



City of Hesperia

Meeting Minutes - Draft

City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, December 18, 2018

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 Pro Tem William J. Holland, Council Member Swanson, Mayor Bird, Council Member Brosowske and Council Member Gregg

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 Wastewater Reclamation Authority v. City of Hesperia (Claim for Damages)

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

1. Negotiating Parties: Eagle Hesperia 55II, LP and Hesperia Housing Authority
Location: APN 0405-072-70
Under Negotiation: Discuss Affordable Housing Loan Agreement

CALL TO ORDER - 6:30 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

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

D. Agenda Revisions and Announcements by City Clerk - None

E. Closed Session Reports by City Attorney – Direction was given to staff. No reportable action taken.

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation to Employee of the Month for November to Dan Sousa, Environmental Programs Coordinator by Rachel Molina, Assistant to the City Manager
2. Presentation to Employee of the Year Randy Horn, Maintenance Worker by Mark Faherty, Public Works Manager
3. Presentation to resident, Alyshea Moore winner of the Pride Enhancement Program quarterly recognition
- ~~4. Presentation of Certificate of Recognition to Mike Limbaugh by Council Member Swanson~~
5. Community Events Calendar – *Those that bring a toy to donate to the Spark of Love toy drive can adopt any dog or cat at Hesperia Animal Shelter for only \$15; Sandbags are available at City Hall, the Mojave Corporation Yard, and all Fire Station; An e-Waste recycling event January 5 & 6 from 9am – 4pm behind Eagle Plaza; City Council Meetings in January will be held on Tuesday, January 8 and Tuesday, January 22 at 6:30pm.*

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

Bob Nelson commented on public speech.

Dr. Derek King commented on High Desert Chamber of Commerce efforts.

Al Vogler commented on Council Member Brosowske's appointment to the Council.

Michael Rath commented on medical cannabis post cards distributed.

JOINT CONSENT CALENDAR

A motion was made by Holland, seconded by Swanson, that the Consent Calendar items 1-3 and 5 be approved. The motion carried by the following vote:

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

Nay: 0

1. Consideration of the Draft Minutes from the Special Meeting held Tuesday, December 11, 2018

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Special Meeting held Tuesday, December 11, 2018.

Sponsors: City Clerk Melinda Sayre

2. Fiscal Year 2017-18 Final Budget Amendments

Recommended Action:

It is recommended that the following resolutions be adopted, amending the respective Fiscal Year 2017-18 Budgets for the City of Hesperia, Hesperia Housing Authority, Community Development Commission, the Hesperia Fire Protection District, and the Hesperia Water District:

- 1) City of Hesperia No. 2018-66
- 2) Hesperia Housing Authority HHA 2018-15
- 3) Community Development Commission CDC 2018-14
- 4) Hesperia Fire Protection District HFPD 2018-22
- 5) Hesperia Water District Resolution HWD 2018-24

Sponsors: Director of Finance Casey Brooksher

3. 2018-19 Statement of Investment Policy

Recommended Action:

It is recommended that the Council/Board/Commission adopt City Resolution No. 2018-63, Successor Agency to the Hesperia Community Redevelopment Agency Resolution No. SA 2018-07, Hesperia Housing Authority Resolution No. HHA 2018-14, Community Development Commission Resolution No. CDC 2018-13, Fire District Resolution No. HFPD 2018-21, and Water District Resolution No. HWD 2018-22 amending the Fiscal Year 2018-19 Statement of Investment Policy.

Sponsors: Director of Finance Casey Brooksher

4. Award a Professional Services Agreement for Engineering Design Services for FY 2018-19 CDBG Street Improvements (C.O. No. 7150)

Recommended Action:

It is recommended that the Council award a Professional Services Agreement (PSA) to Onward Engineering in the amount of \$169,007 plus a contingency amount of \$16,900, for a total not-to-exceed amount of \$185,907 for professional engineering services for FY 2018-19 CDBG Street Improvements (C.O. No. 7150), and authorize the City Manager to execute said agreement.

Sponsors: Assistant City Manager Michael Blay

Item 4 was pulled by Council Member Brosowske.

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

Aye: 4 - Holland, Swanson, Bird and Gregg

Nay: 1 - Brosowske

5. Parcel Map No. 20042

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2018-072 approving Parcel Map No. 20042 to create two parcels and a remainder for financing purposes from approximately 215 acres within the CIBP zone of the Main Street and Freeway Corridor Specific Plan located on the west side of Caliente Road, north of and adjacent to the railroad tracks, approximately 900 feet south of the Joshua Street intersection (Applicant: Covington Investments, LLC; APNs: 3093-311-03,4,5,6; 3039-341-01,2,5,6,7; 3039-431-02,4; 3039-351-08).

Sponsors: Assistant City Manager Michael Blay

PUBLIC HEARING

6. Sidewalk Vending Regulations

Recommended Action:

It is recommended that the City Council introduce and place on first reading Ordinance No. 2018-09 amending the Hesperia Municipal Code, adding Chapter 5.26 related to regulating sidewalk vendors, amending Chapter 1.04 adding definitions of sidewalk vending. Adopt Joint Resolution No. 2018-73, Resolution No. HWD 2018-26, Resolution No. HFPD 2018-23, Resolution No. HHA 2018-16, and Resolution No. HCD 2018-15 amending the City-wide fee schedule and adopt Resolution No. 2018-74 amending the City Bail Schedule.

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

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

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

Aye: 4 - Holland, Swanson, Bird and Gregg

Nay: 1 - Brosowske

7. California Public Finance Authority TEFRA Hearing - LaVerne Elementary Preparatory Academy Charter School

Recommended Action:

It is recommended that the City Council Adopt Resolution No. 2018-63 to approve the issuance of tax-exempt revenue bonds by the California Public Finance Authority in an aggregate principal amount not to exceed \$20 Million to assist in financing the construction of the LaVerne Elementary Preparatory Academy Charter School. The City is already a member of the California Public Finance Authority.

Sponsors: Senior Planner Daniel Alcayaga

The public hearing was opened. There being no public testimony, 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: 3 - Holland, Bird and Gregg

Nay: 1 - Swanson

Abstain: 1 - Brosowske

NEW BUSINESS

8. Fiscal Year 2018-19 First Quarter Budget Review

Recommended Action:

It is recommended that the Fiscal Year 2018-19 First Quarter Budget Review be received and filed and the related following resolutions, which amend the respective Fiscal Year 2018-19 Budgets for the City of Hesperia, and the Hesperia Water District to be approved:

1. City of Hesperia Resolution No. 2018-67
2. Hesperia Water District HWD 2018-25

Sponsors: Director of Finance Casey Brooksher

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

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

Nay: 0

9. Approval of Annual Recognized Obligation Payment Schedule 19-20 and Successor Agency Fiscal Year 2019-20 Administrative Budget

Recommended Action:

It is recommended that the Successor Agency adopt Resolution No. SA 2018-08 approving the Annual Recognized Obligation Payment Schedule for the period July 1, 2019 to June 30, 2020, approving the Successor Agency's Fiscal Year 2019-20 administrative budget, and making certain

findings and authorizations therewith.

Sponsors: Director of Finance Casey Brooksher

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

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

Nay: 0

10. Cannabis Tax

Recommended Action:

It is recommended that the Council review the report and provide direction to staff on the percentage of tax to be assessed on commercial cannabis businesses pursuant to Measure T.

Sponsors: City Attorney Eric Dunn

Rick Casas commented on item 10.

A motion was made by Holland to set the commercial cannabis business tax rate at 4%, seconded by Gregg, that this item be approved. The motion carried by the following vote:

Aye: 4 - Holland, Swanson, Bird and Gregg

Nay: 0

Abstain: 1 - Brosowske

11. Development Impact Fee Reduction Program - Water Facilities Fee

Recommended Action:

It is recommended that the City Council and Board of Directors of the Water District review the information provided and provide direction to staff on the collection of the Water Facilities Fee for water connections.

Sponsors: Assistant City Manager Michael Blay

Bob Nelson commented on item 11.

A motion was made by Holland that fees revert to 2007 rates for those who do not currently have plans submitted and all fees paid by 1/15/2019, seconded by Gregg, that this item be approved. The motion carried by the following vote:

Aye: 4 - Holland, Swanson, Bird and Gregg

Nay: 1 - Brosowske

COUNCIL COMMITTEE REPORTS AND COMMENTS

Mayor Bird commented on the Jolly Parade, Tri-Agency meeting attendance, and upcoming VVWRA meetings.

Mayor Pro Tem Holland commented on the street vendor item and thanked staff.

Council Member Brosowske commented on the meeting.

Council Member Gregg thanked staff.

Council Member Swanson commented on the TEFRA item, the City's mobile app, and food-borne illness.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

Mayor Bird adjourned the meeting in memory of former President George Herbert Walker Bush at 8:49 p.m.

*Melinda Sayre,
City Clerk*