIL, GAS, AND MINERALS DOES NOT INCLUDE, AND SHALL NOT BE CONSTRUED TO INCLUDE, ANY RIGHT OF ENTRY UPON ANY

PART OF THE SURFACE OF THE HEREIN DESCRIBED PROPERTY FOR THE PURPOSE OF THE EXPLORATION, DEVELOPMENT, DRILLING, STORAGE, OR OTHER ACTIVITY ANCILLARY TO THE REMOVAL OF SUCH OIL, GAS OR MINERALS, AS EXCEPTED IN THAT CERTAIN DEED FROM THE APPLETON LAND, WATER AND POWER COMPANY, TO N. K. MENDELSON, ET AL., RECORDED JUNE 11, 1954, IN BOOK 3400, PAGE 409, OFFICIAL RECORDS.

APN: 0399-011-24-0000

EXHIBIT B
CSA Agreement
[On Following Pages]

EXHIBIT C

List of Conditions for CUP 18-00002

[On Following Pages]

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____, 2019 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- INDIVIDUAL
- CORPORATE OFFICER
- _____ TITLE(S)
- PARTNER(S) LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER _____

- _____ TITLE OR TYPE OF DOCUMENT
- _____ NUMBER OF PAGES
- _____ DATE OF DOCUMENT
- _____ SIGNER(S) OTHER THAN NAMED ABOVE

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____, 2019 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

- INDIVIDUAL
- CORPORATE OFFICER
- _____ TITLE(S)
- PARTNER(S) LIMITED
- GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER _____

- _____ TITLE OR TYPE OF DOCUMENT
- _____ NUMBER OF PAGES
- _____ DATE OF DOCUMENT
- _____ SIGNER(S) OTHER THAN NAMED ABOVE

SIGNER IS REPRESENTING:
(NAME OF PERSON(S) OR ENTITY(IES))



DATE: October 15, 2019

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

FROM: Nils Bentsen, City Manager

BY: Mike Blay, Assistant City Manager
Scott Saude, Facility Supervisor

SUBJECT: Heating Ventilation and Air Conditioning (HVAC) Services Contract

RECOMMENDED ACTION

It is recommended that the Mayor and Council Members and Chair and Board Members of the Hesperia Water District authorize the City Manager to execute a modification to an existing Professional Services Agreement 2018-19-024 with MDM West Inc. in the not-to-exceed amount of \$89,500 and extend the agreement expiration date to June 30, 2021.

BACKGROUND

Over the past several months the Facility Maintenance Department has been struggling to maintain climate control in our facilities during the hot summer months. Now that the temperatures are cooling off it is time to replace ageing and failing equipment. Within the approved Fiscal Year 2019-20 budget, City Council allocated funds for the purpose of contracting Heating Ventilation and Air Conditioning (HVAC) services. In previous years we have expended on average \$30K annually on HVAC equipment maintenance and repair work utilizing sub-contractors and in house staff. This agreement needs to be increased to \$89,500 in order to conduct major repairs to HVAC system at City Hall, Hesperia Sheriff's Station, County Library and provide council authority for the 2020-21 fiscal year contract extension.

ISSUES/ANALYSIS

A Request for Bids (RFB) for HVAC services was released on June 01, 2017 for services in Fiscal Year 2017-18. WCM Inc. was issued a service contract on July 01, 2017 with an expiration date of June 30, 2020. WCM Inc. could not perform the required services nor complete the agreement due to health issues affecting the owner operator. As a result of WCM's non-performance the remaining bidders were asked if they would hold pricing as submitted on the original RFB. MDM West Inc. was selected as the vendor willing to hold pricing.

A second Professional Services Agreement 2018-19-024 was issued to MDM West Inc. on July 17, 2018 with an expiration date of January 01, 2020 in the amount of \$29,500. The current amount of the agreement is insufficient to make the necessary repair to our current HVAC systems. An additional \$60,000 is required to make significant repairs to HVAC units -1 and -2 at City Hall, Air Conditioning units -1 and -4 at the County Library, and repair and or replace hot water heating circulation pumps at the Hesperia Sheriff's Station. All of the repairs listed above are needed to provide basic climate control at each of the facilities.

FISCAL IMPACT

Current funding is allocated in account 100-29-310-3110-7500 and 700-29-400-4080-7500 for Preventive Maintenance and 100-29-310-3110-8070 and 700-29-400-4080-8070 for repair work.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

None



DATE: October 1, 2019
TO: Mayor and City Council members
FROM: Nils Bentsen, City Manager **SECOND READING AND ADOPTION**
BY: Mike Blay, Assistant City Manager
Tina Bulgarelli, Administrative Analyst
SUBJECT: Amendments to Title 5 of Hesperia Municipal Code – Cannabis Regulations

RECOMMENDED ACTION

It is recommended that the City Council introduce and place on first reading Ordinance No. 2019-52 amending Title 5 of the Hesperia Municipal Code modifying cannabis regulations.

At the October 1, 2019 meeting, the City Council voted 3-0 to amend the Ordinance removing the requirement to notify the business owner thirty-days in advance of the audit fee becoming due, and instead authorizing staff to make the audit fees a part of the business license renewal, allowing the licensee the ability to plan for the fees as part of their renewal.

BACKGROUND

In November 2017, the City Council adopted regulations to allow for Commercial Cannabis activity specific to Medicinal Non-Storefront Retailer Delivery Only Dispensaries.

In February 2019, the City Council ratified a tax on Commercial Cannabis businesses and set the rate at 4%.

ISSUES/ANALYSIS

There are eight operating commercial cannabis businesses in the City, based on current applications, there could be as many as thirty to forty in the future. Each business is responsible to pay required taxes and fees to the State Bureau of Cannabis Control, the County of San Bernardino, and the City. Due to the nature of the cannabis industry, banking services are not readily available to the businesses and it remains a mostly cash business. The City believes that occasional audits of the cannabis businesses will ensure that compliance with state and local law is being upheld and that each business is paying their required taxes and fees to the City. The audit will be completed by a company selected by the City pursuant to procedures for selecting vendors to perform City services. A fee for the audit will be charged to the cannabis business to pay for the service. The City will only charge the business owner the fee when an audit is performed on their business.

Adopting a separate fee for audit services, to be charged to the business owner when an audit is deemed necessary will offset any City costs for the service and ensure that each business is paying for their audit individually.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Ordinance No. 2019-52
2. Exhibit A – Title 5 Amendment (clean copy)
3. Exhibit A – Title 5 Amendment (track changes)

ORDINANCE NO. 2019-52

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING TITLE 5, CHAPTER 5.50 OF THE HESPERIA MUNICIPAL CODE, RELATED TO COMMERCIAL CANNABIS REGULATIONS

WHEREAS, the City of Hesperia has the authority and responsibility to regulate businesses to protect the public health, safety, and welfare; and

WHEREAS, Title 5 of the Hesperia Municipal Code contains regulations related to commercial cannabis operations; and

WHEREAS, in 2017 the City Council adopted regulations related to the Commercial Cannabis operations, and in February 2019 ratified a tax on Commercial Cannabis businesses; and

WHEREAS, since that time there have been situations where it is apparent that the need for an audit of the financial records of the cannabis businesses may be required; and

WHEREAS, there are currently provisions in the existing regulations to allow the City to review any records related to the cannabis business, inclusive of financial records; and

WHEREAS, additionally, language is proposed to include a more extensive description of the audit requirement; and

WHEREAS, adopting a fee for the audit services will allow the City to recover fully any costs related to auditing the cannabis businesses, and allow the City to schedule audits as needed with each individual business owner being responsible for their audit costs; and

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

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

Section 1. All of the facts set forth in the forgoing recitals are true, correct and are adopted as findings.

Section 3. Title 5, Chapter 5.50 of the Hesperia Municipal Code is hereby amended as set forth in Exhibit "A", attached hereto.

Section 6. This Ordinance shall take effect on November 17, 2019.

Section 7. The City Council of the City of Hesperia hereby declares that should any provision, section, paragraph, sentence, or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, and words shall remain in full force and effect.

Section 8. The City Clerk shall certify to the adoption of the 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 93-78.

ADOPTED AND APPROVED this 17th day of September, 2019

Larry Bird, Mayor

ATTEST _____
Melinda Sayre, City Clerk

ATTACHMENT 2

5.50.100 - Records

3) All records required to be maintained by the delivery dispensary must be maintained for no less than 3 years and are subject to immediate inspection upon written request by the Director.

a. Records pertaining to the operation of the delivery dispensary, including but not limited to taxation remittance to State, County or City, revenue, product inventory, etc. shall be subject, at the City's discretion, to an audit, performed by a company selected by the City. The business owner shall pay any required fees, as adopted by the City Council, for the performance of the audit.

ATTACHMENT 3

5.50.100 - Records

3) All records required to be maintained by the delivery dispensary must be maintained for no less than 3 years and are subject to immediate inspection upon written request by the Director.

4) ~~a. Records pertaining to the operation of the delivery dispensary, including but not limited to taxation remittance to State, County or City, revenue, product inventory, etc. shall be subject, at the City's discretion, to an audit, performed by a company selected by the City. The business owner shall pay any required fees, as adopted by the City Council, for the performance of the audit.~~



DATE: October 15, 2019
TO: Mayor and Council Members
FROM: Nils Bentsen, City Manager
BY: Chris Borchert, Principal Planner
Daniel Alcayaga, Senior Planner
SUBJECT: General Plan Amendment GPA19-00001 & Tentative Parcel Map TPM19-00004;
Applicant: Mas Tierra, Inc.; APN: 0405-371-37

RECOMMENDED ACTION

The Planning Commission recommends that City Council adopt Resolution Nos. 2019-056 and 2019-057, approving General Plan Amendment GPA19-00001 from RR-2 1/2 to RR-1 and Tentative Parcel Map TPM19-00004 to create two parcels from 4.8 gross acres.

BACKGROUND

Proposal: A General Plan Amendment (GPA) changing the land use designation from Rural Residential with a minimum lot size of 2½ acres (RR-2½) to Rural Residential with a minimum lot size of one-acre (RR-1) in conjunction with a Tentative Parcel Map (PM-20019), to create two parcels from 4.8 gross acres. The RR-1 designation allows lot sizes between one and two-and-one-half acres. The tentative parcel map creates two parcels with lot sizes of 2.3 and 2.5 gross acres, which matches lot sizes of surrounding parcels. The proposed GPA would be compatible with surrounding General Plan designations, as there are mix of properties designated RR-2½ and RR-1 in this area. There are properties designated RR-1 located 330 feet to the north, and 530 feet to the south of the subject property.

Location: 300 feet south of Mesquite Street, on the east side of Opal Avenue

Planning Commission Review: On September 12, 2019, the Planning Commission voted 4-0 to forward this item to the City Council with a recommendation for approval. One Commissioner seat was vacant.

Conclusion: The proposed RR-1 designation and proposed parcels are compatible with surrounding General Plan designations, as well as the lot sizes of the surrounding area. The project conforms to the policies of the City's General Plan and meets the standards of the Development Code with adoption of the General Plan Amendment.

ATTACHMENTS

1. Resolution No. 2019-056
2. Exhibit "A"
3. Resolution No. 2019-057
4. List of Conditions
5. Planning Commission Staff Report

RESOLUTION NO. 2019-056

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, AMENDING THE OFFICIAL GENERAL PLAN LAND USE MAP BY RECLASSIFYING CERTAIN REAL PROPERTY FROM RURAL RESIDENTIAL WITH A MINIMUM LOT SIZE OF 2½ ACRES (RR-2½) TO RURAL RESIDENTIAL WITH A MINIMUM LOT SIZE OF ONE-ACRE (RR-1) ON 4.8 GROSS ACRES LOCATED 300 FEET SOUTH OF MESQUITE STREET, ON THE EAST SIDE OF OPAL AVENUE (GPA19-00001)

WHEREAS, on May 15, 1991, the City Council of the City of Hesperia adopted the City's General Plan, currently applicable in regards to development within the City; and

WHEREAS, Mas Tierra, Inc. has filed an application requesting approval of GPA19-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 4.8 gross acres within the Rural Residential with a minimum lot size of 2½ acres (RR-2½) designation located 300 feet south of Mesquite Street, on the east side of Opal Avenue and consists of Assessor's Parcel Number 0405-371-37; and

WHEREAS, the Application, as contemplated, proposes to change the General Plan Land Use designation of the subject property from RR-2½ to Rural Residential with a minimum lot size of one-acre (RR-1); and

WHEREAS, Mas Tierra, Inc. has also filed an application requesting approval of Tentative Parcel Map TPM19-00004 (PM-20019), to create two single-family residential lots on 4.8 gross acres located 300 feet south of Mesquite Street, on the east side of Opal Avenue; and

WHEREAS, the subject site is vacant. The properties to the north, south and west contain single-family residences. A Southern California Edison Transmission Tower Corridor extends along the east side of the property; and

WHEREAS, the subject property is currently within the RR-2½ designation, which is proposed to be changed to RR-1. A small portion of the property to the east is designated Utility Corridor (UC), as a portion of the property is part of the Southern California Edison Transmission Tower Corridor. The properties to the north, south, and west are within the RR-2 ½ designation. The property to the east is within the Utility Corridor (UC) designation; and

WHEREAS, the project is exempt from the requirements of the California Environmental Quality Act by 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, on September 12, 2019, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, on October 15, 2019, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AS FOLLOWS:

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

Section 2. Based upon substantial evidence presented to the City Council during the above-referenced October 15, 2019 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) The area of the proposed General Plan Amendment is suitable for the land uses permitted within the proposed Land Use designation. This application proposes to allow one dwelling unit on 2.3 and 2.5 gross acres, which will not significantly increase the density of this area and is generally consistent with the current parcel sizes. In addition, each parcel contains sufficient land area to allow a suitable building pad.
- (b) The proposed General Plan Amendment is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia.
- (c) The proposed General Plan Amendment is consistent with City policy, which will allow residential uses capable of utilizing existing supporting infrastructure and municipal services, as directed by the City's adopted General Plan.
- (d) The proposed General Plan Amendment is consistent with the goals and policies of the General Plan, specifically to promote policies that will provide for a mix of residential, commercial, and industrial land uses which will generate sufficient tax revenues to pay the costs of maintaining desired levels of services and adequate infrastructure facilities.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby adopts General Plan Amendment GPA19-00001, amending the General Plan map of the City of Hesperia as shown on Exhibit "A".

Section 4. That City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

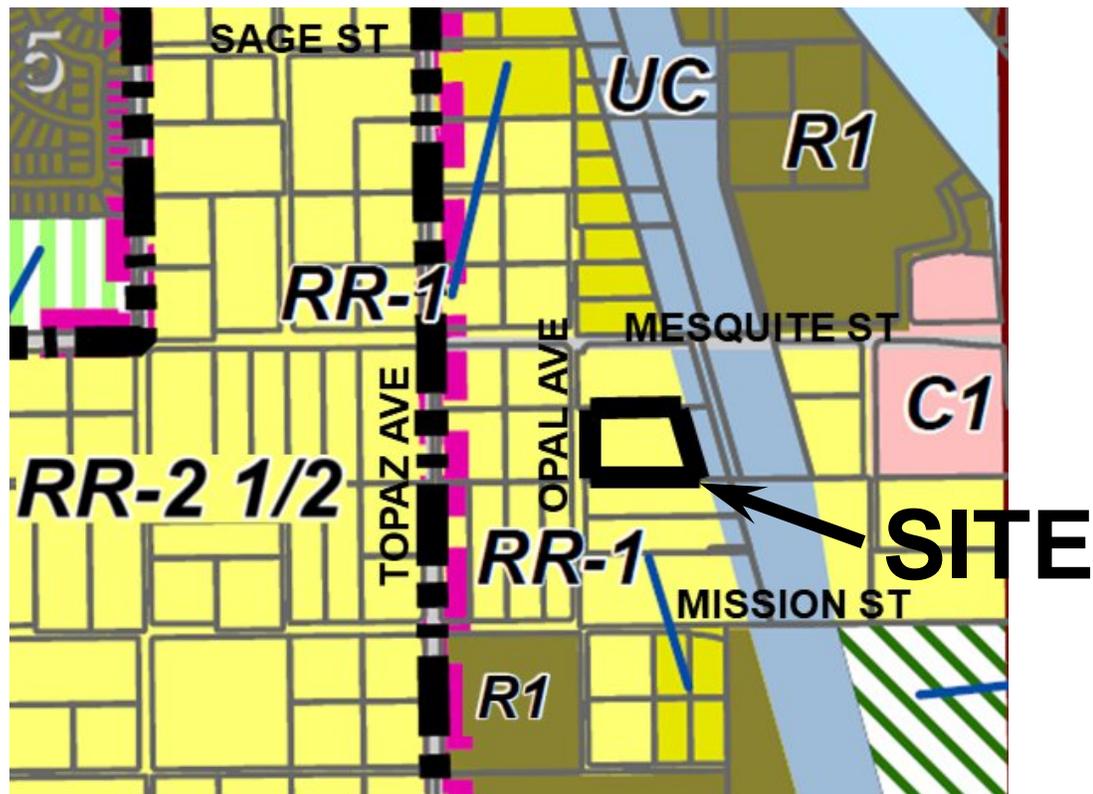
ADOPTED AND APPROVED this 15^h day of October 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre
City Clerk

Exhibit "A"



GPA19-00001

A GENERAL PLAN AMENDMENT FROM RURAL RESIDENTIAL WITH A MINIMUM LOT SIZE OF 2½ ACRES (RR-2½) TO RURAL RESIDENTIAL WITH A MINIMUM LOT SIZE OF ONE ACRE (RR-1) ON 4.8 GROSS ACRES

RESOLUTION NO. 2019-057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP (PM-20019), TO CREATE TWO SINGLE-FAMILY RESIDENTIAL LOTS ON 4.8 GROSS ACRES LOCATED 300 FEET SOUTH OF MESQUITE STREET, ON THE EAST SIDE OF OPAL AVENUE (TPM19-00004)

WHEREAS, Mas Tierra, Inc. has filed an application requesting approval of TPM19-00004 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 4.8 gross acres located within the Rural Residential with a minimum lot size of 2½ acres (RR-2½) designation located 300 feet south of Mesquite Street, on the east side of Opal Avenue and consists of Assessor's Parcel Number 0405-371-37; and

WHEREAS, the Application, as contemplated, proposes to create two parcels on approximately 4.8 gross acres; and

WHEREAS, Mas Tierra, Inc. has also filed an application requesting approval of General Plan Amendment GPA19-00001, which will change the General Plan Land Use designation of the subject property from RR-2½ to Rural Residential with a minimum lot size of one-acre (RR-1); and

WHEREAS, the subject site is vacant. The properties to the north, south and west contain single-family residences. A Southern California Edison Transmission Tower Corridor extends along the east side of the property; and

WHEREAS, the subject property is currently within the RR-2½ designation, which is proposed to be changed to RR-1. A small portion of the property to the east is designated Utility Corridor (UC), as a portion of the property is part of the Southern California Edison Transmission Tower Corridor. The properties to the north, south, and west are within the RR-2 ½ designation. The property to the east is within the Utility Corridor (UC) designation; and

WHEREAS, the project is exempt from the requirements of the California Environmental Quality Act by 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, on September 12, 2019, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, on October 15, 2019, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESERIA CITY COUNCIL AS FOLLOWS:

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

Section 2. Based upon substantial evidence presented to the City Council during the above-referenced October 15, 2019 hearing, including public testimony and written and oral staff reports, this Council specifically finds as follows:

- (a) The proposed map is consistent with the City's General Plan of the City of Hesperia, with approval of General Plan Amendment GPA19-00001.
- (b) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia, as the project supports the existing land use and circulation pattern in the area.
- (c) The site is physically suitable for the type of development because there are no known physical constraints to residential development and the site has adequate area to accommodate the proposed parcels.
- (d) The site is physically suitable for the proposed density of residential development because the parcels are adequate in size and shape and all regulations applicable to the development can be met with approval of GPA19-00001.
- (e) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.
- (f) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Section 3. Based on the findings and conclusions set forth in this Resolution, the City Council hereby approves TPM19-00004 (PM-20019) subject to the conditions of approval as shown in Attachment "A".

Section 4. That City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 15th day of October 2019.

Larry Bird, Mayor

ATTEST:

Melinda Sayre
City Clerk

ATTACHMENT 4

**ATTACHMENT "A"
List of Conditions for TPM19-00004**

Approval Date: October 15, 2019

Effective Date: October 15, 2019

Expiration Date: October 15, 2023

This list of conditions applies to Consideration of Tentative Parcel Map to create two parcels from 4.8 gross acres located on the east side of Opal Avenue, 300 feet south of Mesquite Street (Applicant: Mas Tierra; APN: 0405-371-37)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED PRIOR TO RECORDATION OF THE PARCEL MAP

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

PARCEL MAP (RES). A Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66444 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Map Standards. (E)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Jamie Carone at (760)947-1149 or jcarone@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

ALL EASEMENTS OF RECORD. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are

ATTACHMENT 4

in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO DEVELOPMENT OF ANY PARCEL OF THE PARCEL MAP

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

RECORDATION OF MAP. Map shall be recorded with the San Bernardino County Recorder's Office. (E)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

UTILITIES. City of Hesperia does not have a water main in Opal Avenue to serve property. The closest water main is in Mesquite Street approximately 400' north of property as is a County of San Bernardino water main. Before development of either parcel, a "Will Serve" letter from the County shall be submitted. Each parcel shall be served by a separate water meter and service line. A Fire Fly automatic meter reader to be included on all meter connections. (E)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

DUST CONTROL. Dust control shall be maintained before, during, and after all grading operations. (B)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

ATTACHMENT 4

- A. Development Impact Fees (B)
- B. Park Fees (B)
- C. Utility Fees (E)

NOTICE TO DEVELOPER: THIS CONCLUDES THE REQUIREMENTS FOR RECORDATION OF THE PARCEL MAP. IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	947-1300
(E) Engineering Division	947-1476
(F) Fire Prevention Division	947-1603
(P) Planning Division	947-1200
(RPD) Hesperia Recreation and Park District	244-5488



ATTACHMENT 5

DATE: September 12, 2019
TO: Planning Commission
FROM: Chris Borchert, Principal Planner
BY: Daniel Alcayaga, Senior Planner
SUBJECT: General Plan Amendment GPA19-00001 & Tentative Parcel Map TPM19-00004;
Applicant: Mas Tierra, Inc.; APN: 0405-371-37)

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2019-23 and PC-2019-24, recommending that the City Council approve GPA19-00001 and TPM19-00004.

BACKGROUND

Proposal: A General Plan Amendment from Rural Residential with a minimum lot size of 2½ acres (RR-2½) to Rural Residential with a minimum lot size of one-acre (RR-1) in conjunction with a Tentative Parcel Map (PM-20019), to create two parcels from 4.8 gross acres (Attachment 1).

Location: 300 feet south of Mesquite Street, on the east side of Opal Avenue

Current General Plan, Zoning and Land Uses: The property is currently within the Rural Residential with a minimum lot size of 2½ acres (RR-2½) designation. A small portion of the property to the east is designated Utility Corridor (UC), as a portion of the property is part of the Southern California Edison Transmission Tower Corridor. This corridor also extends north and south to the east of the property. The surrounding land is designated as noted on Attachment 2. The subject property is vacant. The properties to the north, south and west contain single-family residences (Attachment 3).

ISSUES/ANALYSIS

Land Use: The proposed General Plan Amendment would change the Land Use designation of the subject property from the Rural Residential with a minimum lot size of 2½ acres (RR-2½) to the Rural Residential with a minimum lot size of one-acre (RR-1) designation. The RR-1 designation allows residential uses at a density between 0.41 and 1.0 dwelling units per gross acre. The tentative parcel map creates two parcels, which would yield a density of just 0.41 dwelling units per gross acre. Parcel sizes are 2.3 and 2.5 gross acres. The width of the property is 330 feet with an average depth of 626 feet. The tentative parcel map proposes to subdivide the property in the middle resulting in both parcels having lot widths of 165 feet. The proposed subdivision is in compliance with the minimum lot width, depth, and area requirements of the RR-1 designation.

Staff supports the General Plan Amendment because there are mix of properties designated RR-2½ and RR-1 in this area. There are properties designated RR-1 located 330 feet to the north, and 530 feet to the south. The proposed parcels sizes, which are 2.3 and 2.5 gross acres, are consistent with surrounding properties. The lot sizes in this area range between 1 to 2.5 acres.

A concern was raised by an adjacent property owner that they do not want the subject property to be subdivided into one acre lots. The builder does not intend to create one acre lots; instead, the builder proposes parcels that are 2.3 and 2.5 gross acres. Staff does not believe the builder can propose additional parcels beyond the two parcels because lot widths would start to fall below the standard in the neighborhood and not meet the criteria in Section 16.12.405(6)(a) and (b) of the Development Code (see below).

Section 16.12.405(6):

- a. The project will not have significant or long-range impacts on surrounding properties, city services, or the environment;
- b. The project will not establish a new or different pattern of land uses or intensities in the area;

In reviewing lot widths of surrounding properties, it was found that lot widths were not less than 140 feet. If the applicant proposed a subdivision of three or four parcels, it would result in lot widths of 110 feet and 82.5 feet, which would not be in line with the character of the neighborhood or pattern of land use. Practically speaking a subdivision of one acre lots is not possible due to lot width limitations. Even though the RR-1 designation allows one acre lots, this is not what is proposed. The General Plan Amendment is only needed because one of the proposed parcels falls slightly below the 2.5 gross acre requirement. The proposed parcels width and depth are consistent with surrounding properties

Drainage: A preliminary drainage study indicates that no significant flows cross this site.

Street Improvements: Opal Avenue is currently a dirt road, and not anticipated to be paved.

Water and Sewer: Each parcel will be served by an approved septic system. The applicant will need to obtain a will serve letter for water from County Service Area 70, Zone J (CSA 70-J). The parcels shall connect to the special district's water system in accordance with the standards of CSA 70-J.

Environmental: The project is exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15061(b)(3), where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist shall be performed to determine whether the site contains burrowing owls.

Conclusion: The proposed RR-1 designation and proposed parcels are compatible with the General Plan designations, as well as the lot sizes of the surrounding area. The project conforms to the policies of the City's General Plan and meets the standards of the Development Code with adoption of the General Plan Amendment.

FISCAL IMPACT

Development will be subject to payment of development impact fees.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Tentative Parcel Map
2. General Plan Land Use Map
3. Aerial Photo
4. Resolution No. PC-2019-23 (GPA19-00001)
5. Resolution No. PC-2019-24, including conditions of approval (TPM19-00004)



DATE: October 15, 2019
TO: Mayor and Council Members
FROM: Nils Bentsen, City Manager
BY: Eric Dunn, City Attorney
SUBJECT: City Council District Four Vacancy

RECOMMENDED ACTION

It is recommended that the City Council appoint a qualified resident of District Four to the vacant seat on the City Council.

BACKGROUND

On September 3, 2019, the City Council declared the City Council District Four seat vacant. Within 60 days of the vacancy, state law directs the City Council to fill the vacancy by appointment or by calling a special election. The 60-day deadline is November 2, 2019.

At the October 1, 2019 City Council Meeting, the Council voted to direct staff prepare an action item on tonight's agenda for the City Council to make an appointment to fill the District Four Council seat vacancy. If the City Council does not act tonight, a special meeting would be required by November 2 to either make an appointment or call a special election for March 3, 2020.

Because the vacancy occurred in the first half of the term, the District Four seat will be up for election in November 2020 in accordance with state law. The person elected in November 2020 will serve the remainder of the unexpired term, which ends December 2022.

ISSUES/ANALYSIS

State law directs that no later than 60 days after a vacancy occurs (which in this case is Saturday, November 2, 2019), the City Council must either (1) appoint a qualified resident to fill the vacancy or (2) call a special election to be held on the next regularly scheduled election date at least 114 days after the special election is called. (Government Code section 36512.) The next regularly scheduled election date is March 3, 2020.

Because the vacancy occurred in the first half of a term of office and at least 130 days prior to the next general municipal election (in this case November 3, 2020), the appointee will hold office until the next general municipal election. The person elected at that time will hold office for the unexpired balance of the term of office which ends in December 2022. (Government Code section 36512(b)(2)(A).) In other words, the appointee would take office immediately on appointment and would serve until the winner of the regularly scheduled November 2020 election is declared.

Special Election

If the City Council chooses to call a special election to fill the unexpired term, it must do so by November 2, 2019. The election would be held on March 3, 2020. Candidates for the special election must reside in District Four. The person elected at that time would hold office for the unexpired balance of the term of office which ends in December 2022. (Government Code section 36512(b)(1).) Unlike the appointment scenario, the seat would not be up for election in November 2020.

FISCAL IMPACT

There is no fiscal impact associated with this item at this time.

ALTERNATIVE(S)

1. Provide alternate direction to staff.

ATTACHMENT(S)

None