



City of Hesperia

Meeting Minutes - Draft

City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, August 17, 2021

6:30 PM

REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA WATER DISTRICT
HESPERIA PUBLIC FINANCING AUTHORITY- ANNUAL MEETING
HESPERIA PUBLIC FACILITIES CORPORATION- ANNUAL MEETING
August 17, 2021, 6:30 PM
9700 7th Avenue, Council Chambers, Hesperia, CA 92345

CLOSED SESSION - 5:00 PM

Roll Call

Present: 5 - Mayor Gregg, Mayor Pro Tem Bennington, Council Member Bird, Council Member Holland and Council Member 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. Jeremiah Brosowske v City of Hesperia Case No. CIVDS1926015

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

1. Negotiating Parties: SRD Design Studio, Inc. and City of Hesperia Location: Racetrack Property APN 3064-551-01, 02, 03, 04, 06, 07, 08 and 3064-561-06 Under Negotiation: Price and terms.
2. Negotiating Parties: Park 395 RV Center and City of Hesperia Location: APN 3039-441-20 Under Negotiation: Price and Terms

CALL TO ORDER - 6:30 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

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

D. Agenda Revisions and Announcements by City Clerk

E. Closed Session Reports by City Attorney

JOINT CONSENT CALENDAR

Item 7 was pulled from the Consent Calendar to allow for Public Comment and voted on separately

A motion was made by Holland, seconded by Bird, that items 1 – 6 be approved. The motion carried by the following vote:

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

Nay: 0

Bob Nelson commented on Item 7

A motion was made by Holland, seconded by Swanson, that item 7 be approved. The motion carried by the following vote:

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

Nay: 0

1. Consideration of the Draft Minutes from the Special Meeting held Tuesday, August 3, 2021.

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Special Meeting held Tuesday, August 3, 2021.

Sponsors: Assistant City Clerk Erin Baum

2. **Hesperia Public Facilities Corporation and Hesperia Public Financing Authority annual meeting item:** Consideration of the Draft Minutes from the Corporation and Authority Annual Meetings held August 18, 2020.

Recommended Action:

It is recommended that the Board of Directors approve the Draft Minutes of the Corporation and Authority Annual Meetings held August 18, 2020.

Sponsors: Director of Government Services/City Clerk Melinda Sayre

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

Recommended Action:

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

Sponsors: Director of Administrative Services Casey Brooksher

4. Approve and Accept Construction of FY 2020-21 CDBG Street Improvements

Recommended Action:

It is recommended that the City Council authorize the City Manager to accept the work constructed under FY 2020-21 CDBG Street Improvements (C.O. No. 7162); authorize staff to record a "Notice of Completion"; and release all withheld retention amounts after 35 calendar days from the date of recordation.

Sponsors: Project Construction Manager David Burkett

5. Award Contract for City Hall Minor Tenant Improvements - Phase II

Recommended Action:

It is recommended that the City Council award a contract to the lowest responsive/responsible bidder, Burner Construction Corporation in the amount of \$59,767; approve an additional 10% contingency in the amount of \$5,977 for a total construction budget of \$65,744; approve the design of the project represented by the plans and specifications; and authorize the City Manager to execute the contract.

Sponsors: Project Construction Manager David Burkett

6. Amendment to Contract Services Agreement with Aleshire & Wynder, LLP

Recommended Action:

It is recommended that the City Council consider an amendment to the Contract Services Agreement with Aleshire & Wynder, LLP (City Attorney) amending rates for legal services.

Sponsors: City Attorney Eric Dunn

7. Assignment and Assumption Agreement for Hesperia Venture I LLC Development Agreement

Recommended Action:

It is recommended that the City Council approve the Assignment and Assumption Agreement for Hesperia Venture I LLC (Assignor), a California limited liability corporation and Tapestry Development Phase I, LLC a Delaware Limited Liability Corporation (Assignee).

Sponsors: Assistant City Manager Rachel Molina

CONSENT ORDINANCES

Items 8 and 9 were voted on as individual items. Item 9 was voted on first, after New Business items 11 and 12.

8. Residential Commercial Truck Parking Permit Program

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2021-03 regarding the Residential Commercial Truck Parking Permit Program.

Sponsors: Administrative Analyst Tina Bulgarelli and Administrative Analyst Jacquelyn Castillo

The following people spoke during Public Comment on the item;

Unidentified via phone message

Donna Paul commented via phone message

ET Snell

Meeting went into Recess

Meeting Reconvened

Public Comment continued;

Ken Foist
Rick Casas
James De Aguilera
Ryan Elliott
Ron Hutchison
Garegin Kalejian
Edith Torres
John Davis
Mike Thompson
Joe Joe
Ryan Carter
Stephanie Hutchison
Rosaura Hernandez
Fred Kail
Cindy Terrell
Louis Serrata
Gilbert Cantellano
Isabelle Pareyda
Justin Dutton
Adrian Zamora
Erica Turcios

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

Aye: 3 - Gregg, Bennington, and Holland

Nay: 2 - Bird and Swanson

Meeting went into Recess

Meeting Reconvened

9. Adopt Ordinance No. 2021-06 modifying Title 12, Chapter 12.12, Section 12.12.180 related to a Trench Moratorium

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2021-06: Title 12, Chapter 12.12 adding Section 12.12.180 of the Hesperia Municipal Code regarding implementation of a Trench Moratorium.

Sponsors: Administrative Analyst Bethany Hudson

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

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

Nay: 0

PUBLIC HEARING

10. Amend City Fee Schedule Related to Commercial Truck Parking and Fees for Development Services Provided

Recommended Action:

It is recommended that the City Council and respective Boards review, provide direction for amendment and adopt Joint Resolution No. 2021-37, Resolution No. HWD 2021-15, Resolution No. HHA 2021-08, and Resolution No. CDC 2021-04 amending the City-wide fee schedule related to the fees for the Commercial Truck Parking program and amending fees for services provided by the Development Services Department.

Sponsors: Administrative Analyst Tina Bulgarelli and Administrative Analyst Jacqueline Castillo

The following people spoke during Public Comment on this item;

*Ron Hutchison
Ryan Elliott
Garegin Kalejian
Louis Serrata
Stephanie Hutchison
Mike Thompson
Ken Foist
Ryan Carter*

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

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

Nay: 0

NEW BUSINESS

Items 11 and 12 were considered immediately following the Consent Calendar.

11. Report Related to the America's Water Infrastructure Act of 2018 (AWIA)

Recommended Action:

It is recommended that the Board of Directors of the Hesperia Water District receive and file this staff report, which provides a summary of the information contained within the documents that were prepared in conformance with the America's Water Infrastructure Act of 2018 (AWIA).

Sponsors: Project Construction Manager David Burkett

Received and filed.

12. Designation of Voting Delegate and Alternates for League of CA Cities Conference

Recommended Action:

It is recommended that the City Council designate a primary voting delegate and up to two alternate delegates to represent the City of Hesperia at the General Business meeting to be held during the League of California Cities annual conference September 22 through September 24, 2021 to be held in Sacramento.

Sponsors: Assistant City Clerk Erin Baum

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

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

Nay: 0

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

Ken Foist commented on truck parking.

Louis Serrata commented on truck parking.

Mike Thompson commented on truck parking.

Ron Hutchison commented on truck parking.

Jose Zepeda commented on truck parking.

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Bird thank those in attendance for their time, commented on VVTA attendance.

Council Member Swanson Association of San Bernardino County Districts (water) meeting attendance, water conservation, having students back in the classroom, school taxes, and the weather.

Council Member Holland replied to issues addressed during public comments regarding contentious meetings, and bond measures, commented on VVWRA attendance, water conservation, recycled water recharge, and the coming California gubernatorial recall election.

Mayor Pro-Tem Bennington commented on ballot drop off locations, Tri-Agency meeting attendance, AQMD meeting attendance, safety around kids, and the coming California gubernatorial recall election, thanked fire staff on engine 302, thanked Public Works staff for responding to water leak calls, thanked those in attendance, thanked the City Attorney, the City Manager, and law enforcement, and wished a Happy Anniversary to Jeff.

Mayor Gregg thanked those in attendance, commented on truck parking, chickens and roosters, Tri-Agency attendance, SBCTA attendance, representation of the community, thanked SBCSD, and safe driving.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

Meeting was adjourned at 11:53 PM in honor of this week's passing of two former Sultans, Casey and Sienna, and the Bennington's wedding anniversary.

*Erin Baum,
Assistant City Clerk*