

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

*Regular Joint Meetings*  
*1<sup>st</sup> and 3<sup>rd</sup> Tuesday*

***Date: May 5, 2020***  
***REGULAR MEETING***

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

**CITY COUNCIL MEMBERS**

Larry Bird, Mayor

Cameron Gregg, Mayor Pro Tem

Brigit Bennington, Council Member

William J. Holland, Council Member

Rebekah Swanson, Council Member

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Nils Bentsen, City Manager

Eric L. Dunn, City Attorney



*City of Hesperia*

Council Chambers  
9700 Seventh Avenue  
Hesperia, CA 92345

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

***Agendas and Staff Reports are  
available on the City Website***  
[www.cityofhesperia.us](http://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.

**\*See page (3) for details on public meeting guidelines  
during the COVID-19 (Coronavirus) Pandemic**



**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.



## Remote Access to City of Hesperia Council Meeting:

In accordance with new community guidelines from the Center for Disease Control to avoid gatherings of more than 10 persons, the City of Hesperia will allow for remote participation at City Council meetings. The public will not be permitted to attend the meetings within the council chambers, but may, within the new community gathering guidelines, view the meeting on the lobby monitor and submit written comments to be read by staff.

As always, the public may view the City Council meetings live on the City of Hesperia's website at [www.cityofhesperia.us](http://www.cityofhesperia.us).

## Remote Public Comment:

During the City Council meeting, public comment will be accepted via email. If you would like to comment remotely, please follow the protocols below:

- Send comments via email to [publiccomment@cityofhesperia.us](mailto:publiccomment@cityofhesperia.us)
- Identify your name and the item you wish to comment on in your email's subject line.
- Contact information in your email is optional, but will allow staff to easily follow up with you if necessary.

- Emailed comments on each Consent Calendar/New Business/Public Hearing item will be accepted after the start of the meeting and up to the when the Mayor announces that public comment for that item is closed.
- Each emailed comment will be read aloud by a member of staff for up to three (3) minutes for Consent Calendar/New Business items and up to five (5) minutes for Public Hearing items.

Emails received by [publiccomment@cityofhesperia.us](mailto:publiccomment@cityofhesperia.us) outside of the comment period outlined above will not be included in the record.

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**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 - 5:30 PM (To be held in the City Manager Conference Room)**

**Roll Call**

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

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

1. Assistant Secretary for FHEO v. City of Hesperia, California, et al.; Case Number 09-16-4717-8
2. Silverwood Aviation, Inc. et al. v City of Hesperia et al. Case No. 5:20-CV-00185

**Personnel Matters - Performance Evaluations**  
**Government Code Section 54957**

1. City Manager Personnel Evaluation

**CALL TO ORDER - 6:30 PM**

**A. Invocation**

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

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

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

1. Update on the City's Emergency Response related to the Coronavirus Disease by Rachel Molina, Deputy City Manager to the City Council

**JOINT CONSENT CALENDAR**

1. Page 7 Consideration of the Draft Minutes from the Regular Meeting held Tuesday, April 21, 2020

**Recommended Action:**

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, April 21, 2020.

**Staff Person:** Director of Government Services/City Clerk Melinda Sayre

**Attachments:** [Draft CC Min 2020-04-21](#)

2. Page 15 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 5-5-2020](#)

[Attachment 1 - Warrant Run](#)

3. Page 17 Amendment to Contract with ECS Imaging

**Recommended Action:**

It is recommended that the City Council approve an amendment in the amount

of \$10,000 to the contract with ECS Imaging for electronic plan review implementation (PSA 2018-19-051) for a total contract amount of \$60,000; and authorize the City Manager to execute the amended contract with ECS Imaging.

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

**Attachments:** [SR Amendment to ECS Imaging Contract 5-5-2020](#)

4. Page 19 Resolution in Support of the Countywide Vision Statement

**Recommended Action:**

It is recommended that the City Council adopt Resolution No. 2020-28 affirming support of the Countywide Vision Statement.

**Staff Person:** Director of Government Services/City Clerk Melinda Sayre

**Attachments:** [SR Support of Countywide Vision Statement 5-5-2020](#)

[Resolution 2020-28](#)

[Attachment 2 - Countywide Vision Plan](#)

5. Page 23 Off-Highway Motor Vehicle Grant Application to the California Department of Parks and Recreation

**Recommended Action:**

It is recommended that the City Council approve and adopt Resolution No. 2020-26 authorizing the submission of a California Off-Highway Motor Vehicle (OHV) Grant Application to the California Department of Parks and Recreation for a total of \$129,259.00, and authorize the City Manager and the San Bernardino County Sheriff's Department to execute the Application and any amendments thereto on behalf of the City.

**Staff Person:** Captain Mike Browne

**Attachments:** [SR Off High-Way Motor Vehicle Grant Application 5-5-2020](#)

[Resolution 2020-26](#)

[Attachment 2 - 2020/2021 Off-Highway Motor Vehicle Grant Application](#)

6. Page 29 Award a contract to Sully-Miller Contracting Company for the Construction of the FY 2019-20 and 2020-21 Street Improvement Project (CO #7153 and CO #7161)

**Recommended Action:**

It is recommended that the City Council award a construction contract to the lowest responsive/responsible bidder, Sully-Miller Contracting Company, for the FY 2019-20 and 2020-21 Street Improvement Project in the amount of \$2,932,512.09; approve a 10% contingency in the amount of \$293,251.21 for a total contract amount of \$3,225,763.30; approve the design of the projects represented by the plans and specifications; and authorize the City Manager to execute the contract.

**Staff Person:** Assistant City Manager Michael Blay

**Attachments:** [SR Award CO 7153 and 7161 5-5-2020](#)

[Attachment 1 - Bid Results](#)

7. Page 33 Townsend Public Affairs Contract Extension

**Recommended Action:**

It is recommended that the City Council approve an extension to the Professional Services Agreement with Townsend Public Affairs for State Legislative Advocacy and State and Federal Funding Advocacy Services, effective July 1, 2020 through June 30, 2021.

**Staff Person:** Deputy City Manager Rachel Molina

**Attachments:** [SR Townsend Public Affairs Contract Extension 5-5-2020](#)

[Attachment 1 - Scope of Services Memo](#)

## **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 39 Adoption of Ordinance No. 2020-05 Establishing Campaign Contribution Limits and Regulations

**Recommended Action:**

Place on second reading and adopt by title waiving the text of Ordinance 2020-05, establishing Campaign Contribution Limits and Regulations.

**Staff Person:** City Attorney Eric Dunn

**Attachments:** [SR Campaign Contribution Limits 4-21-2020](#)

[Ordinance 2020-05](#)

## **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 45 Development Code Amendment DCA20-00001; Applicant: City of Hesperia; area affected: City Wide

**Recommended Action:**

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2020-04 approving Development Code Amendment DCA20-00001, to modify development standards associated with



Accessory Dwelling Units (ADUs).

**Staff Person:** Senior Planner Ryan Leonard

**Attachments:** [SR Development Code Amendment DCA20-00001 5-5-2020](#)

[Ordinance 2020-04](#)

[Attachment 2 - Exhibit A](#)

[Attachment 3 - Planning Commission Staff Report](#)

10. Page 63 Adoption of Ordinance No. 2020-06 Adding Chapter 8.36 to the Hesperia Municipal Code Regulating the Use of Fireworks

**Recommended Action:**

It is recommended that the City Council introduce and place on first reading Ordinance No. 2020-06, adding chapter 8.36 to the Hesperia Municipal Code regulating the use of fireworks.

**Staff Person:** Deputy City Manager Rachel Molina

**Attachments:** [SR Fireworks Regulations 5-5-2020](#)

[Ordinance 2020-06](#)

**NEW BUSINESS**

11. Page 69 Consideration of Proposed Update to Administrative Fine Schedule for Littering

**Recommended Action:**

It is recommended that the City Council review the proposed update to fines for littering and provide direction to staff on whether to increase fines accordingly.

**Staff Person:** Deputy City Manager Rachel Molina

**Attachments:** [SR Proposed Update to Administrative Fine Schedule for Littering 5-5-2020](#)

**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.*

**COUNCIL COMMITTEE REPORTS AND COMMENTS**

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

**CITY MANAGER/CITY ATTORNEY/STAFF REPORTS**

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

**ADJOURNMENT**

*I, Melinda Sayre, City Clerk of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, April 30, 2020 at 5:30 p.m. pursuant to California Government Code §54954.2.*

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*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

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Tuesday, April 21, 2020

6:30 PM

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

Pursuant to State recommendations, the meeting was closed to the public due to COVID-19 (Coronavirus). Public Comment on agenda items and General Public Comment was taken remotely.

**CLOSED SESSION - 5:30 PM (To be held in the City Manager Conference Room)**

**Roll Call**

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

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

1. Victor Valley Wastewater Reclamation Authority v. City of Hesperia (Claim for Damages)
2. City of Barstow, et al. v. City of Adelanto, et al., Case No. 208568

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 Council Member Rebekah Swanson
- B. Pledge of Allegiance to the Flag
- C. Roll Call

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

- D. Agenda Revisions and Announcements by City Clerk - *None*
- E. Closed Session Reports by City Attorney - *No reportable action taken.*

## **ANNOUNCEMENTS/PRESENTATIONS**

1. Update on the City's Emergency Response related to the Coronavirus Disease by Rachel Molina, Deputy City Manager to the City Council

## **JOINT CONSENT CALENDAR**

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

**Aye:** 5 - Bird, Gregg, Bennington, Holland and Swanson

**Nay:** 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, April 7, 2020

### **Recommended Action:**

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, April 7, 2020.

**Sponsors:** Director of Government Services/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 Hesperia Water District.

**Sponsors:** Director of Finance Casey Brooksher

3. Treasurer's Cash Report for the unaudited period ended February 29, 2020

### **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.

**Sponsors:** Director of Finance Casey Brooksher

4. Approve the FY 2020-21 SB-1 Funding Project List

### **Recommended Action:**

It is recommended that the Mayor and Council Members adopt Resolution No. 2020-021 approving the FY 2020-21 Project List to be funded by SB-1: The Road Repair and Accountability Act.

**Sponsors:** Assistant City Manager Michael Blay

5. Microsoft Product Licensing Contract

### **Recommended Action:**

It is recommended that the City Council authorize the City Manager to enter into an agreement with SoftwareOne, for a three year period, in the amount of \$210,000 for licensing of all Microsoft products used

by City staff. This licensing allows the City access to Office products, cloud email system, operating systems required for staff devices and required software to operate the City's datacenter.

**Sponsors:** Deputy City Manager Rachel Molina

6. Uniform Services Contract Amendment

**Recommended Action:**

It is recommended that the City Council and the Board of Directors of the Hesperia Water District approve an amendment in the amount of \$27,000 to the contract with Prudential Overall Supply for uniform services (PSA 2017-18-060) for a total not-to-exceed contract amount of \$79,139; and approve a one-year contract extension.

**Sponsors:** Director of Finance Casey Brooksher

7. Professional Services Agreement for Curtis Rosenthal Inc.

**Recommended Action:**

It is recommended that City Council, Chair and Commissioners of the Hesperia Community Development Commission (HCDC), and the Hesperia Housing Authority (HHA) authorize a Professional Services Agreement (PSA) 2019-20-003 with Curtis Rosenthal Inc. for \$90,000 for three years.

**Sponsors:** Economic Development Manager Rod Yahnke

8. Approve and Accept Construction of Recycled Water System - Phase 1B

**Recommended Action:**

It is recommended that the Board of Directors of the Hesperia Water District accept the work constructed under Recycled Water System - Phase 1B (C.O. No. 8087) 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

**PUBLIC HEARING**

9. Adoption of Ordinance No. 2020-05 Establishing Campaign Contribution Limits and Regulations

**Recommended Action:**

It is recommended that the City Council introduce and place on first reading Ordinance No. 2020-05, establishing Campaign Contribution Limits and Regulations.

**Sponsors:** City Attorney Eric Dunn

*The public hearing was opened. There being no public comment, the public hearing was closed.*

**A motion was made by Bennington, seconded by Gregg, that this item be approved to include a campaign contribution limit of \$500 per year and removal of the CPI adjustment. The motion carried by the following vote:**

**Aye:** 5 - Bird, Gregg, Bennington, Holland and Swanson

**Nay:** 0

10. Adoption of the City's Community Development Block Grant (CDBG) Five-Year Consolidated Plan (2020-2024), One-Year Action Plan (2020-2021) and Five-Year 2020-2024 Analysis of Impediments to Fair Housing Choice

**Recommended Action:**

It is recommended that the City Council conduct a public hearing and upon accepting public testimony: (1) Adopt Resolution No. 2020-25 approving a) the City's Five-Year 2020-2024 Consolidated Plan, b) One-Year 2020-2021 Action Plan, and c) Five-Year 2020-2024 Analysis of Impediments to Fair Housing Choice including any modifications or amendments thereto by the City Council; (2) Authorize staff to modify the Consolidated Plan, Action Plan and Analysis of Impediments to Fair Housing Choice based upon the Council's direction; and (3) Authorize the City Manager and/or Economic Development Manager or their designee to execute and transmit all necessary documents, including the adopted Consolidated Plan, Action Plan and Analysis of Impediments to Fair Housing Choice and any amendments, to assure the City's timely receipt of CDBG funding.

**Sponsors:** Economic Development Manager Rod Yahnke

*The public hearing was opened. There being no public comment the public hearing was closed.*

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

**Aye:** 5 - Bird, Gregg, Bennington, Holland and Swanson

**Nay:** 0

11. Resolution of Necessity for the Ranchero Road Corridor Widening Project

**Recommended Action:**

It is recommended that the City Council hold a hearing and, after receipt of public testimony, adopt a Resolution of Necessity, Resolution No. 2020-24, declaring that public interest and necessity require the acquisition of certain real property located along Ranchero Road in the City of Hesperia in connection with the Ranchero Road Corridor Widening Project and the Ranchero Road Aqueduct Crossing Project, collectively referred to as the Ranchero Road Corridor Widening Project (Project).

**Sponsors:** Assistant City Manager Michael Blay

*The public hearing was opened. There being no public comment, the public hearing was closed.*

**A motion was made by Holland, seconded by Bennington, that this item be approved. The motion carried by the following vote:**

**Aye:** 5 - Bird, Gregg, Bennington, Holland and Swanson

**Nay:** 0

**NEW BUSINESS**

12. "I" Avenue Corridor Enhancement Study Community Engagement Action Plan Presentation

**Recommended Action:**

There is no City Council action required for this agenda item. This item is an informational presentation regarding the "I" Avenue Corridor Enhancement Study Community Engagement Action Plan.

**Sponsors:** Assistant City Manager Michael Blay and Management Analyst Tina Souza

*No action taken on this item. Information received and filed.*

13. Appeal of Revocation of Business License No. BL-46171

**Recommended Action:**

It is recommended that the Council hear evidence and render a decision in the appeal of the revocation of Business License No. BL-46171.

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

*The licensee and the attorney representing the licensee commented remotely on item 13.*

**A motion was made by Holland, seconded by Gregg, to uphold the revocation based on the sufficient evidence submitted. The motion carried by the following vote:**

**Aye:** 5 - Bird, Gregg, Bennington, Holland and Swanson

**Nay:** 0

14. City of Hesperia Community Assistance Program (CAP) - Grant Awards

**Recommended Action:**

It is recommended that the City Council, after reviewing the Hesperia City Council Advisory Committee (CCAC) CAP applicant recommendations, Exhibit "A," approve the Program Year (PY) 2020-21 CAP funding amounts for each applicant.

**Sponsors:** Economic Development Manager Rod Yahnke

**A motion made by Swanson to allocate High Desert Homeless Services funding to Victor Valley Community Services Counsel and Rolling Start, failed for lack of second.**

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

**Aye:** 5 - Bird, Gregg, Bennington, Holland and Swanson

**Nay:** 0

*(Allocations listed on following page)*

Applicant	Application Request	Council Allocations
Call for Life Pregnancy	7,500	5,000
Cedar House	10,000	5,000
Feed My Sheep	10,000	5,000
HDCF - Hesperia Police Activities League (HPAL)	5,000	5,000
High Desert Homeless Services	20,000	5,000
High Desert Second Chance	10,000	5,000
Holy Family Church Food Pantry	10,000	5,000
Millionaire Mind Kids	5,000	5,000
Rock'n Our Disabilities Foundation	10,000	5,000
Spirit Filled Family Church	10,000	5,000
Total	97,500	50,000
(Over)/ Under	0	0

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

*A remote public comment by William Kerr was read into the record by the City Clerk.*

### **COUNCIL COMMITTEE REPORTS AND COMMENTS**

*Council Member Swanson commented on the Coronavirus outbreak, the CAP applicants, and the bail reduction order issued by the State.*

*Council Member Holland commented on the bail reduction order issued by the State, the work done by the CCAC in processing the CAP applications, and the Coronavirus outbreak.*

*Council Member Bennington commented on the bail reduction order issued by the State, the Coronavirus outbreak, requested that a Public Safety Advisory Committee meeting be scheduled in May, and attendance at the VVEDA meeting.*

*Mayor Pro Tem Gregg requested that a resolution be agendized in support of Sherriff McMahon and attendance at the upcoming Tri-Agency meeting.*

*Mayor Bird commented on attendance at VVWRA meeting, teleconference meeting with Mayors in San Bernardino County, requested that staff look at ways to support high school seniors who are graduating in 2020, and those assisting others during the Coronavirus outbreak.*



**CITY MANAGER/CITY ATTORNEY/STAFF REPORTS**

*None*

**ADJOURNMENT**

*9:40 pm.*

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*Melinda Sayre,  
City Clerk*

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# City of Hesperia STAFF REPORT



**DATE:** May 05, 2020

**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)

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## 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.

## BACKGROUND

The Warrant Run totals represented below are for the period March 21, 2020 through April 10, 2020.

<u>Agency/District</u>	<u>Accounts Payable</u>	<u>Payroll</u>	<u>Wires</u>	<u>Totals</u>
City of Hesperia	\$1,792,903.52	\$233,748.97	\$0.00	\$2,026,652.49
Successor Agency	0.00	0.00	0.00	0.00
Housing Authority	14,942.00	161.89	0.00	15,103.89
Community Development Commission	4,988.88	4,740.15	0.00	9,729.03
Water	738,477.90	98,523.86	37,914.64	874,916.40
<b>Totals</b>	<b>\$2,551,312.30</b>	<b>\$337,174.87</b>	<b>\$37,914.64</b>	<b>\$2,926,401.81</b>

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

The wire amounts are as follows:

- \$27,763.73 to Bank of America, N.A. for Hesperia Water Swap Interest Payment.
- \$10,150.91 to U.S. Bank Trust N.A. for Hesperia Water 1998A Interest Payment.

## ATTACHMENT(S)

1. Warrant Runs

**City of Hesperia**  
**WARRANT RUNS**  
**03/21/2020 - 04/10/2020**

FUND #	FUND NAME	W/E 3/27/2020	W/E 4/3/2020	W/E 4/10/2020	WARRANT TOTALS	Wires	YEAR-TO DATE TOTALS *	PRIOR FY YTD DATE TOTALS
<b>Accounts Payable</b>								
100	GENERAL	\$ 82,686.48	\$ 188,745.02	\$ 59,846.19	\$ 331,277.69	\$ -	\$ 18,633,308.54	\$ 15,928,079.92
200	HESPERIA FIRE DISTRICT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,267.00	\$ 356,267.06
204	MEASURE I - RENEWAL	\$ 25,511.55	\$ 1,493.77	\$ 165.00	\$ 27,170.32	\$ -	\$ 262,734.09	\$ 274,282.40
205	GAS TAX	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,795.00
207	LOCAL TRANSPORT-SB 325	\$ 17,058.99	\$ 81,806.88	\$ -	\$ 98,865.87	\$ -	\$ 376,985.06	\$ 232,853.92
209	GAS TAX-RMRA	\$ -	\$ 632.50	\$ -	\$ 632.50	\$ -	\$ 1,508,276.16	\$ 24,895.99
210	HFPD (PERS)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 874,510.00	\$ -
251	CDBG	\$ 35.71	\$ 41,087.94	\$ -	\$ 41,123.65	\$ -	\$ 967,240.17	\$ 226,520.33
254	AB2766 - TRANSIT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 477,331.07	\$ 27,600.00
256	ENVIRONMENTAL PROGRAMS GRANT	\$ -	\$ 44.01	\$ -	\$ 44.01	\$ -	\$ 16,483.00	\$ 31,018.58
257	NEIGHBORHOOD STABILIZATION PROG	\$ 19.98	\$ -	\$ -	\$ 19.98	\$ -	\$ 52,851.76	\$ 17,917.62
260	DISASTER PREPARED GRANT	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,318.08	\$ 5,874.06
263	STREETS MAINTENANCE	\$ 28,793.68	\$ 27,889.60	\$ 47,820.50	\$ 104,503.78	\$ -	\$ 1,560,315.47	\$ 1,559,066.59
300	DEV. IMPACT FEES - STREET	\$ -	\$ 5,342.47	\$ -	\$ 5,342.47	\$ -	\$ 2,363,778.43	\$ 2,455,555.24
301	DEV. IMPACT FEES - STORM DRAIN	\$ 8,320.86	\$ 1,200.00	\$ -	\$ 9,520.86	\$ -	\$ 240,504.29	\$ 23,950.00
402	WATER RIGHTS ACQUISITION	\$ 374,798.68	\$ -	\$ -	\$ 374,798.68	\$ -	\$ 1,395,938.72	\$ 1,431,053.25
403	2013 REFUNDING LEASE REV BONDS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 798,439.71	\$ 811,304.31
501	CFD 91-3 BELGATE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 837,793.25	\$ 364,657.05
502	FIRE STATION BUILDING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,790,888.41
504	CITY WIDE STREETS - CIP	\$ 11,294.77	\$ 79,496.88	\$ -	\$ 90,791.65	\$ -	\$ 320,124.37	\$ 23,147.23
509	CITY FACILITIES CIP	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 39,189.17	\$ 625,996.29
800	EMPLOYEE BENEFITS	\$ 251,538.21	\$ 128,409.99	\$ 308,184.13	\$ 688,132.33	\$ -	\$ 6,291,088.12	\$ 5,780,205.61
801	TRUST/AGENCY	\$ 26.54	\$ 15,332.65	\$ 290.00	\$ 15,649.19	\$ -	\$ 1,368,103.85	\$ 1,695,725.67
802	AD 91-1 AGENCY	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 367.50
804	TRUST-INTEREST BEARING	\$ -	\$ 960.00	\$ -	\$ 960.00	\$ -	\$ 960.00	\$ 67.50
807	CFD 2005-1	\$ 4,070.54	\$ -	\$ -	\$ 4,070.54	\$ -	\$ 387,839.07	\$ 815,240.72
808	HFPD (TRANSITION)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,668,935.57	\$ 39.00
	<b>CITY</b>	\$ 804,155.99	\$ 572,441.71	\$ 416,305.82	\$ 1,792,903.52	\$ -	\$ 40,445,314.95	\$ 39,507,369.25
160	REDEVELOP OBLIG RETIREMENT - PA1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,306,154.96
161	REDEVELOP OBLIG RETIREMENT - PA2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 426,569.15
162	REDEVELOP OBLIG RETIREMENT-HOUSING	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,476,736.59
163	REDEVELOP OBLIG RETIREMENT-2018	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,965,682.90	\$ 1,870,776.99
173	SUCCESSOR AGENCY ADMINISTRATION	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,005.00
	<b>SUCCESSOR AGENCY</b>	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,965,682.90	\$ 10,084,242.69
370	HOUSING AUTHORITY	\$ 884.87	\$ 14,057.13	\$ -	\$ 14,942.00	\$ -	\$ 85,815.70	\$ 134,164.75
	<b>HOUSING AUTHORITY</b>	\$ 884.87	\$ 14,057.13	\$ -	\$ 14,942.00	\$ -	\$ 85,815.70	\$ 134,164.75
170	COMMUNITY DEVELOPMENT COMMISSION	\$ 528.28	\$ 4,460.60	\$ -	\$ 4,988.88	\$ -	\$ 175,620.95	\$ 193,893.61
	<b>COMMUNITY DEVELOPMENT COMMISSION</b>	\$ 528.28	\$ 4,460.60	\$ -	\$ 4,988.88	\$ -	\$ 175,620.95	\$ 193,893.61
700	WATER OPERATING	\$ 19,931.33	\$ 53,026.28	\$ 206,283.03	\$ 279,240.64	\$ 37,914.64	\$ 5,051,349.29	\$ 5,738,442.00
701	WATER CAPITAL	\$ 2,460.00	\$ 92.00	\$ 443,084.41	\$ 445,636.41	\$ -	\$ 2,923,499.63	\$ 4,711,456.53
710	SEWER OPERATING	\$ -	\$ 4,892.47	\$ 7,706.38	\$ 12,598.85	\$ -	\$ 2,455,417.38	\$ 5,286,515.18
711	SEWER CAPITAL	\$ -	\$ 138.00	\$ -	\$ 138.00	\$ -	\$ 92,929.26	\$ 134,574.56
713	SEWER CAPITAL REHAB AND REPLACE	\$ -	\$ 864.00	\$ -	\$ 864.00	\$ -	\$ 864.00	\$ -
	<b>WATER</b>	\$ 22,391.33	\$ 59,012.75	\$ 657,073.82	\$ 738,477.90	\$ 37,914.64	\$ 10,524,059.56	\$ 15,870,988.27
	<b>ACCOUNTS PAYABLE TOTAL</b>	\$ 827,960.47	\$ 649,972.19	\$ 1,073,379.64	\$ 2,551,312.30	\$ 37,914.64	\$ 61,196,494.06	\$ 65,790,658.57
<b>REG. PAYROLL</b>								
	City	\$ -	\$ 233,748.97	\$ -	\$ 233,748.97	\$ -	\$ 4,801,792.29	\$ 4,752,250.23
	Housing Authority	\$ -	\$ 161.89	\$ -	\$ 161.89	\$ -	\$ 4,956.43	\$ 43,168.40
	Community Development Commission	\$ -	\$ 4,740.15	\$ -	\$ 4,740.15	\$ -	\$ 129,143.19	\$ 82,499.65
	Water	\$ -	\$ 98,523.86	\$ -	\$ 98,523.86	\$ -	\$ 2,038,785.75	\$ 1,981,296.59
	<b>PAYROLL TOTAL</b>	\$ -	\$ 337,174.87	\$ -	\$ 337,174.87	\$ -	\$ 6,974,677.66	\$ 6,859,214.87

\* 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:** May 5, 2020

**TO:** Mayor and Council Members

**FROM:** Nils Bentsen, City Manager

**BY:** Mike Blay, Assistant City Manager  
Victor Knight, Information Technology Manager

**SUBJECT:** Amendment to Contract with ECS Imaging

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### RECOMMENDED ACTION

It is recommended that the City Council approve an amendment in the amount of \$10,000 to the contract with ECS Imaging (ECS) for electronic plan review implementation (PSA 2018-19-051) for a total contract amount of \$60,000; and authorize the City Manager to execute the amended contract with ECS Imaging.

### BACKGROUND

The City utilizes ECS for a variety of services. These services include the maintenance and licensing of Laserfiche, the City's electronic records system; scanning of plans, documents and microfilm; and the creation of online forms and automated workflows. They are currently creating a process to accept and route construction and civil plans electronically with the goal of also automating the process of land use entitlement.

### ISSUES/ANALYSIS

One of the main goals of the Efficiency Committee is the implementation of electronic plan review and electronic review of land use entitlement documents. This implementation will allow customers to upload plans, permit applications, and forms through the City website for submission to the Development Services Department and Development Review Committee (DRC). ECS is tasked with building the automated workflows, creating all of the online forms the customer will need to complete based on application type, and building the workflows to electronically route the plans through the various departments during their review.

The current contract includes \$21,110.50 of completed work from 2019. The remainder of the \$50,000 contract authority is comprised of \$16,689.50 related to the workflows to electronically submit plans through Engineering, Building and Safety and Planning. The contract amount also includes \$6,760 in funds allocated to the automation of the Land Use Entitlement process, which will cost \$16,900 total, and while the rest of the needed funds are budgeted and available, they are not included in the contract authority and so a contract amendment and additional Council authority is required. There is anticipated to be a remainder of \$5,300 which provides a small contingency on the contract should unforeseen items be required to finish the projects.

Although a small contingency is included, staff has reviewed the current and expected charges and the consultant is confident that all work will be completed on time and within budget. Initially, staff considered moving forward with the Land Use Entitlement portion of the project at a later date, which is why the contract was originally approved for \$33,000 and increased on

February 5, 2019 to include an additional \$17,000 and did not include full funding for the Land Use Entitlement portion. However, after discussion, staff believes it would be best to take all components live together to provide a seamless, electronic approach for the customer, rather than introduce parts of the process with electronic submittal options over time.

**FISCAL IMPACT**

The necessary funds for this project were approved by the City Council under the annual Budget adoption.

**ALTERNATIVE(S)**

1. Provide alternate direction to staff.

**ATTACHMENT(S)**

None.

# City of Hesperia STAFF REPORT



**DATE:** May 5, 2020  
**TO:** Mayor and Council Members  
**FROM:** Nils Bentsen, City Manager  
**BY:** Melinda Sayre, Director of Government Services/ City Clerk  
**SUBJECT:** Resolution in Support of the Countywide Vision Statement

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## **RECOMMENDED ACTION**

It is recommended that the City Council adopt Resolution No. 2020-28 affirming support of the Countywide Vision Statement.

## **BACKGROUND**

The Countywide Vision Statement was developed using data obtained through community meetings and focus groups, and includes nine core vision elements (Attached).

## **FISCAL IMPACT**

There are no fiscal impacts identified with this action.

## **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

## **ATTACHMENT(S)**

1. Resolution No. 2020-28
2. Countywide Vision Statement

## RESOLUTION NO. 2020-28

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA AFFIRMING SUPPORT OF THE COUNTYWIDE VISION STATEMENT.

**WHEREAS**, the County of San Bernardino facilitated forums throughout the county and received feedback from the public to identify the vision that community residents have for their future; and

**WHEREAS**, input was gathered from thousands of residents, employers, educators, community and faith-based organizations, and elected and appointed government leaders throughout the county, through an online survey, community meetings, roundtable discussions with topical experts, and input from each of the county's 24 cities and towns; and

**WHEREAS**, the resulting data was summarized into a Countywide Vision Statement which includes nine core vision elements that was later adopted by the County Board of Supervisors.

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

- Section 1. That we envision a complete county that capitalizes on the diversity of its people, its geography, and its economy to create a broad range of choices for its residents in how they live, work and play.
- Section 2. That we envision a vibrant economy with a skilled workforce that attracts employers who seize the opportunities presented by the county's unique advantages and provide the jobs that creates countywide prosperity.
- Section 3. That we envision a sustainable system of high-quality education, community health, public safety, housing, retail, recreation, arts and culture. and infrastructure, in which development complements our natural resources and environment.
- Section 4. That we envision a model community which is governed in an open and ethical manner, where great ideas are replicated and brought to scale, and all sectors work collaboratively to reach shared goals.



- Section 5. From our valleys, across our mountains, and into our deserts, we envision a county that is a destination for visitors and a home for anyone seeking a sense of community and the best life has to offer.
- Section 6. That the City Council does hereby authorize the listing of the City of Hesperia as being in support of the Countywide Vision through adoption of this resolution.
- Section 7. 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 5<sup>th</sup> day of May 2020.

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Larry Bird, Mayor

ATTEST:

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Melinda Sayre, City Clerk

## Attachment 2



### VISION STATEMENT

We envision a complete county that capitalizes on the diversity of its people, its geography, and its economy to create a broad range of choices for its residents in how they live, work, and play.

We envision a vibrant economy with a skilled workforce that attracts employers who seize the opportunities presented by the county's unique advantages and provide the jobs that create countywide prosperity.

We envision a sustainable system of high-quality education, community health, public safety, housing, retail, recreation, arts and culture, and infrastructure, in which development complements our natural resources and environment.

We envision a model community which is governed in an open and ethical manner, where great ideas are replicated and brought to scale, and all sectors work collaboratively to reach shared goals.

From our valleys, across our mountains, and into our deserts, we envision a county that is a destination for visitors and a home for anyone seeking a sense of community and the best life has to offer.

# City of Hesperia

## STAFF REPORT



**DATE:** May 5, 2020

**TO:** Mayor and City Council Members

**FROM:** Nils Bentsen, City Manager

**BY:** Mike Browne, Police Captain  
Eric Mello, Administrative Sergeant

**SUBJECT:** Off-Highway Motor Vehicle Grant Application to the California Department of Parks and Recreation

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### RECOMMENDED ACTION

It is recommended that the City Council approve and adopt Resolution No. 2020-26 authorizing the submission of a California Off-Highway Motor Vehicle (OHV) Grant Application to the California Department of Parks and Recreation for a total of \$129,259 and authorize the City Manager and the San Bernardino County Sheriff's Department to execute the Application and any amendments thereto on behalf of the City.

### BACKGROUND

For many years, California State Parks has offered grant funds to support law enforcement operations in communities throughout the state. These funds are available on an annual basis through a competitive grant request process. Several hundred local, state, and federal agencies apply for these grant funds through an application process and final awards are based on needs of the particular jurisdiction. The City of Hesperia has applied and received funds from this program in the past and has developed a very effective OHV program. The City currently provides enforcement with funds provided in the 2019/2020 grant cycle.

### ISSUES/ANALYSIS

The City of Hesperia continues to grow and with the increasing population and development, so do the complaints and other issues associated with motorcycle disturbance calls, accidents etc. Several hundred calls for service a year are generated by citizens complaining of noise, dust, and general issues associated with illegal riding on public roads and private property. The Hesperia Station needs a funding source to purchase equipment, provide training to staff, and pay salaries to deputies who can patrol problem areas issuing citations, educate youth at local schools and events, and network with OHV enthusiasts providing direction to legal riding areas, therefore reducing complaints, accidents and overall increasing the quality of life for residents in the community. The 2020/2021 California State Parks grant program has grant funds available for various projects including law enforcement. With approval, Hesperia will apply for \$129,259 for the 2020/2021 grant project, to purchase new equipment and provide enforcement for OHV areas within City limits.

The project would be managed by a Sheriff's Sergeant and utilize several trained deputies who would be assigned to the team as a collateral duty. The OHV team would conduct regular patrols in problem areas, conduct safety programs at schools and local community events, and provide education to citizens through public outlets and the media.

## **FISCAL IMPACT**

Per the grant regulations, the City would be responsible for up to a 25% match of the awarded funds. Funding for the 2020/2021 project would require the City to commit to a \$32,314.75 match and per the regulations, much of this match can be accommodated through fuel and maintenance costs of OHV enforcement used equipment, patrol assignments associated with OHV contacts, calculated salary costs for the use of volunteers at events or on operations and the use of any currently owned city equipment and staff. This match requirement could be in large part satisfied by a detailed fiscal management of resources and equipment use daily by the OHV sergeant and the City finance department.

Also, per the grant regulations, the City would periodically submit payment requests to State Parks for reimbursement of funds spent during a specific time period. There is also an option of advance requests that can be submitted for funds needed to purchase large equipment items such as a vehicle, minimizing the cities out-of-pocket expense for such purchases.

## **ALTERNATIVE(S)**

1. Provide alternative direction to staff

## **ATTACHMENT(S)**

1. Resolution No. 2020-26
2. 2020/2021 Off-Highway Motor Vehicle Grant Application (on file at the Hesperia Police Station)

## GOVERNING BODY RESOLUTION

RESOLUTION NUMBER: 2020-26

RESOLUTION OF THE: City Council of the City of Hesperia, California  
(Title of Applicant's Governing Body)

### APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE STATE OF CALIFORNIA, DEPARTMENT OF PARKS AND RECREATION, OFF-HIGHWAY VEHICLE GRANT FUNDS

WHEREAS, The people of the State of California have enacted the Off-Highway Motor Vehicle Recreation Act of 2003, which provides funds to the State of California and its political subdivisions for Operation and Maintenance, Restoration, Law Enforcement, and Education and Safety for off-highway vehicle recreation; and

WHEREAS, the Off-Highway Motor Vehicle Recreation Division with the California Department of Parks and Recreation has been delegated the responsibility to administer the program; and

WHEREAS, procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval to receive grant funding from the Off-Highway Motor Vehicle Grant funds; and

WHEREAS, this Project appears on, or is in conformance with this jurisdiction's adopted general or master plan and is compatible with the land use plans of those jurisdictions immediately surrounding the Project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hesperia hereby:  
(Applicant's Governing Body)

1. Approves the receiving of grant funding from the Off-Highway Vehicle Grant or Cooperative Agreement Program; and
2. Certifies that this agency understands its legal obligations to the State upon approval of the Grant; and
3. Certifies that this agency understands the California Public Resources Code requirement that Acquisition and Development Projects be maintained to specific conservation standards; and
4. Certifies that the Project will be well-maintained during its useful life; and
5. Certifies that this agency will implement the Project with diligence once funds are available and the Applicant has reviewed, understands, and agrees with the Project Agreement; and
6. Certifies that this agency will provide the required matching funds; and
7. Certifies that the public and adjacent property owners have been notified of this Project (as applicable); and
8. Appoints the (designated position) San Bernardino County Sheriff's Department as agent to conduct all negotiations,

execute and submit all documents including, but not limited to Applications, agreements, amendments, payment requests and so on, which may be necessary for completion of the Project.

Approved and Adopted on the 5th day of May, 2020. I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by  
(Applicant's Governing Body)

following a roll call vote:

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

Absent: \_\_\_\_\_

➤

(Clerk)

## GOVERNING BODY RESOLUTION

ATTACHMENT 2 AVAILABLE FOR REVIEW AT THE POLICE DEPARTMENT

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# City of Hesperia STAFF REPORT



**DATE:** May 5, 2020

**TO:** Mayor and Council Members

**FROM:** Nils Bentsen, City Manager

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

**SUBJECT:** Award a contract to Sully-Miller Contracting Company for the Construction of the FY 2019-20 and 2020-21 Street Improvement Project (CO #7153 and CO #7161)

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## RECOMMENDED ACTION

It is recommended that the City Council award a construction contract to the lowest responsive/responsible bidder, Sully-Miller Contracting Company, for the FY 2019-20 and 2020-21 Street Improvement Project in the amount of \$2,932,512.09; approve a 10% contingency in the amount of \$293,251.21 for a total contract amount of \$3,225,763.30; approve the design of the projects represented by the plans and specifications; and authorize the City Manager to execute the contract.

## BACKGROUND

In June 2019, the City Council approved the Fiscal Year 2019-20 Capital Improvement Program (CIP), which included programming for the FY 2019-20 Street Improvement Project (Construction Order No. 7153). CO 7161 FY 2020-21 is a new project and will be included in the CIP budget for FY 2020-21.

The Annual Street Improvement Projects serve to provide corrective maintenance to existing roads throughout the City each year. Often other transportation related improvements are incorporated into the project to address significant areas of concern as identified in the City's CIP. This year's project will combine two projects which includes CO 7153 FY 2019-20 Street Improvement Project and CO 7161 FY 2020-21 FY 2020-21 Street Improvement Project. The key elements of these Street Improvement Projects are as follows:

- CO 7153: Re-Profiling work on Main Street between the California Aqueduct and Pyrite Avenue as well as remediation of a sewer sag through this section of roadway and the installation of a box culvert under this section of Main Street to remediate drainage issues.
- CO 7161: Select Removal and Replacement of asphalt on Main Street Between C Avenue and I Avenue and preventative maintenance in the form of slurry seal on Ranchero between Seventh Avenue and Danbury Avenue.

## ISSUES/ANALYSIS

Staff issued a "Public Notice Inviting Bids" for construction of the FY 2019-20 and 2020-21 Street Improvement Project on March 26, 2020. Bids were accepted and publicly read on April 23, 2020 at 10:00 a.m. from six (6) participating bidders:

Sully-Miller Contracting Company	\$2,932,512.09
Vance Corporation	\$3,143,016.55
Trinity Construction	\$3,494,208.56
Matich Corporation	\$3,738,300.00
All American Asphalt	\$3,860,494.27
Christensen Brothers General Engineering	\$25,908,057.52

Each bidder's submittals were thoroughly reviewed, none of the bids contained any math errors, and all of the bids submitted were determined to be valid.

After analyzing all six bids, staff determined Sully-Miller Contracting Company to be the lowest responsive/responsible bidder. Sully-Miller's bid of \$2,932,512.09, the 10% contingency of \$293,251.21, and an estimated \$80,000 in construction engineering and soils testing, brings the project total to \$3,305,763.30. Sully-Miller Contracting Company has provided quality construction on numerous annual paving projects for nearby cities, as well as numerous paving projects in the City of Hesperia, and staff recommends the award of this contract to Sully-Miller Contracting Company as outlined in the Fiscal Impact section.

It is anticipated that both CO 7153 and CO 7161 will be funded by the Gas Tax Road Maintenance & Rehab Account (RMRA). Due to the COVID-19 pandemic, there is a possibility that the RMRA revenue may experience reductions for year-end 2019-20 and FY 2020-21. If there is a need to reduce project expenditures due to RMRA revenue reductions, the City has the option of reducing the scope of work to accommodate this financial impact. Per the General Provisions included in the Contract Documents and Specifications, upon acceptance of the Bid Documents and Specifications, the Contractor agrees not to claim or bring suit for damages, whether from loss of profits or otherwise, on account of any decrease or omission of any kind of work to be done when the decrease or omission is less than (25%) percent of the original contract amount. This language allows the City to reduce project costs by up to \$733,128 should the RMRA funding see a reduction due to the COVID-19 pandemic.

## FISCAL IMPACT

The FY 2019-20 Capital Improvement Program (CIP) budget included \$1,700,000 for CO 7153 with a split between Fund 209 – Gas Tax Road Maintenance & Rehab Account (RMRA) of \$1,565,000 and Sewer Capital of \$135,000.

With the award of the bid, the majority of the work completed will occur during FY 2020-21. The FY 2019-20 CIP will be revised to \$300,000 in Fund 209 RMRA with the funding in Sewer Capital being carried forward into the new fiscal year.

The following chart illustrates the budget for the projects, along with the budgeted amounts to the FY 2019-20 year-end and the FY 2020-21 Budget.

Project Bid	\$	2,932,512
Contingency		293,252
Engineering & Soil		80,000
<b>Total Project Cost and Staff Report</b>	<b>\$</b>	<b>3,305,764</b>
<b>FY 2019-20 Revised</b>		
Fund 209 - CO 7153	\$	300,000
<b>FY 2020-21 Budget</b>		
Fund 209 - CO 7153	\$	1,332,594
Fund 209 - CO 7161		1,538,170
Fun 711 - CO 7153		135,000
<b>Total FY 2020-21 Budget</b>	<b>\$</b>	<b>3,005,764</b>
<b>Project Total</b>	<b>\$</b>	<b>3,305,764</b>

#### ALTERNATIVE(S)

1. Reject all bids and do not award the contract.
2. Provide alternative direction to staff.

#### ATTACHMENT(S)

1. Bid Results



# City of Hesperia

## STAFF REPORT



**DATE:** March 5, 2020  
**TO:** Mayor and Council Members  
**FROM:** Nils Bentsen, City Manager  
**BY:** Rachel Molina, Deputy City Manager  
**SUBJECT:** Townsend Public Affairs Contract Extension

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### RECOMMENDED ACTION

It is recommended that the City Council approve an extension to the Professional Services Agreement with Townsend Public Affairs for State Legislative Advocacy and State and Federal Funding Advocacy Services, effective July 1, 2020 through June 30, 2021.

### BACKGROUND

The City has contracted with state legislative advocacy firm Townsend Public Affairs (TPA) since October 2013. TPA acts as the City's liaison with the California Legislature and Administration in Sacramento advocating for the City's position on legislative, regulatory, and programmatic matters of interest and also facilitates meetings with various agencies such as the State Water Resources Control Board, California Transportation Commission and Department of Water Resources to discuss funding opportunities and grant programs. The City has also benefited from their presence in Sacramento due to the strong working relationships with the Governor, Legislature, and agencies of the State government by communicating and broadening the understanding of the City's priorities and needs.

### ISSUES/ANALYSIS

Over the years, TPA has met with City staff on several occasions to discuss specific legislative issues and potential grant projects. In addition, the City is regularly updated on legislative issues and activity in Sacramento, including assisting in monitoring and tracking the progress of specific legislation and attending legislative hearings before various Senate and Assembly committees on the City's behalf. TPA staff has been instrumental during the COVID-19 crisis in providing timely updates on legislation affecting the City as well as businesses and residents that have impacted by the pandemic.

The City's contract with TPA is due to expire on June 30, 2020. Staff recommends approval of the contract extension through June 30, 2020, allowing the State Advocacy Service contract to align with the fiscal year calendar and believes that their Scope of Work and monthly fee is commensurate with the work they have performed since 2013.

### FISCAL IMPACT

TPA has agreed to continue their current fee of \$4,750 per month for the contract extension, or \$57,000 for FY 2020-21. Funding has been included in the proposed FY 2020-21 budget for State Legislative Advocacy Services.

## **ALTERNATIVES**

1. Provide alternative direction to staff

## **ATTACHMENT**

1. Scope of Services Memo

**MEMORANDUM**

**To:** City of Hesperia  
Mayor and Council Members  
Nils Bentsen, City Manager

**From:** Townsend Public Affairs, Inc.  
Christopher Townsend, President  
Richard Harmon, Senior Director

**Date:** May 5, 2020

**Subject:** Scope of Services

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**SCOPE OF SERVICES**

Townsend Public Affairs (“TPA”) is committed to providing a tailored legislative and funding advocacy strategy that is specifically designed to meet the City of Hesperia’s (“City”) priority needs and achieve results. Our scope of services for the City focuses on two important areas:

- State legislative advocacy services
- State and federal funding advocacy services

TPA uses an on-boarding protocol to develop a strategy for the City that is both carefully tailored to satisfy the needs of the client as well as designed for maximum success in the legislative and funding environment. This on-boarding process ensures that TPA efforts on behalf of the City with respect to legislative and funding opportunities accurately and effectively align with the City’s priority projects.

- As we’ve done in the past, a day will be scheduled for TPA to visit the City to receive a detailed orientation of the City’s upcoming legislative and grant funding issues and needs. Meetings are conducted in both larger groups and individual sessions, and include, but are not limited to, the following teams as directed by the City Manager:
  - City Manager, Council Members, and Management Analyst;
  - Department heads and their colleagues;
  - Other key stakeholders as identified.



- The goal of the on-boarding is to identify and educate TPA regarding the issues of the City, including but not limited to:
  - Urgent matters of legislation/regulation that require immediate attention;
  - Specific priority projects;
  - Funding needs;
  - Comprehensive long-term legislative and funding plans;
  - Visionary concepts and ideas for capture and incorporation.
- Upon conclusion of this session, TPA will meet internally to conduct further research and analysis to generate opportunities for the City's strategic legislative and funding priorities.

### **State Legislative Advocacy Services**

- **Monitoring:** The agenda, as developed from the on-boarding process, will direct TPA's efforts on behalf of City, and will include reliable and consistent information in the form of regular reports, both orally and in writing. TPA will monitor current legislation that aligns with City's priorities and ensure City has the opportunity for supporting, and legislation which may have a negative impact to provide an opportunity for comments and amendments.
- **Bill Tracking Service:** TPA subscribes to bill tracking services. TPA will search and review all legislative proposals and amendments, as well as proposed and adopted agency regulations, to assess their potential effect on City, with particular focus given to legislative and regulatory issues previously identified to be of interest to City. TPA will provide copies of all bills and amendments to City that are deemed to have an impact on City's legislative agenda.
- **Regular Bill List:** As part of TPA's review and research of all legislative proposals and amendments, as well as proposed and adopted agency regulations that may have an impact on City, TPA will continually provide a legislative matrix of all such items that will include the summary and status of the bill as well as City's position and action to date. TPA will regularly update this matrix to ensure that it accurately represents City's positions.
- **Legislative Advocacy:** Pursuant to the results of the on-boarding process, TPA will coordinate with the City Manager's Office on the development of an official platform that represents City's legislative priorities. Once approved by City Council, this platform will be shared with key stakeholders in the State Legislature and Administration.

TPA will advocate for the City's position on legislative, regulatory, and programmatic matters of interest. This will include orientation sessions with key legislators that represent the City as well as direct briefing sessions with legislators, staff, and Administration and agency officials of relevance to the City's agenda. TPA will also distribute position letters provided by the City Manager's Office, and provide talking points and briefing packets to key Members and staff with respect to the City's legislative platform and position. Furthermore, TPA will prepare and submit, both written and verbally, testimony on behalf of the City at legislative committee meetings and agency hearings.





- **Coordination of Legislative/Regulatory Efforts:** TPA will continue to work closely with the City Manager's Office and City Council to ensure the evolving design, develop and implementation of the most effective legislative strategy with regard to the City's platform and positions. TPA will coordinate with the City and local stakeholders that share the City's perspective to continue to raise awareness and consciousness surrounding issues relating to the City's position and priorities. Follow up sessions will be held, as necessary, to ensure commitments and deliverables are met on focused State legislative matters, State budget issues, and appropriations opportunities.

TPA will leverage its strong working relationships with the Governor, Legislature, and agencies of the State government that are most relevant to the City to directly communicate and broaden the understanding of the City's priorities and needs. TPA will leverage this extensive network of relationships not only to advance the immediate agenda of the City, but also to ensure the City has relevant relationships for effective long-term support of the City's agenda.

- **Establish an Active Presence:** TPA will meet regularly with legislators, staff, and key stakeholders to brief them on the City's legislative platform and priorities. TPA will make on-site visits to the City to discuss ongoing or developing priorities and issues as well as reinforce the City's involvement in the legislative and regulatory processes.

To further elevate the City's presence in Sacramento, TPA will organize trips to the Capitol for the City's representatives to meet with its local delegation, as well as other legislators that serve on committees with purview over the City's issues. To ensure these trips are successful, TPA will set up strategy calls, schedule meetings, prepare briefing materials, brief Members and staff in advance, attend meetings, and handle all follow up generated by the meetings.

- **State Budget Issues:** As a component of the City's legislative platform and priorities, TPA will provide advocacy efforts to support appropriations requests by the City. TPA will work with the City to ensure that legislative and budget objectives are met during the development of the year's State budget. TPA will coordinate meetings with relevant representatives and staff in support of the City's legislative, regulatory and budgetary objectives.

### **State and Federal Funding Advocacy Services**

- **Develop Funding Strategy:** Pursuant to the results of the on-boarding process outlined above, TPA will coordinate with the City Manager and his designees to develop a strategic funding strategy that serves the needs of the City's priority projects. The strategy developed by TPA will list the City projects, outline multiple funding options for each project, and develop a comprehensive work plan and timeline for each project.
- **Identify, Research, and Monitor Funding Opportunities:** TPA will utilize list-serve subscription programs, funding workshops, agency canvassing, and other networking tactics to ensure every potential opportunity is identified and reviewed for relevance with the City's projects. TPA will then share these opportunities with the City for further assessment and determination if a grant application is warranted. The City will also receive a list of funding programs that is updated regularly as new opportunities arise.



- **Funding Application Development and Submittal:** TPA will assist the City with the development, drafting, submission, and follow-up of their grant applications. This support will include strategic assistance such as letters of support from key stakeholders and other materials to make the application as compelling and competitive as possible. TPA will also leverage relationships with relevant officials in various funding agencies to ensure that City grant applications are aligned with the goals of the specific grant program and that the applications are well-crafted and well-positioned for funding.
- **Provide Progress Reports:** TPA will confer regularly with the City on its agenda via a schedule and format mutually agreed to by the City and TPA. Furthermore, TPA will provide timely electronic reports on the status of legislation and related matters such as bill language and committee analyses. TPA will continue to provide regular written reports on a weekly and monthly basis, as well as an annual report giving an overview of the work completed and a forecast of important issues in the upcoming year. In addition to written reports, TPA will be available for in-person reports as requested by the City Manager, as well as participate in regular planning and coordination meetings with the City.
- **Post-Award Administration and Compliance:** TPA will also assist, as needed, with post-award administration and compliance for all grant applications submitted by TPA on behalf of the City. This includes interface with the granting agency, providing support as needed for the drafting and submission of required reports, evaluations, and other tasks. With respect to any proposal that is not awarded funds, TPA will follow-up with granting agencies to get feedback on how to prepare a more competitive and successful application for the next round of funding.
- **Prepare and File State Lobbying Disclosure Reports:** TPA will prepare and file for the City all applicable lobbying disclosure reports as required by the California Secretary of State.

## COST OF SERVICES

Description of Services	Standard Fees for Public Agencies	Discounted Fee for City of Hesperia
State Legislative Advocacy and State and Federal Funding Advocacy Services	\$5,000/month	\$4,750*/month

TPA proposes an engagement with the City of Hesperia for State Legislative Advocacy and State and Federal Funding Advocacy Services, at \$4,750.00 per month effective July 1, 2020 to June 30, 2021.

\*Includes all expenses incurred and a 30-day no-fault termination clause.



# City of Hesperia STAFF REPORT



**DATE:** April 21, 2020  
**TO:** Mayor and Council Members  
**FROM:** Nils Bentsen, City Manager **SECOND READING AND ADOPTION**  
**BY:** Eric Dunn, City Attorney  
**SUBJECT:** Adoption of Ordinance No. 2020-05 Establishing Campaign Contribution Limits and Regulations

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## RECOMMENDED ACTION

It is recommended that the City Council introduce and place on first reading Ordinance No. 2020-05, establishing Campaign Contribution Limits and Regulations.

**At the April 21, 2020 Council Meeting the Council voted unanimously to remove the Consumer Price Index (CPI) adjustment.**

## BACKGROUND

On April 7, 2020, the City Council considered a resolution adopting the AB 571's contribution limits as the City's contribution limits. AB 571 permits the City to establish its own campaign contribution limits by resolution or ordinance "... that is different from the limit set forth ..." in AB 571. After discussion, the City Council directed City staff to revise the contribution limit so that it is \$500 per election and bring the item back to the City Council for its consideration.

As the City Council is aware, the City currently does not have campaign contribution limits. AB 571 imposes a default campaign contribution limit upon cities and counties without campaign contribution limits beginning January 1, 2021. The default contribution limit amount will be the same amount as for State elected officials as adjusted by the FPPC pursuant to Government Code Section 83124. The current campaign contribution limit amount set by the FPPC is \$4,700 per election.

## ISSUES/ANALYSIS

As noted above, AB 571 permits the City to establish its own campaign contribution limits by resolution or ordinance "... that is different from the limit set forth ..." in AB 571 either by resolution or by ordinance. The resolution from the April 7, 2020, meeting has been revised into an ordinance, which will allow the campaign contribution limits to be enforced pursuant to Chapter 1.12 of the municipal code.

At this time, the ordinance is drafted to establish a campaign contribution limit of \$500 per year that is adjustable by CPI (as defined) in January of odd numbered years. The CPI adjustment may be removed if the Council desires. Finally, the ordinance also does not apply to a candidate's contribution of a candidate's personal funds to their own campaign.

**FISCAL IMPACT**

There is minimal fiscal impact associated with this item at this time.

**ALTERNATIVE(S)**

The City Council can choose not to adopt the Ordinance establishing campaign contribution limits and regulations.

**ATTACHMENT(S)**

1. Ordinance 2020-05

## **ORDINANCE NO. 2020-05**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADDING CHAPTER 2.32 (CAMPAIGN CONTRIBUTION LIMITS AND REGULATIONS) TO TITLE 2 OF THE HESPERIA MUNICIPAL CODE RELATING CAMPAIGN CONTRIBUTION LIMITS AND REGULATIONS**

**WHEREAS**, the City of Hesperia ("City") currently does not have campaign contribution limits or regulations; and

**WHEREAS**, Assembly Bill No. 571 ("AB 571") imposes a default campaign contribution limit upon cities and counties without campaign contribution limits beginning January 1, 2021. The default contribution limit amount is set at the same amount as for State elected officials as that amount is adjusted by the Fair Political Practices Commission ("FPPC") pursuant to Government Code Sections 85301 and 83124, which is currently \$4,700 per election; and

**WHEREAS**, Elections Code Section 10202 (automatically repealed on January 1, 2021) and Government Code Section 85702.5 (effective on January 1, 2021) further permits the City to establish its own campaign contribution limits that are different from what is established by Government Code Sections 85301 and 83124 by resolution or ordinance; and

**WHEREAS**, inherent to the cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials; and

**WHEREAS**, it is the purpose and intent of the City Council in enacting this Ordinance to preserve an orderly political forum in which individuals and groups may express themselves effectively; to minimize the improper influence, real or potential, of campaign contributors over the City's elected officials; to place realistic enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections for City offices; and to provide full and fair enforcement of all the provisions of this Ordinance; and

**WHEREAS**, at its April 21, 2020, meeting, the City Council considered all oral and written testimony presented and provided by City staff and members of the public, including, but not limited to, staff reports, attachments, and exhibits; and

**WHEREAS**, based upon the forgoing, the City Council desires to establish a campaign contribution limit as provided in this Ordinance; and

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

Section 1. **Recitals.** All of the above recitals are true and correct and incorporated herein by reference as if set forth in full.

Section 2. **New Chapter 2.32.** Chapter 2.32 (Campaign Contribution Limits and Regulations) is hereby added to Title 2 of the Hesperia Municipal Code as follows:

“Chapter 2.32 – Campaign Contribution Limits and Regulations.

**Section 2.32.010 – Purpose.**

Inherent to the cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the City Council in enacting this Chapter to preserve an orderly political forum in which individuals and groups may express themselves effectively; to minimize the improper influence, real or potential, of campaign contributors over the City’s elected officials; to place realistic enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections for City offices; and to provide full and fair enforcement of all the provisions of this Chapter.

**Section 2.32.020 – Definitions.**

“Person” shall have the same definition as “person” in California Government Code Section 82047, as it may be amended from time to time, and which currently provides as follows: “an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.”

**Section 2.32.030 – Campaign Contribution Limit.**

A. A person shall not make to a candidate for elective city office, and a candidate for elective city office shall not accept from a person, a contribution totaling more than five hundred dollars (\$500) per election.

B. The provisions of this chapter do not apply to a candidate's contributions of the candidate's personal funds to the candidates own campaign.

~~C. The contribution limit amount provided in Section 2.32.030(A) shall be adjusted by the City Clerk in January of every odd-numbered year to reflect the increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100). For purposes of this chapter, “Consumer Price Index” shall mean the Consumer Price Index for All Urban Consumers, Riverside-San Bernardino-Ontario, published by the Bureau of Labor Statistics of the United States Department of Labor, All Items (2017=100) and as it may be updated from time to time. If the Department of Labor no longer publishes~~

~~the Consumer Price Index, the City Clerk shall determine an equivalent replacement.~~

**Section 2.32.040 – Penalties for Violation.**

Any violation of this chapter shall be subject to enforcement and penalties pursuant to Chapter 1.12 of Title 1 of this Code.

**Section 2.32.050 – Severability.**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this chapter or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this chapter. The City Council hereby declares that it would have adopted this chapter, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.”

Section 3. **Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 4. **Certification.** The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

**APPROVED AND ADOPTED** by the City Council of the City of Hesperia, California, at a regular meeting held on this 21<sup>st</sup> day of April, 2020.

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Larry Bird, Mayor

Attest:

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Melinda Sayre, City Clerk

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# City of Hesperia

## STAFF REPORT



**DATE:** May 05, 2020

**TO:** Mayor and Council Members

**FROM:** Nils Bentsen, City Manager

**BY:** Chris Borchert, Principal Planner  
Ryan Leonard, Senior Planner

**SUBJECT:** Development Code Amendment DCA20-00001; Applicant: City of Hesperia; Area affected: City-wide

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### RECOMMENDED ACTION

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2020-04 approving Development Code Amendment DCA20-00001, to modify development standards associated with Accessory Dwelling Units (ADUs).

### PROJECT SUMMARY

**Proposal:** The State Legislature recently adopted amendments to California Law, effective January 1, 2020, regarding the creation of accessory dwelling units (ADU) and junior accessory dwelling units (Junior ADU). The new requirements invalidate a local agency's existing ADU ordinance if it does not comply with the newly adopted State standards. The purpose of this Ordinance is to update the City's Municipal Code to reflect these new State laws.

**Planning Commission Review:** On April 9, 2020 the Planning Commission voted 4-0 (Commissioner Leis was absent) to forward this item to the City Council with a recommendation for approval.

**Conclusion:** The Ordinance is consistent the goals, policies and objectives of the General Plan and will bring the City's ADU regulations into compliance with State law.

### ATTACHMENT(S)

1. Ordinance No. 2020-04
2. Exhibit "A"
3. Planning Commission Staff Report with attachments

**ORDINANCE NO. 2020-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA,  
CALIFORNIA, ADOPTING A DEVELOPMENT CODE AMENDMENT TO  
MODIFY DEVELOPMENT STANDARDS ASSOCIATED WITH ACCESSORY  
DWELLING UNITS (DCA20-00001)**

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

**WHEREAS**, the City proposes to amend Chapter 16.12.360 of the City of Hesperia Development Code regulations, which pertain to accessory dwelling units; and

**WHEREAS**, the City finds that it is necessary to amend the City's existing Accessory Dwelling Unit Ordinance in order to comply with Senate Bill 13 and Assembly Bills 68 and 881, which were signed into law on October 9, 2019, and which became effective January 1, 2020; and

**WHEREAS**, the proposed Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Amendment is exempt if it does not propose to increase the density or intensity allowed in the General Plan. According to Government Code 65852.2, ADUs do not count towards the allowable density, and are a residential use consistent with the existing General Plan and zoning designation; and

**WHEREAS**, on April 09, 2020, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendment and concluded said hearing on that date; and

**WHEREAS**, on May 05, 2020, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendment and concluded said hearing on that date; and

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

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

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

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

Section 3. Based on the findings and conclusions set forth in this Ordinance, this Council hereby adopts Development Code Amendment DCA20-00001, amending the accessory dwelling unit regulations as shown on Exhibit "A."

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

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

**ADOPTED AND APPROVED** on this 5<sup>th</sup> day of May 2020.

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Larry Bird, Mayor

ATTEST:

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Melinda Sayre, City Clerk

## EXHIBIT “A”

The following are modifications to Article X of Chapter 16.12 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

### 16.12.360 - Accessory dwelling units.

- A. Purpose. The purpose of these provisions is to establish procedures for permitting an accessory dwelling unit (ADU); to implement state law requiring consideration for such uses.

B. Accessory Dwelling Unit Defined Definitions.

- a. "Accessory dwelling unit" or "(ADU)" means an additional detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed primary residence. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated. An accessory dwelling unit also includes the following:

- i. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- ii. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

- b. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

- ~~B-c.~~ "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

- C. Application Procedure—Accessory Dwelling Units. Application for a permit to construct an accessory dwellingADU unit shall be made by ~~applying for an accessory dwelling unit application,~~ pursuant to the provisions and limitations of this article. The review procedure shall be administrative review without notice (ministerial), pursuant to the provisions of Section 16.12.005(A)(3). ~~Permits Approval of a permit to construct an accessory dwelling unit application shall be for accessory dwelling units will be issued for a for a~~ period not to exceed thirty-six (36) months. ~~Applications for renewal may be filed for additional twelve (12) month periods. Said renewal application must be filed prior to expiration of the accessory dwelling unit permit.~~

- D. Requirements for Approval.

1. An accessory dwelling unit may only be permitted on lots ~~within that are zoned for agricultural, single family, multi-family, or mixed uses an agricultural or single family residential designation~~ and that contain an existing or proposed single-family or multi-family dwelling. ~~on which there is already built one owner occupied single-family detached dwelling unit (primary unit). The primary unit may be considered the accessory dwelling unit only if the lot can accommodate the existing and proposed structure in accordance with the provisions specified herein.~~

2. Accessory dwelling units are exempt from the density limitations of the General Plan and subject to the following:

- a. Lots with an existing or proposed single-family residence may be permitted one (1) accessory dwelling, and one (1) junior accessory dwelling unit (see Section 16.12.360 F for additional regulations pertaining to junior accessory dwelling units).
- b. Lots with existing multifamily units may convert non-habitable space within, ~~or detached from,~~ an existing multifamily structure into accessory dwelling units. The number of these types of units shall be limited to ~~one (1) accessory dwelling or up to 25 percent of the existing multifamily dwelling units, whichever is greater.~~ In addition, ~~However,~~ no more than two (2) detached accessory dwelling units may be permitted. A detached accessory dwelling may be converted from non-habitable space, or newly constructed.

3. An accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling.

4. The correction of a nonconforming zoning condition that would result in a physical improvement on the property shall not be a condition of approval for an accessory dwelling unit.

~~2.5. On single family lots~~lots with an existing or proposed single family residence, ~~One the primary dwelling unit or accessory dwelling unit,~~ on the property shall be owner-occupied. ~~(This provision is suspended for all permits issued between 1/1/2020 and until 1 January 1, 2025, unless otherwise amended by California Government Code 65852.2 ).~~

~~3. Only one accessory dwelling unit shall be permitted on any one lot.~~

~~4.6.~~ The accessory dwelling unit shall provide complete and independent living facilities.

~~5.7.~~ The accessory dwelling unit shall not be sold separately and may be rented for periods of not less than 30 days.

~~6.8.~~ The accessory dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.

9. In compliance with the State of California Lahontan Regional Water Quality Control Board, ~~lots that are~~ not connected to sewer facilities shall be a minimum of one gross acre in size.

E. ~~Design and Development Standards—Accessory Dwelling Units.~~

~~7.~~

1. The accessory dwelling unit may be either ~~an attached to~~ or detached from an existing or proposed single-family residence, or converted from an existing accessory building, garage, storage area, or other similar non-habitable area. ~~unit.~~ An accessory dwelling may be converted from non-habitable space within, or detached from, an existing multi-family structure.

2. ~~A detached accessory unit shall not exceed seventy-five (75) percent of the area of the principal dwelling unit up to a maximum gross floor area of three thousand (3,000) 1,200 square feet per structure on any parcel. Accessory dwelling units attached to the principal unit may be up to fifty (50) percent of the area of the principal unit, up to a maximum of one thousand (1,000) square feet, except that if the principal unit has a floor area of 1,600 square feet or less, an attached accessory dwelling unit shall conform to the provisions of Section 16.20.360(E)(6), below. The area of an accessory dwelling unit is in addition to and shall not be considered as part of the allowable accessory building area authorized under Article X of Chapter 16.20. No accessory dwelling unit shall be less than four onetwo hundred and twentyfifty (400220150) square feet in area. Further, a single-wide mobile home or recreational vehicle, does not qualify for use as an accessory dwelling unit-SDU.~~

8.3. ~~The entrance to an attached accessory dwelling unit shall be separate from the entrance to the primary unit and shall be installed in a manner as to eliminate an obvious indication of two units in the same structure.~~

~~F. Property Development Standards—Accessory Dwelling Units.~~

1. ~~The lot upon which the accessory dwelling unit is to be established shall conform to all standards of the land use district in which it is located.~~

4. ~~The yard standards for accessory buildings shall apply to a detached unit. For new attached or detached accessory dwelling units, a minimum four-foot side yard and four-foot rear yard setback shall be required is allowed. The front yard and street side yard standards for the primary unit shall apply to the accessory dwelling unit. In addition, detached accessory dwelling units shall be located to the rear of the primary dwelling unit.~~

2.5. ~~No setback shall be required for the conversion of existing living area, conversion of an existing accessory structure, or for a new structure that is constructed in the same location and to the same dimensions as an existing structure.~~

3. ~~The yard standards for the primary unit shall apply to an attached unit. Detached accessory dwelling units shall be located to the rear of the primary dwelling unit.~~

4. ~~The accessory dwelling unit shall be constructed in accordance with minimum standards for single-family residential uses on individual lots as specified in Section 16.20.160, unless otherwise specified herein.~~

5. ~~Provision for emergency vehicle access to the accessory dwelling unit shall be addressed in the following manner:~~

a. ~~Access roads shall be within one hundred fifty (150) feet of any portion of an exterior wall of the first story of the accessory dwelling unit and shall be measured in an approved route around the exterior of the structure.~~

b. ~~Turning radius for emergency vehicles shall be a minimum of thirty four (34) feet inside radius.~~

c. ~~Emergency vehicle access roads in excess of one hundred fifty (150) feet in length shall be provided with a turnaround.~~

d. ~~Maximum grade for the access road shall be twelve (12) percent for asphalt surfaces and fifteen (15) percent for concrete surfaces.~~

e. ~~Emergency vehicle access roads shall have an unobstructed width of at least twelve (12) feet and an unobstructed vertical clearance of at least thirteen (13) feet six inches.~~

- ~~f. Addresses shall be posted with numbers measuring a minimum of four inches in height and shall be visible from the public right-of-way. In addition, during the hours of darkness the numbers shall be internally illuminated.~~

~~In cases where the accessory dwelling unit is located more than one hundred (100) feet from the public right-of-way, additional non-illuminated contrasting numbers measuring a minimum of six inches in height shall be displayed at the property entrance.~~

- ~~6. The entrance to an attached accessory dwelling unit shall be separate from entrance to the primary unit and shall be installed in a manner as to eliminate an obvious indication of two units in the same structure.~~

- ~~7.6. The maximum lot coverage provisions of the land use district shall apply. No provisions within this Section, including lot coverage or legal nonconformity, shall preclude either an attached or detached 800 square foot accessory dwelling unit that is at least sixteen (16) feet in height with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards.~~

- ~~7. At least one covered or uncovered parking space for the accessory dwelling unit shall be provided by a minimum interior size of nine feet in width and nineteen (19) feet in depth. Parking can be tandem on an existing driveway. The City shall not impose parking standards for an accessory dwelling unit if the accessory dwelling unit is located within one-half mile of public transit, or when the accessory dwelling unit is part of the proposed or existing primary residence or an existing accessory structure, when on-street parking permits are required but not offered to the occupant of the accessory dwelling unit, or when there is a care share vehicle located within one block of the accessory dwelling unit.—No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than ~~five~~ four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.~~

- ~~8. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces do not need to be replaced.~~

- ~~9. The accessory dwelling unit shall be compatible with the design of the primary unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and shall not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.~~

- ~~10. The construction of an accessory dwelling unit shall not be considered when calculating minimum distance requirements for animal uses on the subject lot or on adjacent lots. The accessory dwelling unit shall require a minimum twenty (20) foot setback for the rear and side yards, except as noted in Section 16.12.360(F)(8).~~

#### F. Junior Accessory Dwelling Units

- ~~1. Purpose-This section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing single family residence, and requires owner occupancy of the single family residence where the unit is located.~~
- ~~2. Development Standards- Junior accessory dwelling units shall comply with the following standards:~~

- a) Lots with an existing or proposed single family residence may be permitted one (1) accessory dwelling unit and one (1) junior accessory dwelling unit.
- b) A junior accessory dwelling unit shall not exceed 500 square feet in size and shall be contained entirely within a single family residence. However, an additional 150 square foot expansion beyond the physical dimensions of the existing structure is permitted strictly to accommodate ingress and egress to the junior accessory dwelling unit.
- c) The junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single family residence.
- d) The junior accessory dwelling unit must include an efficiency kitchen that includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- e) The junior accessory dwelling unit may have a bathroom or share with the proposed or existing single family residence.
- f) Additional parking shall not be required.
- g) A deed restriction, in a form to be approved and provided by the City, is required must be recorded filed with the City, and must include the following stipulations: i) prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single family residence; ii) restriction on the size and attributes of the junior accessory dwelling unit; iii) if the unit is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days; and iv) owner occupancy of one of the units on-site is required, unless the owner is a governmental agency, land trust, or housing organization. These restrictions shall run with the land.
- h) For the purposes of providing service for water, sewer or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

10. —

(Ord. 2003-05 § 4 (part), 2003; Ord. 299 § 4 (Exh. A § 3 (part)), 2000; Ord. 250 (part), 1997; Ord. 192 Exh. A (§ 83.10.020), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09; Ord. No. 2012-14, § 3(Exh. A), 8-7-12; [Ord. No. 2017-12](#), § 3(Exh. A), 6-20-17)





**DATE:** April 9, 2020  
**TO:** Planning Commission  
**FROM:** Chris Borchert, Principal Planner  
**BY:** Ryan Leonard, Senior Planner  
**SUBJECT:** Development Code Amendment DCA20-00001; Applicant: City of Hesperia; Area affected: City-wide

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### **RECOMMENDED ACTION**

It is recommended that the Planning Commission adopt Resolution No. PC-2020-02 recommending that the City Council introduce and place on first reading an ordinance approving DCA20-00001, modifying development standards associated with Accessory Dwelling Units (ADUs).

### **BACKGROUND**

On October 9, 2019, Governor Newsom signed three bills into law, which are designed to facilitate the construction of ADUs in California (SB 13, AB 68, and AB 881). These bills went into effect on January 1, 2020. The bills invalidate a local agency's existing ADU ordinance if it does not comply with the requirements of the newly adopted state standards. The purpose of this Ordinance is to update the City's Municipal Code to reflect these new State laws.

Once the City Council adopts the new standards, the revised ordinance must be forwarded to the State Department of Housing and Community Development within 60 days for review and approval.

### **ISSUES/ANALYSIS**

The proposed Development Code Amendment will revise the City's existing Ordinance to comply with the newly amended State Law and allow the City to retain authority to continue to enforce the City's Ordinance. As proposed, the development standards that were previously adopted will remain when not in conflict with the new legislation.

One key component of the new ADU laws is that the City is now required to allow Junior ADUs, whereas the City had previously prohibited them. There are some key differences between ADUs and Junior ADUs. Both provide independent living units with an exterior entrance into the unit; however, Junior ADUs may not exceed 500 square feet in size and must be contained entirely within a single family residence. Junior ADU's must include an efficiency kitchen, can have an internal access to the primary dwelling unit, and can share sanitary facilities (such as a restroom) with the primary unit. Conversely, ADUs can be up to 1,200 square feet, shall be fully self-contained (including sanitation) and do not share internal access with the primary dwelling unit.

The State has also included several provisions that regulate unit size of ADUs and Junior ADUs. The City is required to allow ADUs and Junior ADUs as small as 150 square feet. Additionally, the City cannot apply floor area limits or site coverage requirements if it prevents a minimum 800 square foot ADU. Under State law, the maximum unit size for a detached ADU is 1,200 square feet, and for an attached ADU it is 50 percent of the primary dwelling. The size of Junior ADUs cannot exceed 500 square feet.

Table 1 below provides a comparison of the key changes between the existing regulations and the proposed regulations.

**Table 1-ADU Ordinance Changes**

<b>Item</b>	<b>Prior Regulation</b>	<b>New Regulations that align with California State Laws</b>
<b>Location</b>	ADUs are allowed within an agricultural or single-family residential zoning designation on which there is already a built, owner-occupied, single family detached residence.	ADUs are allowed on lots that are zoned for agricultural, single family, multi-family, or mixed use, and that contain an existing or proposed single family or multi-family dwelling.
<b>Junior ADUs</b>	Not allowed.	Allowed <ul style="list-style-type: none"> <li>- A Junior ADU shall not exceed 500 sq. ft. in size and shall be contained entirely within a single family residence.</li> </ul>
<b>Number of units allowed</b>	One ADU only.	<ul style="list-style-type: none"> <li>- On properties zoned for single-family residential, one ADU and one Junior ADU may be permitted.</li> <li>- On properties zoned for multi-family, up to 1 unit may be converted from existing non-habitable space. In addition, up to two detached accessory dwelling units may be permitted.</li> </ul>
<b>Minimum lot size</b>	Lots not connected to sewer shall be a minimum of 1-acre in size.	<p>Lots not connected to sewer shall be a minimum of 1-acre in size.</p> <p>Junior ADUs may be located on any size lot and are not considered a new unit for the purposes of calculating sewer requirements.</p>

<b>Maximum unit size</b>	<ul style="list-style-type: none"> <li>- A detached ADU shall not exceed seventy-five (75) percent of the area of the principal dwelling unit, up to a maximum of 3,00 sq. ft.</li> <li>- An attached ADU may be up to fifty (50) percent of the area of the area of the principal unit, up to a maximum of 1,000 sq. ft.</li> </ul>	<ul style="list-style-type: none"> <li>- A detached ADU shall not exceed 1,200 sq. ft.</li> <li>- An attached ADU may be up to fifty (50) percent of the area of the area of the principal unit, up to a maximum of 1,000 sq. ft.</li> <li>- A Junior ADU shall not exceed 500 sq. ft.</li> </ul>
<b>Setbacks</b>	Setbacks are per the zoning code requirement for the underlying zoning designation.	A minimum 4-foot side yard and rear yard setback is allowed. The front yard and street side yard standards of the underlying zoning designation shall apply.
<b>Owner requirement</b> <b>occupancy</b>	The property owner shall live in either the primary residence or the ADU.	<p>For single family lots, owner occupancy requirement is suspended until January 1, 2025.</p> <p>For a Junior ADU, owner occupancy is required.</p>

**Environmental:** Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as a Development Code Amendment is exempt if it does not propose to increase the density or intensity allowed in the General Plan. According to Government Code 65852.2, ADUs do not count towards the allowable density, and are a residential use consistent with the existing General Plan and zoning designation.

**Conclusion:** The Ordinance is consistent the goals, policies and objectives of the General Plan and will bring the City's Accessory Dwelling Unit regulations into compliance with State law.

## **FISCAL IMPACT**

None.

## **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

## **ATTACHMENT(S)**

1. Resolution No. PC-2020-02, with Exhibit "A"

# ATTACHMENT 1

## RESOLUTION NO. PC-2020-02

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH ACCESSORY DWELLING UNITS (ADUS) (DCA20-00001)

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

**WHEREAS**, the City proposes to amend Chapter 16.12.360 of the City of Hesperia Development Code regulations, which pertain to second dwelling units; and

**WHEREAS**, the City finds that it is necessary to amend the City's existing Accessory Dwelling Unit Ordinance in order to comply with Senate Bill 13 and Assembly Bills 68 and 881, which were signed into law on October 9, 2019, and which became effective January 1, 2020; and

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

**WHEREAS**, on April 9, 2020, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Amendments 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 PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission 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 Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA20-00001, amending the Accessory Dwelling Unit regulations as shown on Exhibit "A."

Section 4. That the Secretary shall certify to the adoption of this Resolution.

**ADOPTED AND APPROVED** on this 9th day of April 2020.

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Cody Leis, Chair, Planning Commission

ATTEST:

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Amanda Malone, Secretary, Planning Commission

# EXHIBIT “A”

The following are modifications to Article X of Chapter 16.12 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

## 16.12.360 - Accessory dwelling units.

- A. Purpose. The purpose of these provisions is to establish procedures for permitting an accessory dwelling unit (ADU); to implement state law requiring consideration for such uses.

### B. Accessory Dwelling Unit Defined Definitions.

- a. "Accessory dwelling unit" or “(ADU)” means an additional detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed primary residence. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated. An accessory dwelling unit also includes the following:
- i. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
  - ii. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- b. “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.
- ~~B-c.~~ “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- C. Application Procedure—Accessory Dwelling Units. Application for a permit to construct an accessory dwellingADU unit shall be made by applying for an accessory dwelling unit application, pursuant to the provisions and limitations of this article. The review procedure shall be administrative review without notice (ministerial), pursuant to the provisions of Section 16.12.005(A)(3). ~~Permits Approval of a permit to construct an accessory dwelling unit application shall be for accessory dwelling units will be issued for a for a period not to exceed thirty-six (36) months. Applications for renewal may be filed for additional twelve (12) month periods. Said renewal application must be filed prior to expiration of the accessory dwelling unit permit.~~
- D. Requirements for Approval.
1. An accessory dwelling unit may only be permitted on lots ~~within that are zoned for agricultural, single family, multi-family, or mixed uses an agricultural or single family residential designation and that contain an existing or proposed single-family or multi-family dwelling. on which there is already built one owner occupied single-family detached dwelling unit (primary unit). The primary unit may be considered the accessory dwelling unit only if the lot can accommodate the existing and proposed structure in accordance with the provisions specified herein.~~

2. Accessory dwelling units are exempt from the density limitations of the General Plan and subject to the following:

- a. Lots with an existing or proposed single-family residence may be permitted one (1) accessory dwelling, and one (1) junior accessory dwelling unit (see Section 16.12.360 F for additional regulations pertaining to junior accessory dwelling units).
- b. Lots with existing multifamily units may convert non-habitable space within, ~~or detached from, an existing multifamily structure~~ into accessory dwelling units. The number of these types of units shall be limited to ~~one (1) accessory dwelling or up to 25 percent of the existing multifamily dwelling units, whichever is greater.~~ In addition, ~~However, no more than two (2) detached accessory dwelling units may be permitted.~~ A detached accessory dwelling may be converted from non-habitable space, or newly constructed.

3. An accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling.

4. The correction of a nonconforming zoning condition that would result in a physical improvement on the property shall not be a condition of approval for an accessory dwelling unit.

~~2.5.~~ On single-family lotslots with an existing or proposed single family residence, ~~One the primary dwelling unit or accessory dwelling unit, on the property shall be owner-occupied. (This provision is suspended for all permits issued between 1/1/2020 and until 1January/ 1, /2025, unless otherwise amended by California Government Code 65852.2 ).~~

~~3. Only one accessory dwelling unit shall be permitted on any one lot.~~

~~4.6.~~ The accessory dwelling unit shall provide complete and independent living facilities.

~~5.7.~~ The accessory dwelling unit shall not be sold separately and may be rented for periods of not less than 30 days.

~~6.8.~~ The accessory dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.

9. In compliance with the State of California Lahontan Regional Water Quality Control Board, ~~lots that are~~ not connected to sewer facilities shall be a minimum of one gross acre in size.

E. ~~Design and Development Standards—Accessory Dwelling Units.~~

~~7.~~

1. The accessory dwelling unit may be either ~~an attached to~~ or detached from an existing or proposed single-family residence, or converted from an existing accessory building, garage, storage area, or other similar non-habitable area. unit. An accessory dwelling may be converted from non-habitable space within, or detached from, an existing multi-family structure.

2. ~~A detached accessory unit shall not exceed seventy-five (75) percent of the area of the principal dwelling unit up to a maximum gross floor area of three thousand (3,000) 1,200 square feet per structure on any parcel. [BJH1] Accessory dwelling units attached to the principal unit may be up to fifty (50) percent of the area of the principal unit, up to a maximum of one thousand (1,000) square feet, except that if the principal unit has a floor area of 1,600 square feet or less, an attached accessory dwelling unit shall conform to the provisions of Section 16.20.360(E)(6), [BJH2] below. The area of an accessory dwelling unit is in addition to and shall not be considered as part of the allowable accessory building area authorized under Article X of Chapter 16.20. No accessory dwelling unit shall be less than four onetwo hundred and twentyfifty (400220150 [BJH3]) square feet in area. Further, a single-wide mobile home or [BJH4] recreational vehicle, does not qualify for use as an accessory dwelling unit-SDU. [BJH5]~~

8.3. ~~The entrance to an attached accessory dwelling unit shall be separate from the entrance to the primary unit and shall be installed in a manner as to eliminate an obvious indication of two units in the same structure.~~

~~F. Property Development Standards—Accessory Dwelling Units.~~

1. ~~The lot upon which the accessory dwelling unit is to be established shall conform to all standards of the land use district in which it is located.~~

4. ~~The yard standards for accessory buildings shall apply to a detached unit. For new attached or detached accessory dwelling units, a minimum four-foot side yard and four-foot rear yard setback shall be required is allowed. The front yard and street side yard standards for the primary unit shall apply to the accessory dwelling unit. In addition, detached accessory dwelling units shall be located to the rear of the primary dwelling unit.~~

2.5. ~~No setback shall be required for the conversion of existing living area, conversion of an existing accessory structure, or for a new structure that is constructed in the same location and to the same dimensions as an existing structure.~~

3. ~~The yard standards for the primary unit shall apply to an attached unit. Detached accessory dwelling units shall be located to the rear of the primary dwelling unit.~~

4. ~~The accessory dwelling unit shall be constructed in accordance with minimum standards for single-family residential uses on individual lots as specified in Section 16.20.160, unless otherwise specified herein.~~

5. ~~Provision for emergency vehicle access to the accessory dwelling unit shall be addressed in the following manner:~~

a. ~~Access roads shall be within one hundred fifty (150) feet of any portion of an exterior wall of the first story of the accessory dwelling unit and shall be measured in an approved route around the exterior of the structure.~~

b. ~~Turning radius for emergency vehicles shall be a minimum of thirty four (34) feet inside radius.~~

c. ~~Emergency vehicle access roads in excess of one hundred fifty (150) feet in length shall be provided with a turnaround.~~

d. ~~Maximum grade for the access road shall be twelve (12) percent for asphalt surfaces and fifteen (15) percent for concrete surfaces.~~

e. ~~Emergency vehicle access roads shall have an unobstructed width of at least twelve (12) feet and an unobstructed vertical clearance of at least thirteen (13) feet six inches.~~



- f. ~~Addresses shall be posted with numbers measuring a minimum of four inches in height and shall be visible from the public right-of-way. In addition, during the hours of darkness the numbers shall be internally illuminated.~~

~~In cases where the accessory dwelling unit is located more than one hundred (100) feet from the public right-of-way, additional non-illuminated contrasting numbers measuring a minimum of six inches in height shall be displayed at the property entrance.~~

6. ~~The entrance to an attached accessory dwelling unit shall be separate from entrance to the primary unit and shall be installed in a manner as to eliminate an obvious indication of two units in the same structure.~~

- 7.6. The maximum lot coverage provisions of the land use district shall apply. No provisions within this Section, including lot coverage or legal nonconformity, shall preclude either an attached or detached 800 square foot accessory dwelling unit that is at least sixteen (16) feet in height with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards.

7. At least one covered or uncovered parking space for the accessory dwelling unit shall be provided by a minimum interior size of nine feet in width and nineteen (19) feet in depth. Parking can be tandem on an existing driveway. The City shall not impose parking standards for an accessory dwelling unit if the accessory dwelling unit is located within one-half mile of public transit, or when the accessory dwelling unit is part of the proposed or existing primary residence or an existing accessory structure, when on-street parking permits are required but not offered to the occupant of the accessory dwelling unit, or when there is a care share vehicle located within one block of the accessory dwelling unit. <sup>[BJH6]</sup> ~~No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than five-four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.~~

8. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces do not need to be replaced.
9. The accessory dwelling unit shall be compatible with the design of the primary unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and shall not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.

10. The construction of an accessory dwelling unit shall not be considered when calculating minimum distance requirements for animal uses on the subject lot or on adjacent lots. The accessory dwelling unit shall require a minimum twenty (20) foot setback for the rear and side yards, except as noted in Section 16.12.360(F)(8).

#### F. Junior Accessory Dwelling Units

1. Purpose-This section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing single family residence, and requires owner occupancy of the single family residence where the unit is located.
2. Development Standards- Junior accessory dwelling units shall comply with the following standards:

- a) Lots with an existing or proposed single family residence may be permitted one (1) accessory dwelling unit and one (1) junior accessory dwelling unit.
- b) A junior accessory dwelling unit shall not exceed 500 square feet in size and shall be contained entirely within a single family residence. However, an additional 150 square foot expansion beyond the physical dimensions of the existing structure is permitted strictly to accommodate ingress and egress to the junior accessory dwelling unit.
- c) The junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single family residence.
- d) The junior accessory dwelling unit must include an efficiency kitchen that includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- e) The junior accessory dwelling unit may have a bathroom or share with the proposed or existing single family residence.
- f) Additional parking shall not be required.
- g) A deed restriction, in a form to be approved and provided by the City, is required must be recorded filed with the City<sup>[BJH7]</sup>, and must include the following stipulations: i) prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single family residence; ii) restriction on the size and attributes of the junior accessory dwelling unit; iii) if the unit is rented, the unit shall not be rented for a period of less than 30 consecutive calendar days; and iv) owner occupancy of one of the units on-site is required, unless the owner is a governmental agency, land trust, or housing organization. These restrictions shall run with the land.
- h) For the purposes of providing service for water, sewer or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

10. —

(Ord. 2003-05 § 4 (part), 2003; Ord. 299 § 4 (Exh. A § 3 (part)), 2000; Ord. 250 (part), 1997; Ord. 192 Exh. A (§ 83.10.020), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09; Ord. No. 2012-14, § 3(Exh. A), 8-7-12; [Ord. No. 2017-12](#), § 3(Exh. A), 6-20-17)

# City of Hesperia

## STAFF REPORT



**DATE:** May 5, 2020

**TO:** Mayor and Council Members

**FROM:** Nils Bentsen, City Manager

**BY:** Rachel Molina, Deputy City Manager

**SUBJECT:** Adoption of Ordinance No. 2020-06 Adding Chapter 8.36 to the Hesperia Municipal Code Regulating the Use of Fireworks

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### RECOMMENDED ACTION

It is recommended that the City Council introduce and place on first reading Ordinance No. 2020-06, adding chapter 8.36 to the Hesperia Municipal Code regulating the use of fireworks.

### BACKGROUND

Over the last several years, the City has experienced an increase in the use of fireworks. The increase is likely related to less county and state enforcement, which has allowed dangerous fireworks from places such as the State of Nevada to be more easily accessible. To address the public safety and nuisance concerns associated with fireworks, at the March 3, 2020 City Council Meeting staff was directed to increase fines for fireworks to the maximum amount allowed by law. Currently, citations issued for violations range from \$500 to \$1,250 depending on the citing agency. Currently, the Hesperia Municipal Code does not have a chapter regulating the use of fireworks. Citations currently issued by enforcement agencies are done under the penal code or San Bernardino County Fire code.

The City Council also provided direction to staff to publicize a public participation reward program that offers an incentive to parties that report violations.

### ISSUES/ANALYSIS

Ordinance No. 2020-06 prohibits possession, sale, or use of fireworks in Hesperia. The ordinance makes provisions for special events. Penalties outlined in the ordinance include fines for violations in the amount of \$1,000 for the first offense, \$2,000 for the second offense and \$3,000 for the third offense.

The City is a member of the nationwide We-Tip program, which allows for anonymous reporting of illegal activity and offers rewards to those that provide tips that lead to responsible parties being held accountable. In accordance with direction provide by the City Council, staff will increase awareness of this program by adding it to the City's advertising, outreach and communications plan to encourage participation in the hopes of reducing illegal fireworks in Hesperia.

**FISCAL IMPACT**

There is no fiscal impact associated with this item.

**ATTACHMENT(S)**

1. Ordinance 2020-06

**ORDINANCE NO. 2020-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
HESPERIA, CALIFORNIA, ADDING CHAPTER 8.36 AND  
AMENDING SECTION 16.12.380(B) REGULATING THE USE OF  
FIREWORKS**

**WHEREAS**, the City of Hesperia ("City") has experienced an increase in the use of fireworks, which create a threat to the health and safety of the community and are considered a public nuisance; and

**WHEREAS**, use of fireworks in the City interferes with the health, safety, quality of life, quiet enjoyment and general welfare of the community; and

**WHEREAS**, California Health and Safety Code Section 12541 authorizes the City to regulate or prohibit the sale, use, or discharge of fireworks; and

**WHEREAS**, the City Council has determined it is necessary to regulate fireworks, including "safe and sane" fireworks, as well as dangerous fireworks; and

**WHEREAS**, the City Council has determined all fireworks will be prohibited except for special events, where the providers of the event have obtained a permit from the City.

**WHEREAS**, through the adoption of this Chapter, the City will regulate fireworks within the City for the public health, safety, and welfare of the residents of the City of Hesperia.

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

**SECTION 1.** Chapter 8.36 entitled "FIREWORKS" is hereby added to the Hesperia Municipal Code to read in its entirety as follows:

**"FIREWORKS**

8.36.010      Fireworks prohibited.

8.36.020      Exception for public displays and/or special effects.

8.36.030      Violations—Penalty

8.20.040      Severability

**8.36.010 - Fireworks prohibited.**

It is unlawful for any person to sell, use or possess any fireworks within the city. Fireworks include "dangerous fireworks," as defined in California Health and Safety Code Section 12505, "fireworks," as defined in California Health and Safety Code Section 12511, and "safe and sane fireworks," as defined in California Health and Safety Code Section 12529 as may be amended from time to time.

**8.36.020 – Exception for public displays and/or special effects.**

A. The foregoing prohibition in Section 8.36.010 shall not apply to persons who have obtained a special event permit from the City pursuant to Section 16.12.380(B) - Special event permits.

B. The city manager shall have authority to adopt reasonable rules and regulations for those activities contained in Health and Safety Code § 12640, including supervised public displays of fireworks by a jurisdiction, fair association, amusement park, other organization, or for the use of fireworks by artisans in pursuit of their trade. Each such use or display shall be handled by a licensed pyrotechnic operator (as defined by Health and Safety Code § 12527), and shall be of such character and so located, discharged or fired as in the opinion of the city manager or his designee, after proper investigation, will not be hazardous or endanger any person.

#### **8.36.030 - Violations—Penalty.**

A. Any person violating any provision of this Chapter or failing to comply with any of the requirements herein is guilty of a misdemeanor which may, in the discretion of the enforcing authority, be charged and prosecuted as an infraction.

B. The violation of any of the provisions of this chapter is deemed a public nuisance and may be abated by the city through civil process by means of restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisance. Violations of this title may be also be punishable in accordance with the provisions of [Title 1](#) of this code. Remedies are not exclusive of each other.

C. The remedies provided in this Chapter are not to be construed as exclusive remedies and, in the event of violation, the city may pursue any proceedings or remedies otherwise provided by law.

D. Fines for violations of this Chapter shall be as adopted by the City Council in the City Administrative Bail Schedule

#### **8.36.040 – Severability.**

If any provision, section, paragraph, sentence or word of this Chapter is determined or declared invalid by any final court action in a court of competent jurisdiction or if the application of any provision, section, paragraph, sentence or word of this Chapter is inapplicable to a specific situation by reason of any preemptive state or federal legislation or regulation, the remaining provisions, sections, paragraphs, sentences or words of this Chapter shall remain in full force and effect.”

**SECTION 2.** Section 16.12.380(B) entitled “Special event permits” has a list of seven activities for which permits are required. Number eight shall be added to read in its entirety as follows:

“8. Public fireworks display and/or special effects.”

**SECTION 3.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrase, or portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

**SECTION 4.** This Ordinance shall be effective commencing on May 19, 2020.

**SECTION 5.** The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

**PASSED, APPROVED AND ADOPTED by the City Council of the City of Hesperia, California, at a regular meeting held on this \_\_th day of \_\_\_\_\_, 2020.**

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Larry Bird, Mayor

ATTEST:

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Melinda Sayre, City Clerk

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# City of Hesperia

## STAFF REPORT



**DATE:** May 5, 2020  
**TO:** Mayor and Council Members  
**FROM:** Nils Bentsen, City Manager  
**BY:** Rachel Molina, Deputy City Manager  
**SUBJECT:** Consideration of Proposed Update to Administrative Fine Schedule for Littering

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### RECOMMENDED ACTION

It is recommended that the City Council review the proposed update to the fines for littering and provide direction to staff on whether to increase fines accordingly.

### BACKGROUND

At the March 3, 2020 City Council Meeting, staff was directed to increase administrative fines for littering and illegal dumping to the maximum amount allowed by law. Currently, fines for littering are \$100 for the first offense, \$200 for the second offense and \$500 for the third offense.

The City Council also provided direction to staff to publicize a public participation reward program that offers an incentive to parties that report violations.

### ISSUES/ANALYSIS

The Hesperia Municipal Code section 8.04.140 prohibits persons from depositing any solid waste or recyclable material on the public right-of-way or on private property. The proposed update to the Administrative Fine Schedule is an increase in fines for littering and illegal dumping to \$1,000 for the first offense, \$2,000 for the second offense and \$3,000 for the third offense.

The City is a member of the nationwide We-Tip program, which allows for anonymous reporting of illegal activity and offers rewards to those that provide tips that lead to responsible parties being held accountable. In accordance with direction provided by the City Council, staff will increase awareness of this program by adding it to the City's advertising, outreach and communications plan to encourage participation in the hopes of reducing the amount of litter and debris that is dumped in Hesperia neighborhoods and open spaces.

### FISCAL IMPACT

There is no fiscal impact associated with this item.

### ATTACHMENT(S)

None