City of Hesperia
Meeting Minutes - Final
City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, October 3, 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: 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: Hesperia Housing Authority and Derek Fitch
   Location: APN 0405-062-72 and 73
   Under Negotiation: Price and Terms

Conference with Labor Negotiator
Government Code Section 54957.6

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

CALL TO ORDER - 6:30 PM

A. Invocation by David Kirby of Church of Jesus Christ of Latter-day Saints

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 - *None*

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

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation of Employee of the Month for September to Stephanie McClure, Assistant City Clerk by Melinda Sayre, City Clerk
2. Community Events Calendar by Mayor Paul Russ - *Community shred 10/7 at Eagle Plaza from 9-12, e-waste event 10/7, kittens available for adoption for $15 at the animal shelter, Classic Car show 10/28, Community Clean-up Day 10/26.*

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

Bob Nelson commented on free speech, Daniel Krist commented on community issues

The following individuals commented on Green Coast Hydroponic store:
Fatima DeLeon, John Ryan Mackey, Katie Stone, Jessica Weis, Joe Secard, Eddie Secard

The following individuals commented on traffic safety at aqueduct crossings:
Crystal Corona, Carlotta Estrada, Coco Linares, Tony Linares, Patty Linares

Mayor Russ gave a clarifying statement regarding aqueduct traffic safety mitigation efforts.

The following individuals commented on teamster support:
Gabriel Hernandez, Edwin McCarty, Kelly Matthews, Steve Matthews, Tom Kermin

Al Vogler commented on the water rate study workshops

JOINT CONSENT CALENDAR

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

Nay: 0

An amended motion was made by Holland, seconded by Swanson, that Consent Calendar items 1-5 and 7 be approved. The motion carried by the following vote:

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

Nay: 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, September 19, 2017

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, September 19, 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. Purchase Piping and Material

Recommended Action:

It is recommended that the Board of Directors of the Hesperia Water District authorize the City Manager to approve a one-time purchase from Inland Water Works Supply Co. for piping and materials needed for the Pipeline Water Line Replacement program Construction Order #3406 in the not-to-exceed amount of $102,897.

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

4. Amend the FY 2017-18 Capital Improvement Program Budget

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2017-047 amending the FY 2017-18 Capital Improvement Program Budget to incorporate a list of projects funded by Senate Bill1: The Road Repair and Accountability Act and to appropriate funds to potential projects.

Sponsors: Director of Development Services Michael Blay

5. Award Contract for City Hall Minor Tenant Improvements, C.O. No. 3110-1701

Recommended Action:

It is recommended that the City Council award a contract to the lowest responsive and responsible bidder, Song N Sons General Construction, Inc. in the amount of $67,884; approve an additional 10% contingency in the amount of $6,800 for a total construction budget of $74,684; approve the design of the project represented by the plans and specifications; and authorize the City Manager to execute the contract.

Sponsors: Director of Development Services Michael Blay

6. ~~Vacant Land Purchase Agreement - APN 0406-111-29~~

~~**Recommended Action:**~~

~~It is recommended that the Commissioners of the Hesperia Housing Authority (HHA) adopt Resolution No. HHA 2017-08 approving the Vacant Land Purchase Agreement and Joint Escrow Instructions (Agreement) by and between the HHA (Seller) and Frank Chavez and Sherl Chavez (Buyers) and authorize the Executive Director and Economic Development Manager to execute all documents necessary to finalize the transaction.~~

Sponsors: Economic Development Manager Rod Yahnke

Item no. 6 was pulled by City Manager Nils Bentsen.

7. United States Department of Transportation TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grant Program

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2017-048 approving and authorizing (1) the submittal of a grant application requesting $9.7 million in funding from the United States Department of Transportation TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grant Program for the construction of the Ranchero Road Widening Project; (2) authorize the City Manager to submit this grant application; and (3) direct the City Manager to negotiate cost sharing agreements with San Bernardino County and private partnerships.

Sponsors: City Engineer Mike Thornton and Management Analyst Julie Ryan

CONSENT ORDINANCES

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

Aye: 4 - Russ, Blewett, Bird, Holland

Nay: 1 - Swanson

8. Approval of Off-Sale Alcohol Establishments (Type 20 & 21 ABC Licenses)

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance 2017-08 denying Development Code Amendment DCA17-00006 to require all off-sale alcohol establishments to be forwarded to the City Council for final approval.

Sponsors: Principal Planner Dave Reno

PUBLIC HEARING

9. Consideration of Specific Plan Amendment SPLA17-00002; Applicant: City of Hesperia; APNs: 3057-131-36 through 57

Recommended Action:

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-17 approving Specific Plan Amendment SPLA17-00002 from the Very Low Density Residential (VLR) to Medium Density Residential (MDR) on approximately 49.5 gross acres generally bounded by Maple Avenue to the east, Tamarisk Avenue to the west, and Yucca Street to the north.

Sponsors: Senior Planner Daniel Alcayaga

The public hearing was opened. The following individuals commented on item 9: Rhonda Goodwin, Sharon Lundgren, David Chamberlin and Sam Akbarpour.

There being no further public testimony, the public hearing was closed.

A motion was made by Russ, seconded by Holland, that this item be approved. The motion carried by

the following vote:

Aye: 4 - Russ, Blewett, Bird and Holland

Abstain: 1 - Swanson

10. Consideration of Development Code Amendment DCA17-00007 reorganizing the animal regulations for ease of use by the public; Applicant: City of Hesperia; Area affected: City-wide

Recommended Action:

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-18 approving Development Code Amendment DCA17-00007, reorganizing the animal regulations for ease of use by the public.

Sponsors: Senior Planner Daniel Alcayaga

The public hearing was opened, there being no public comment, and the public hearingwas closed.

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

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

Nay: 0

11. Development Code Amendment DCA17-00008 to amend Chapters 6.12 and 16.16 of the Municipal Code as it pertains to apiaries; Applicant: City of Hesperia; Area affected: City-wide

Recommended Action:

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2017-19 approving Development Code Amendment DCA17-00008, amending Chapters 6.12 and 16.16 of the Municipal Code as it pertains to apiaries.

Sponsors: Senior Planner Daniel Alcayaga

The public hearing was opened, there being no public comment, and the public hearingwas closed.

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

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

Nay: 0

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Holland commented on aqueduct traffic safety public comments, water & sewer rate study increase notices, property rights issues, extended his thoughts and prayers to those impacted by the mass shooting in Las Vegas and VVWRA article in the Daily Press.

Council Member Bird commented on aqueduct traffic safety public comments, the mass shooting in Las Vegas and offered prayers, thanked Assemblyman Obernotle for honoring Sultana High School's teacher of the month, Sultana band activities, and thanks received from a resident for a stop sign near Juniper Elementary School.

Council Member Swanson commented on the mass shooting in Las Vegas, prayers for the Mayors health issues, upcoming Unplugged event and the City's Clean-up Day event to be held 10/28.

Mayor Pro Tem Blewett commented on aqueduct traffic safety public comments and VVWRA fee issues.

Mayor Russ offered condolences to those impacted by the mass shooting in Las Vegas, commented on VVWRA

article in the newspaper and aqueduct crossing traffic safety.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

Nils Bentsen commented on engineering standards regarding safety mitigation applications at the aqueduct crossing.

ADJOURNMENT

8:33 p.m.

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Melinda Sayre,
City Clerk