



# City of Hesperia

## Meeting Minutes - Final

### City Council

City Council Chambers  
9700 Seventh Ave.  
Hesperia CA, 92345

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Tuesday, March 20, 2018

6:30 PM

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**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**

**Meeting held at the following locations:  
9700 Seventh Avenue, Hesperia, CA 92345 and  
5855 Citrus Blvd, Apt. 120, Harahan, LA 70123 (teleconferencing location)  
16850 Bear Valley Road, Room 282, Victorville, CA 92395 (teleconference location)**

**CLOSED SESSION - 5:30 PM**

**Roll Call**

**Present:** 5 - Mayor Blewett (via teleconference location listed on agenda), Mayor Pro Tem Holland, Council Member Bird, Council Member Russ (via teleconference location listed on agenda), and Council Member Swanson

**Absent:** 0

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. City of Hesperia v. Lake Arrowhead Community Service District, et al., Court of Appeal Case No. E067679 (Superior Court Case No. CIVDS1602017)

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

1. Negotiating Parties: Interstate Technologies and Community Development Commission  
Location: 0410-061-01, -02, -03, -04; 0410-061-06 & -07; 0410-061-11; 0410-071-25 & -26; 0410-071-06 & -07 (Eleven parcels)  
Under Negotiations: Price and Terms

**CALL TO ORDER - 6:49 PM**

- A. Invocation by Ron Walls, Division Chief Hesperia Fire Protection District

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

**C. Roll Call (same as above)**

**Present:** 5 - Mayor Blewett, Mayor Pro Tem Holland, Council Member Bird, Council Member Russ and Council Member Swanson

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

**E. Closed Session Reports by City Attorney -** *Direction was given; no reportable action was taken on item of existing litigation and property negotiation. Potential Litigation report- the City Council voted to join an amicus brief- 3-1-1. Blewett, Russ and Holland Yes, Swanson No, Bird abstain.*

**A motion was made by Holland, seconded by Russ, to add an urgency item of discussion to the agenda related to the potential litigation report by the City Attorney. The motion failed by the following vote: (4 votes needed to add to agenda)**

**Aye:** 3 - Holland, Bird, and Russ

**Nay:** 2 - Blewett, Swanson

*Mayor Blewett and Council Member Bird requested that information regarding sanctuary cities be brought forward to a future agenda.*

**ANNOUNCEMENTS/PRESENTATIONS**

1. Employee of the Month for March to Randy Horn, Maintenance Worker by Mark Faherty, Public Works Manager
2. Community Events Calendar – *Neighborhood Beautification Day on 3/29 from 8am – 12pm at Hesperia Community Park, Community Blood Drive 3/30 – from 10:30am – 3:30pm in the Library Community Room, Community Cleanup Day 4/14 from 8am – 12 noon.*

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

*Daniel Krist commented on various community items, Bob Nelson commented on public comments, Bill Jensen commented on federal law regarding supremacy clause, Eric Schmidt commented on sanctuary cities, Anthony Rhoades commented on teleconferencing.*

**COUNCIL COMMITTEE REPORTS AND COMMENTS**

*Council Member Russ commented on attendance at the next meeting in person, thanked Council Member Swanson for filling in for him at the MDAQMD.*

*Council Member Bird commented on attendance at the VVWRA and VVTA meetings, State of the County event and Chamber of Commerce Luncheon, and commented on sanctuary city topic.*

*Council Member Swanson commented on attendance at the Tri-Agency meeting and CAP funding applications through the City.*

*Mayor Blewett commented on his attendance by teleconference.*

*Mayor Pro Tem Holland commented on sanctuary cities and related request for urgency item.*

*Mayor Blewett and Council Member Bird requested that information regarding sanctuary cities be brought forward to a future agenda.*

## **JOINT CONSENT CALENDAR**

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

**Aye:** 4 - Holland, Bird, Russ and Swanson

**Nay:** 0

**Absent:** 1 - Blewett (Mayor Blewett's attendance via teleconference experienced a brief interruption between 8:03 p.m. and 8:05 p.m.)

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, March 6, 2018

### **Recommended Action:**

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, March 6, 2018.

**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:** Director of Finance Casey Brooksher

3. Treasurer's Cash Report for the unaudited period ended January 31, 2018

### **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:** Director of Finance Casey Brooksher

4. 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 Core & Main for piping and materials needed for the Pipeline Water Line Replacement Program Construction Order #3406 in the not-to-exceed amount of \$101,405.

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

5. Award Contract for FY 2017-18 CDBG Street Improvement Project Amend the Existing Professional Services Agreement with Geocon West, Inc. Adopt Resolution 2018-022 Amending the FY 2017-18 CIP Budget

### **Recommended Action:**

It is recommended that the City Council:

(1) Award a contract for the FY 2017-18 CDBG Street Improvement project to the lowest responsive and responsible bidder, Match Corporation for the Base Bid amount of 982,000, plus Add Alternate A in the amount of \$214,000, plus Add Alternate B in the amount of \$222,000 for a total amount of \$1,418,000; approve an additional 10% contingency in the amount of \$142,000 for a total construction budget of \$1,560,000; approve the design of the project represented by the plans and specifications; and authorize the City Manager to execute the contract, and

(2) Amend the existing Professional Services Agreement (PSA) with Geocon West, Inc. for on-call geotechnical engineering services by increasing the PSA \$150,000 in order to have adequate funding to continue providing quality assurance and quality control on the City's capital improvement projects, and

(3) Adopt Resolution 2018-022 amending the Fiscal Year 2017-18 Capital Improvement Program (CIP) Budget and appropriating an additional \$100,000 from the CDBG Housing Program to the FY 2017-18 CDBG Street Improvements project (C.O. No. 7142).

**Sponsors:** Assistant City Manager Michael Blay

6. Amendment to Earth Development Contract

**Recommended Action:**

It is recommended that the City Council authorize the City Manager to approve an amendment in the amount of \$15,000 to the contract with Earth Development. This will result in a total contract of \$65,000 for Earth Development to continue to conduct abatements as needed through the end of Fiscal Year 2017-18.

**Sponsors:** Assistant City Manager Michael Blay

7. Uniform Services Contract

**Recommended Action:**

It is recommended that the City Council and the Board of Directors of the Hesperia Water District authorize the City Manager to approve a two-year agreement with Prudential Overall Supply to provide uniform services in the total not-to-exceed amount of \$52,139.

**Sponsors:** Assistant City Manager Michael Blay and Director of Finance Casey Brooksher

8. 2017 Hazard Mitigation Plan Update

**Recommended Action:**

It is recommended that the Council adopt Resolution No. 2018-16, adopting the 2017 Local Hazard Mitigation Plan Update and authorize staff to make future non-substantive revisions to the Hazard Mitigation Plan.

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

9. Resolution No. 2018-09 denying General Plan Amendment GPA17-00001 from Rural Residential with a minimum lot size of 2.5 acres (RR-2 1/2) to Public (P-GOVT) on 350 acres, and Resolution No. 2018-10 denying Conditional Use Permit CUP17-00008 to construct a solar farm on 4.7 gross acres located on the east side of Arrowhead Lake Road, south of Hesperia Lake Park (Applicant: Lake Arrowhead Community Services District; APNs: 0397-013-03, 04, 05, 17 thru 22).

**Recommended Action:**



It is recommended that the City Council adopt Resolution Nos. 2018-09 and 2018-10 denying GPA17-00001 from RR-2 1/2 to P-GOVT on 350 acres and CUP17-00008 to construct a solar farm on 4.7 gross acres.

**Sponsors:** Senior Planner Daniel Alcayaga

10. Excused Absence Request- Mayor Blewett

**Recommended Action:**

It is recommended that the City Council approve Mayor Blewett's absence at the January 16, 2018 and March 6, 2018 City Council Meetings due to illness.

**Sponsors:** City Clerk Melinda Sayre

11. Excused Absence Request- Council Member Russ

**Recommended Action:**

It is recommended that the City Council approve Council Member Russ's absence at the February 6, 2018 City Council Meeting due to illness.

**Sponsors:** City Clerk Melinda Sayre

**CONSENT ORDINANCES**

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

**Aye:** 4 - Blewett, Holland, Russ and Swanson

**Nay:** 1 - Bird

12. Amendment to Ordinance 2017-15 and Ordinance 2017-16 related to Regulation of Commercial Cannabis Activity

**Recommended Action:**

Place on second reading and adopt by title waiving the text of Ordinance No. 2018-01 (amending Ordinance No. 2017-16), which amends Chapter 5.50 of the Hesperia Municipal Code related to Commercial Cannabis activities, and which rescinds Ordinance No. 2017-22. The Planning Commission recommends that the City Council deny Ordinance No 2018-02, related to the removal of a distance requirement from residences within the cannabis zone. It is recommended that the City Council discuss and introduce, for first reading by title only and further reading waived, Ordinance No. 2018-03, (amending Ordinance No. 2017-15), which amends Chapter 16.16 of the Hesperia Municipal Code related to Commercial Cannabis activities.

**Sponsors:** Administrative Analyst Tina Bulgarelli

**PUBLIC HEARING**

13. Local Agency Management Program (LAMP)

**Recommended Action:**

It is recommended that the City Council and Board of Directors of the Hesperia Water District introduce and place on first reading Ordinance No. 2018-04 amending Hesperia Municipal Code (HMC) Title 14, Chapter 14.08, Section 14.08.040 to include the City of Hesperia Local Agency Management Program (LAMP)

regarding the use of onsite wastewater treatment systems (OWTS).

**Sponsors:** Management Analyst Tina Souza

*The public hearing was opened. There being no public comments the public hearing was closed.*

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

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

**Nay:** 0

## **NEW BUSINESS**

### 14. Support of the 2018 Victor Valley Bicycle Tour

#### **Recommended Action:**

It is recommended that the City Council provide direction to staff on supporting the 2018 Victor Valley Bicycle Tour.

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

**A motion was made by Bird, seconded by Russ, that this item be approved for \$1,250 as requested.**

**The motion carried by the following vote:**

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

**Nay:** 0

### 15. Resolution 2018-18 Establishing Performance Appraisals and Honors Program Policy

#### **Recommended Action:**

It is recommended that the City Council, Board of Directors and Board of Commissioners rescind Resolution Nos. 2004-65, HCRA 2004-07, HFPD 2004-23 and HWD 2004-14; and adopt Joint Resolution Nos. 2018-18, HWD 2018-11, HCDC 2018-03 and HHA 2018-03 Hesperia Performance Appraisals and Honors Program to clarify performance appraisal procedures and establish a system for exceptional employees at the top of their salary range to receive recognition.

**Sponsors:** Assistant to the City Manager Rachel Molina and Human Resources Manager Rita Perez

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

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

**Nay:** 0

### 16. Annexation to San Bernardino County Fire Protection District North Desert Service Zone and the Divestiture of the Functions of Fire, Emergency Medical Response and Ambulance from the Hesperia Fire Protection District

#### **Recommended Action:**

It is recommended that the City Council and Board Members of the Hesperia Fire Protection District Board adopt Joint Resolution 2018-20 and HFPD 2018-05 approving the annexation of the Hesperia Fire Protection District into the San Bernardino County Fire Protection District-North Desert Service Zone and the divestiture of the functions of Fire, Emergency Medical Response and Ambulance. This action approves the property tax sharing agreement and pass-through revenue sharing agreement between the City of Hesperia, the Hesperia

Fire Protection District, the San Bernardino County Fire Protection District, and the County of San Bernardino.

**Sponsors:** City Manager Nils Bentsen, Finance Director Casey Brooksher, City Attorney Eric Dunn

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

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

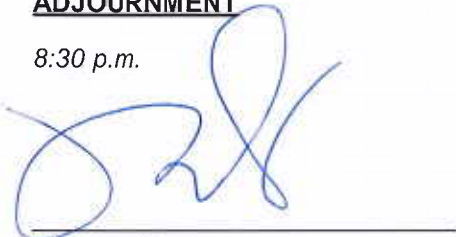
**Nay:** 0

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

*None*

**ADJOURNMENT**

8:30 p.m.



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Melinda Sayre,  
City Clerk