



City of Hesperia Meeting Minutes - Draft City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, April 18, 2017

6:30 PM

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

CLOSED SESSION - 5:00 PM

Roll Call

Present: 5 - Mayor Russ, Mayor Pro Tem Blewett, Council Member Bird, Council Member Holland and Council Member Swanson

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

1. One (1) case

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

1. Victor Valley Family Resource Center, et al. v. City of Hesperia et al.

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

1. Negotiating Parties: Jahn Family Trust Dated July 31, 2008 and the City of Hesperia
Location: 15372 Ranchero Rd
Under Negotiations: Price and Terms

Conference with Labor Negotiator Government Code Section 54957.6

1. Negotiations between the City of Hesperia and the Teamster Local 1932 and non-represented employees with the City's Negotiator. (Staff person: Brian D. Johnson, Assistant City Manager/ Management Services)

CALL TO ORDER - 6:30 PM

- A. Invocation by Pastor Rich Spring of the First Baptist Church
- B. Pledge of Allegiance to the Flag

C. Roll Call

Present: 5 - Mayor Russ, Mayor Pro Tem Blewett, Council Member Bird, Council Member Holland and Council Member Swanson

D. Agenda Revisions and Announcements by City Clerk – *A member of the public submitted a letter for public comment for item No. 15. A copy of the letter has been provided to the council for consideration.*

E. Closed Session Reports by City Attorney - *Direction given to staff no reportable action was taken*

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation to Employee of the Month for April to Jacqueline Wolstein, Customer Service Representative by Jill Wyman, Customer Service Supervisor
2. Presentation to Ambassador Kimberly Jimenez of OneLegacy for Donate Life Month
3. Presentation to Eliseo Lopez of Inland Fair Housing for National Fair Housing Month
4. Community Events Calendar by Mayor Paul Russ - *Contact the City for information on the Military Banner program, 4/29 is National Prescription Drug Take-Back Day at the Hesperia Police Department between 10am – 2pm, 5/6 and 5/7 annual Relay for Life /Cars & Cures Event.*

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

Liz McGiffin commented on the Relay for Life event

Daniel Krist commented on campaigns, religion, and the Daily Press newspaper

Bob Nelson commented on first amendment rights

JOINT CONSENT CALENDAR

Bob Nelson commented on Items 4, 5, 8 and 12.

**A motion was made by Holland, seconded by Swanson, that the consent calendar be approved.
The motion carried by the following vote:**

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

Noes: 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, April 4, 2017

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, April 4, 2017.

Sponsors: City Clerk Melinda Sayre

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

Recommended Action:

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

Sponsors: Assistant City Manager/Management Services Brian Johnson

3. Treasurer's Cash Report for the unaudited period ended February 28, 2017

Recommended Action:

It is recommended that the Council/Board accept the Treasurer's Cash Report for the City, Successor Agency to the Hesperia Community Redevelopment Agency, Hesperia Housing Authority, Community Development Commission, Fire District, and Water District.

Sponsors: Assistant City Manager/Management Services Brian Johnson

4. Increase to Contract- Duthie Power Services

Recommended Action:

It is recommended that the Chair and Board Members of the Hesperia Water District authorize the City Manager to execute an increase to contract with Duthie Power Services, for emergency generator repair services in the amount of \$20,000 with a new not-to-exceed amount of \$70,000.

Sponsors: Public Works Supervisor/Water Jeremy McDonald and Public Works Manager Mark Faherty

5. Increase to Contract - Clinical Laboratory of San Bernardino

Recommended Action:

It is recommended that the Chair and Board Members of the Hesperia Water District authorize the City Manager to execute an increase to the contract with Clinical Laboratory of San Bernardino, for water quality analysis services in the amount of \$20,000 with a new not-to-exceed amount of \$61,000.

Sponsors: Public Works Manager Mark Faherty and Public Works Supervisor/Water Jeremy McDonald

6. Fiscal Year 2016-17 Third Quarter Budget Amendments

Recommended Action:

It is recommended that the following resolutions be adopted, amending the respective Fiscal Year 2016-17 Budgets for the City of Hesperia and the Hesperia Water District:

- 1) City of Hesperia Resolution No. 2017- 016
- 2) Hesperia Water District HWD 2017-07

Sponsors: Senior Financial Analyst Casey Brooksher and Assistant City Manager/Management Services Brian Johnson

7. Revised Combined Compensation Schedules

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2017-014, the Board of Directors of the Hesperia Water District adopt Resolution HWD 2017-06, the Commission of the Community Development Commission adopt Resolution CDC 2017-04, and the Commission of the Hesperia Housing Authority adopt Resolution HHA 2017-03, approving the City's revised Combined Compensation Schedule effective March 18, 2017 for the addition of new positions, as well as to incorporate the approved Non-Represented salary increases.

Sponsors: Assistant City Manager/Management Services Brian Johnson and Human Resources Analyst Rita Perez

8. Warehouse Commodity - Romac Parts

Recommended Action:

It is recommended that the Chair and Board Members of the Hesperia Water District authorize the City Manager to execute an increase to contract with Ferguson Enterprises, for Romac water

products in the amount of \$15,000 for an additional year with a new not-to-exceed amount of \$90,000.

Sponsors: Public Works Manager Mark Faherty and Public Works Supervisor/Water Jeremy McDonald

9. Parcel Map No. 19703

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2017-017 approving Parcel Map No. 19703 in conjunction with a General Plan Amendment from Rural Residential with a minimum lot size of 2 ½ acres (RR-2 ½) to Rural Residential with a minimum lot size of one acre (RR-1) to create four parcels and a remainder on 5.0 gross acres located on the northeast corner of Tioga Street and Topaz Avenue (Applicant: CJC Holdings, LLC and Toberet, LLC; APN: 0405-471-31).

Sponsors: Director of Development Services Michael Blay

10. Audited Financial Statements for Fiscal Year Ended June 30, 2016

Recommended Action:

It is recommended that the City Council, Community Development Commission, Hesperia Housing Authority Board, Hesperia Water District Board, and Hesperia Fire Protection District Board receive and file the audited Financial Statements for the Fiscal Year Ended June 30, 2016.

Sponsors: Assistant City Manager/Management Services Brian Johnson

11. Approve and Accept Construction of FY 2016-17 CDBG Street Improvements

Recommended Action:

It is recommended that the City Council accept the work constructed under FY 2016-17 CDBG Street Improvements (C.O. No. 7136) 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: Director of Development Services Michael Blay

12. Increase Purchase Order No.# 2017-00000122 with Vulcan Materials Company

Recommended Action:

It is recommended that the City Council, authorize the City Manager to execute the increase to Purchase Order Number 2017-00000122 with Vulcan Materials Company from the not-to-exceed amount of \$100,000 to \$130,000.

Sponsors: Public Works Manager Mark Faherty

13. Real Property Purchase and Sale Agreement - APN 0412-182-26

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2017-018: (i) approving the "Agreement For The Purchase And Sale Of Real Property And Joint Escrow Instructions" (Agreement) by and between Jahn Family Trust 7/31/08 (Seller) and the City of Hesperia (Buyer); and (ii) authorizing the City Manager to execute all documents necessary to consummate the transaction.

Sponsors: Economic Development Manager Rod Yahnke

PUBLIC HEARING

14. By-District Election System Public Hearing and Proposed Map Review

Recommended Action:

It is recommended that the City Council (1) hold a public hearing to accept public testimony regarding the composition of districts to transition the City from an at-large election system to a by-district election system, and (2) review proposed district maps and proposed election sequencing. This is the first of at least two public hearings at which draft maps will be accepted and considered. No final action will be taken until the public hearing process is complete.

Sponsors: City Attorney Eric Dunn

The public hearing was opened. Anthony Rhoades commented on item 14. There being no further public comment the public hearing was closed.

15. Deemed Approved Alcohol Sales Ordinance

Recommended Action:

The Planning Commission recommends that the City Council deny Ordinance No. 2017-03, as amended, and not establish deemed approved operating conditions to regulate off-sale alcoholic beverage establishments.

Sponsors: Principal Planner Dave Reno

The public hearing was opened. The following people commented on item 15: Joanne Medina, James Gunn, Michael Grabhorn, Kevin Mahany, Eric Amundson, Martha Ramirez, Sgt Rudy Ramirez, Gerardo Rivas, Pastor Raul Medina, Dino DeFazio, Albert Hourany, Azar Alberre, George Aberre, Bill Jensen, Richard Spring, Al Vogler, Cody Leis. The public hearing was closed.

Meeting went into recess at 8:50 pm and reconvened at 9:01 pm.

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

Aye: 3 - Blewett, Bird and Holland

Noes: 2 - Russ and Swanson

16. Consideration of Ordinance No. 2017 07 adopting an Interim Urgency Ordinance Pursuant to California Government Code Section 65858 extending a moratorium on certain problematic uses

Recommended Action:

That the City Council adopt the interim urgency ordinance pursuant to California Government Code Section 65858, extending a moratorium for a period of ten (10) months and fifteen (15) days on the installation and establishment of the following problematic uses:

1. Gold exchange and pawnshop businesses;
2. Hydroponic stores;
3. Hookah lounges, smoking lounges, vape shops and smoke shops; and
4. Businesses that allow for the sale of drug paraphernalia.
5. Money service businesses.

Sponsors: Senior Planner Daniel Alcayaga

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

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

NEW BUSINESS

17. Fiscal Year 2017-18 Budget Planning Report Update

Recommended Action:

It is recommended that the City Council receive and file the limited update to the Fiscal Year (FY) 2017-18 Budget Planning Report, as well as provide direction to staff for planning the upcoming budget.

Sponsors: Senior Financial Analyst Casey Brooksher and Assistant City Manager/Management Services
Brian Johnson

Direction was given to staff. No council action was taken on this item.

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Holland thanked everyone for their attendance.

Council Member Bird commented on the city's cleanup day, his attendance at the Joshua Circle's 60th anniversary; Sultana High School's presentation of Beauty and the Beast, the Chamber of Commerce meeting and the VVWRA's presentation on their self-sustaining energy program; and his attendance at the VVTA meeting.

Council Member Swanson commented on her ride-along with the Sheriff's Department; her attendance at the Tri-Agency meeting; the announcement of the HUSD Superintendent who will be retiring. Council Member Swanson welcomed Eric Swanson as the new HUSD Board Clerk; and announced that the Festival of the Arts will be held on April 22 at Rancho Middle School, and Hesperia Jr. High is having their 50th celebration on April 28th.

Mayor Pro Tem Blewett commented on the WalMart incident; his attendance at the No Drugs America on 4/22; and the celebration of Pastor Penn's father, Joseph Francis Penn, for his 100th birthday on 4/22.

Mayor Russ thanked Mayor Pro Tem Blewett for attending agency and other meetings on his behalf while he was out ill. Mayor Russ will be attending the annual conference in Washington DC with the City Manager next week. Mayor Russ commented on the grant received from MDAQMD to be applied toward the Main Street paving project and stated that they are looking at another grant to be awarded regarding electric cars.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

10:46 pm

Stephanie McClure,
Assistant City Clerk