



# City of Hesperia

## Meeting Minutes - Draft

### City Council

City Council Chambers  
9700 Seventh Ave.  
Hesperia CA, 92345

---

Tuesday, October 1, 2019

6:30 PM

---

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

**CLOSED SESSION - 6:00 PM**

**Roll Call**

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

**Excused:** 1 - Mayor Pro Tem William J. Holland

Conference with Labor Negotiator  
Government Code Section 54957.6

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

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

**A. Invocation by Tom Beasley of Hesperia Community Church**

**B. Pledge of Allegiance to the Flag**

**C. Roll Call**

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

**Excused:** 1 - Mayor Pro Tem William J. Holland

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

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

**ANNOUNCEMENTS/PRESENTATIONS**

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

## **JOINT CONSENT CALENDAR**

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

**Aye:** 3 - Bird, Gregg and Swanson

**Nay:** 0

**Absent:** 1 - Holland

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

### **Recommended Action:**

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

**Sponsors:** City Clerk Melinda Sayre

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

### **Recommended Action:**

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

**Sponsors:** Director of Finance Casey Brooksher

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

### **Recommended Action:**

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

**Sponsors:** Economic Development Manager Rod Yahnke

4. Vehicle Procurement

### **Recommended Action:**

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

**Sponsors:** Public Works Manager Mark Faherty

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

### **Recommended Action:**

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

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

**Sponsors:** Assistant City Manager Michael Blay

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

**Recommended Action:**

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

**Sponsors:** Assistant City Manager Michael Blay

7. Parcel Map No. 20020

**Recommended Action:**

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

**Sponsors:** Assistant City Manager Michael Blay

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

**Recommended Action:**

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

**Sponsors:** Assistant City Manager Michael Blay

**CONSENT ORDINANCES**

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

**Aye:** 3 - Bird, Gregg and Swanson

**Nay:** 0

**Absent:** 1 - Holland

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

**Recommended Action:**

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

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

**PUBLIC HEARING**

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

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

**Recommended Action:**

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

**Sponsors:** Principal Planner Chris Borchert

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

**Aye:** 2 - Bird and Gregg

**Nay:** 1 - Swanson

**Absent:** 1 - Holland

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

**Recommended Action:**

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

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

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

**Aye:** 3 - Bird, Gregg and Swanson

**Nay:** 0

**Absent:** 1 - Holland

**NEW BUSINESS**

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

**Recommended Action:**

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

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

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

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

**Sponsors:** Director of Finance Casey Brooksher

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

**Aye:** 3 - Bird, Gregg and Swanson

**Nay:** 0

**Absent:** 1 - Holland

13. Support of Mojave River Valley Movement

**Recommended Action:**

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

**Sponsors:** Assistant to the City Manager Rachel Molina

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

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

**Aye:** 3 - Bird, Gregg and Swanson

**Nay:** 0

**Absent:** 1 - Holland

14. Options for Filling Vacancy in City Council District Four

**Recommended Action:**

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

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

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

**Sponsors:** City Attorney Eric Dunn

*Bob Nelson and James Blocker commented on item 14.*

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

**Aye:** 3 - Bird, Gregg and Swanson

**Nay:** 0

**Absent:** 1 - Holland

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

*Bob Nelson commented on a news article regarding retiring in Hesperia.*

*Daniel Krist commented on the Hesperia Days parade.*

*Al Vogler commented on speed limits within the City.*

*Jeri Pike commented on New Castle bird disease.*

## **COUNCIL COMMITTEE REPORTS AND COMMENTS**

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

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

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

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

*None*

## **ADJOURNMENT**

*8:22 p.m.*

---

*Melinda Sayre,  
City Clerk*