



City of Hesperia Meeting Minutes - Final City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, March 21, 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 - 5:30 PM

Roll Call

Present: 4 - Mayor Pro Tem Blewett, Council Member Bird, Council Member Holland
and Council Member Swanson

Excused: 1 - Mayor Russ

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. Settlement of Workers' Compensation Claim - Johnny Alloway, CHPB-0039 and CHPC-0072

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 Elder Dave Kirby of the Church of Jesus Christ of Latter Day Saints

B. Pledge of Allegiance to the Flag

C. Roll Call

Present: 4 - Mayor Pro Tem Blewett, Council Member Bird, Council Member Holland and Council Member Swanson
Excused: 1 - Mayor Russ

- D. Agenda Revisions and Announcements by City Clerk** – *Additional information for Item #4 was green-sheeted and provided to the public and to the Council after the posting of the agenda.*
- E. Closed Session Reports by City Attorney** – *No reportable action taken.*

ANNOUNCEMENTS/PRESENTATIONS

Community Events Calendar by Rachel Molina, Assistant to the City Manager – *Announced that the City is seeking Volunteers for the City's Community Clean-up Day being held on 4/8*

State Route 138 is being closed for construction by Caltrans now through April 4th from Interstate 15 and Summit Valley Road.

Ms. Molina encouraged all mobile app users to download the City's app for the new reporting capabilities such as reporting of potholes.

PUBLIC COMMENTS

Bob Nelson commented on public speaking during City Council Meetings. Daniel Krist commented on various community events. Shane Halderman commented on group titled the High Desert Resistance. Kim Jones commented on code enforcement weed abatement notices.

JOINT CONSENT CALENDAR

A motion was made by Holland, seconded by Bird, that consent calendar items 1-6 and 8 be approved. The motion carried by the following vote:

Aye: 4 - Blewett, Bird, Holland and Swanson

Noes: 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, March 7, 2017

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, March 7, 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 January 31, 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. Non-Represented Employees' Salaries, Benefits and Other Related Policies for the Period of January 1, 2017 through January 31, 2019

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2017-011, the Commission of the Hesperia Housing Authority adopt Resolution HHA 2017-02, the Commission of the Community Development Commission adopt Resolution CDC 2017-03, and the Board of Directors of the Hesperia Water District adopt Resolution HWD 2017-05, approving the Non-Represented Employees' Salaries, Benefits and Other Related Policies.

Sponsors: Assistant City Manager/Management Services Brian Johnson

5. Amendment to Contract with Data Ticket, Inc. for collection services

Recommended Action:

It is recommended that the City Council approve an amendment in the amount of \$70,000 to the contract with Data Ticket, Inc. (PSA 2012-13-049) for a total contract amount of \$513,000; approve an extension through December 31, 2017; and authorize the City Manager to execute the amended contract with Data Ticket, Inc. for the management and collection of citations, cost recovery, appeals, as well as hearing officer services.

Sponsors: Director of Development Services Michael Blay and Administrative Analyst Tina Bulgarelli

6. Award of Agreement for City-wide Office Supplies

Recommended Action:

It is recommended that the City Council authorize the City Manager to execute an agreement with Reliable Workplace Solutions in an amount not to exceed \$125,000 for City-wide general office supplies for the remainder of Fiscal Year 2016-17, and Fiscal Year 2017-18.

Sponsors: Assistant City Manager/Management Services Brian Johnson

Item no. 7 was pulled for discussion by Member Holland

7. Equipment Procurement - Skip Loader Tractor

Recommended Action:

It is recommended that the City Council authorize the City Manager to approve the procurement of a new skip loader tractor and award the bid to Scott Equipment Inc. of Fontana, California in the not-to-exceed amount of \$77,903.

Sponsors: Public Works Manager Mark Faherty

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

Aye: 4 - Blewett, Bird, Holland and Swanson

Noes: 0

8. Approve a Mitigation Funding Guarantee with the U.S. Army Corps of Engineers for the Ranchero Road & BNSF Grade Separation Project, C.O. No. 7046

Recommended Action:

It is recommended that the City Council approve a Mitigation Funding Guarantee in an amount not to exceed \$500,000, approve the establishment of a \$500,000 trust fund, and authorize the City Manager to execute a Mitigation Financial Assurance Agreement with the U.S. Army Corps of Engineers related to the Ranchero Road & BNSF Grade Separation Project, C.O. No. 7046.

Sponsors: Director of Development Services Michael Blay

CONSENT ORDINANCES

9. Consideration of Development Code Amendment DCA17-00001, amending the special event and temporary use regulations; Applicant: City of Hesperia; Area affected: City-wide

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2017-04 approving CA17-00001, amending the special event and temporary use regulations.

Sponsors: Senior Planner Stan Liudahl

Bob Nelson spoke on Item 9.

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

Aye: 4 - Blewett, Bird, Holland and Swanson

Noes: 0

PUBLIC HEARING

10. By-District Election System and District Composition AB 350 Public Hearings

Recommended Action:

It is recommended that the City Council hold a public hearing as required by AB 350 and accept public testimony regarding the composition of districts to transition the City from an at-large election system to a by-district election system.

Sponsors: City Clerk Melinda Sayre

The public hearing was opened. Anthony Rhoades commented on item 10 and submitted a draft map to the City Council. Al Vogler and Kim Jones commented on item 10. The public hearing was closed.

11. Repeal of Hesperia Municipal Code Section 16.16.072 relating to “Residential care facilities, group homes, and sex offender residency”

Recommended Action:

It is recommended that the City Council adopt Urgency Ordinance No. 2017-06, an urgency ordinance of the City Council of the City of Hesperia, California, repealing Hesperia Municipal Code Section 16.16.072, “Residential care facilities, group homes, and sex offender residency”

Sponsors: City Attorney Eric Dunn

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

Aye: 4 - Blewett, Bird, Holland and Swanson

Noes: 0

NEW BUSINESS

12. Advance Disposal Rate Structures

Recommended Action:

It is recommended that the City Council approve new maximum rates for solid waste services in the City of Hesperia and allow for rate adjustments annually up to five years pending the outcome of a Proposition 218 public hearing, and provide any feedback on services provided to the City by the waste hauler.

Sponsors: Management Analyst Julie Ryan

Al Vogler, Bob Nelson and Marva Marrow spoke on item 12.

Consensus by Council to move forward as presented.

13. Development Impact Fee Reduction Program Extension

Recommended Action:

It is recommended that the City Council review the information provided and extend the Development Impact Fee Program until the completion of the Development Impact Fee Nexus Study.

Sponsors: Director of Development Services Michael Blay and Administrative Analyst Tina Bulgarelli

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

Aye: 4 - Blewett, Bird, Holland and Swanson

Noes: 0

Meeting went into recess at 7:59 p.m. and reconvened at 8:04 p.m.

14. Discussion on Marijuana Related Activities

Recommended Action:

It is recommended that the City Council receive and file this report and provide staff direction regarding marijuana related activities to be permitted and/or regulated within the City of Hesperia.

Sponsors: Principal Planner Dave Reno

Daniel Krist, Pamela Epstan, Christina Cisneros, Carrie Lohse, Freeman Hardin, Jeffrey Binion, Welter Feller, Anthony Rhoades, Kim Jones commented on item 14.

The report was received and filed after testimony was taken from the public.

Member Holland motioned to direct staff to craft an ordinance banning all commercial application under AUMA and regulate indoor growing provisions and ban outdoor growing for AUMA.

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

Aye: 4 - Blewett, Bird, Holland and Swanson

Noes: 0

Direction was given by Council Member Swanson to protect privacy of those receiving home delivery for medical marijuana.

Member Holland motioned that staff should develop an ordinance that would allow for medical marijuana delivery services as is deemed appropriate to both originate from and delivery to residents within the City of Hesperia, but not dispensary store fronts attached to delivery.

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

Aye: 3 - Blewett, Holland and Swanson

Noes: 1 - Bird

General consensus was reached to direct staff to create tax and administration fees related to regulations with the ordinance to be drafted.

15. Ad-Hoc Committee for District-Based Elections

Recommended Action:

It is recommended that the City Council give staff direction regarding the establishment of an Ad-Hoc Committee focused on planning the transition to district-based elections, and appoint two Council Members to participate on the Committee with staff.

Sponsors: City Clerk Melinda Sayre

Direction given to create and appoint Russ, Blewett, and Holland

Anthony Rhoades commented on item no. 15.

A motion was made by Holland, seconded by Blewett, that an Ad-Hoc Committee be established and that Mayor Russ and Mayor Pro Tem Blewett serve on the Ad-Hoc Committee with Council Member Holland serving as an alternate. The motion carried by the following vote:

Aye: 4 - Blewett, Bird, Holland and Swanson

Noes: 0

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Swanson commented on her attendance at the chamber luncheon, outside agency meetings and the Pirate Renaissance Fair. She encouraged members of the public to attend the Citizen's Academy that is sponsored by the City of Hesperia.

Council Member Holland commented on his attendance at the SANBAG General Policy and Mountain Desert meetings, including the City/County Conference. He commended the decorum of the public during the meeting and addressed Bob Nelson's concerns over 2nd Amendment rights issues.

Council Member Bird commented on his attendance at the High Desert Military Ball, Chamber Luncheon, Victor Valley Transit Authority (VVTa) meetings, and the City/County conference. He announced the presentation of Beauty and the Beast being held by the Sultana High School drama team on April 6-8, 2017. He also announced that Jersey Mike's will be donating all of their proceeds on March 29th will be going to a charity.

Mayor Pro Tem Blewett commented on his attendance at the City/County Conference and the Pirate Renaissance Fair. He asked for support of the Hesperia nominees for Man About Town and asked that Mayor Paul Russ and Tracy Moyer be kept in mind as they are both recovering from illness.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

9:48 p.m.

Melinda Sayre,
City Clerk