



City of Hesperia Meeting Minutes - Final City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, March 19, 2024

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**

CLOSED SESSION - 5:00 PM

Roll Call

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

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. Apex HM, LLC et al. v. City of Hesperia, et al. (San Bernardino County Superior Court Case No. CIVSB2208845)

2. County of SB V City of Hesperia, Case no: CIVSB2209965

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

1. Property: Water Rights

Agency negotiator: City Manager

Negotiating Parties: Paula McKinney

Under Negotiations: Price and Terms

2. Property: Water Purchase

Agency negotiator: City Manager

Negotiating Parties: Fenner Gap Mutual Water Company

Under Negotiations: Price and Terms

CALL TO ORDER - 6:30 PM

- A. Invocation
- B. Pledge of Allegiance to the Flag
- C. Roll Call

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

- D. Agenda Revisions and Announcements by City Clerk
- E. Closed Session Reports by City Attorney

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation to resident James Murphy, Pride Enhancement Program Honoree.
2. Presentation of Certificates of Recognition to the Sultana High School Girls Wrestling team, for the 2024 CIF Central Division Championship, by the City Council.

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

There were no public comments.

JOINT CONSENT CALENDAR

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

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

Nay: 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, March 5, 2024.

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, March 5, 2024.

Sponsors: Assistant City Clerk Erin Baum

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: Assistant City Manager Casey Brooksher

3. Treasurer's Cash Report for the unaudited period ended January 31, 2024.

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: Assistant City Manager Casey Brooksher

4. NuLevel Partners, Inc. Settlement Agreement

Recommended Action:

It is recommended that the City Council approve the attached settlement agreement in the pending litigation matter *NuLevel Partners, Inc. v. City of Hesperia* (SBSC Case No. CIVSB2133905) regarding the development of approximately 35 acres of vacant land located along the south side of Mojave Street between Topaz Avenue and Tamarisk Avenue (APN 0405-261-77-0000 (the Property)).

Sponsors: City Attorney Pam K. Lee

PUBLIC HEARING

5. Urgency Ordinance-Single Price Overstock/Discount Stores Moratorium

Recommended Action:

It is recommended that the City Council waive further reading and adopt Urgency Ordinance 2024-03 pursuant to California Government Code Section 65858 extending a moratorium for a period of ten (10) months and fifteen (15) days on the establishment or expansion of single price overstock/discount stores, or store as appropriate (SPODS).

Sponsors: Principal Planner Ryan Leonard

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

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

Nay: 0

6. Density Bonus Agreement DA23-00002 and Site Plan Review SPR23-00027; Applicant: Shree Properties, Inc.; APNs: 0407-142-03 & -04

Recommended Action:

The Planning Commission recommends that the City Council adopt Resolution No. 2024-08, approving DA23-00002 and SPR23-00027.

Sponsors: Principal Planner Ryan Leonard

Public Commentors during Public Hearing:

Robert Davie

Jim Breskie

Dino Defazio

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

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

Nay: 0

COUNCIL COMMITTEE REPORTS AND COMMENTS

The Mayor, Mayor Pro Tem, and Council Members reported from various events and Committees.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

ADJOURNMENT

The meeting was adjourned in honor of Christie McBride's birthday and Nadine Swanson's 90th birthday at 7:51 p.m.



*Erin Baum,
Assistant City Clerk*