



# City of Hesperia

## Meeting Minutes - Final

### City Council

City Council Chambers  
9700 Seventh Ave.  
Hesperia CA, 92345

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Tuesday, July 17, 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

**CLOSED SESSION - 5:30 PM**

**Roll Call**

**Present:** 5 - Mayor William J. Holland, Mayor Pro Tem Swanson, Council Member Bird, Council Member Russ and Council Member Brosowske

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)

2. Settlement of Workers' Compensation Claims Martin Tomlinson CHPC-0046 and CHPA-0058

**CALL TO ORDER - 6:35 PM**

- A. Invocation by Darrell Nickolaissen of Church of Jesus Christ of Latter-day Saints**
- B. Pledge of Allegiance to the Flag**
- C. Roll Call**

**Present:** 5 - Mayor William J. Holland, Mayor Pro Tem Swanson, Council Member Bird, Council Member Russ and Council Member Brosowske

- D. Agenda Revisions and Announcements by City Clerk –** *Urgency item regarding fees for candidate statements arose after posting of the agenda. The council voted unanimously to add the item to the Consent Calendar as item 16B (motion by Russ, second by Swanson). Item 15 update to attachment 1 was green sheeted and distributed.*
- E. Closed Session Reports by City Attorney -** *Staff was given direction no reportable action taken.*

## **OATH OF OFFICE FOR NEWLY APPOINTED COUNCIL MEMBER**

1. The Oath of Office will be administered to incoming Council Member Jeremiah Brosowske
2. Presentation by Fontana Council Member Jesse Arendarez to Council Member Jeremiah Brosowske

## **ANNOUNCEMENTS/PRESENTATIONS**

1. Employee of the Month for July to Justin Mansfield, Information Systems Technician by Sean Boal, IT Manager
2. Community Events Calendar - *Hesperia Animal Shelter \$20 adoption special for all dogs over 20 lbs through 7/20, registration is now open for our Citizen's Academy Program, the Hesperia Station is coordinating the annual National Night Out event on Tuesday, August 7 starting at 5pm in the Civic Plaza Park the City Council Meeting is scheduled to begin at 3pm.*

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

*Daniel Krist commented on community issues, Bob Nelson commented on public speech, ET Snell commented on new Council Member Brosowske.*

## **JOINT CONSENT CALENDAR**

**A motion was made by Swanson, seconded by Russ, that Consent Calendar items 1-9, 11-15 and 16b (urgency item added to consent calendar) be approved. The motion carried by the following vote:**

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

**Nay:** 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, June 19, 2018 and the Special Meeting held Wednesday, July 11, 2018

### **Recommended Action:**

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, June 19, 2018 and the Special Meeting held Wednesday, July 11, 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 May 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. Approval of Contract-Badger Meter, Inc. dba National Meter and Automation

**Recommended Action:**

It is recommended that the Chair and Board Members of the Hesperia Water District authorize the City Manager to approve a contract for Fiscal Year 2018-19 with Badger Meter, Inc. doing business as National Meter and Automation in the not-to exceed amount of \$250,000 for the purchase of Badger water meters and related Badger water meter parts.

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

5. Amend Measure I Fiscal Year 2017/18-2021/22 Five Year Capital Improvement Plan

**Recommended Action:**

It is recommended that the City Council adopt Resolution No. 2018-040 amending the Measure I Five Year Capital Improvement Plan for Fiscal Years 2017/18-2021/22 to include revisions made to actual and future project expenditures as well as overall project costs for various projects in the Plan.

**Sponsors:** Assistant City Manager Michael Blay

6. Award a contract to Abboud Diamond Construction, Inc. for the Construction of the Hesperia Animal Control Facility Remodel Project (CO #6526)

**Recommended Action:**

It is recommended that the City Council award a construction contract to the lowest responsive/responsible bidder, Abboud Diamond Construction, Inc., for the Hesperia Animal Control Facility Remodel project in the amount of \$701,053; approve a 10% contingency in the amount of \$70,105.30; approve the design of the project represented by the plans and specifications; and authorize the City Manager to execute the contract.

**Sponsors:** Assistant City Manager Michael Blay

7. Paving Material Demands for Fiscal Year 2018-19

**Recommended Action:**

It is recommended that the City Council, authorize the City Manager to execute an open purchase order with Vulcan Materials Company of Oro Grande, California, for asphalt materials necessary to repair the City streets in the not-to-exceed amount of \$100,000.

**Sponsors:** Public Works Manager Mark Faherty

8. Fleet Maintenance Services for Fiscal Year 2018-19

**Recommended Action:**

It is recommended that the City Council, Board of Directors of the Hesperia Water District, and Board of Directors of the Community Development Commission (CDC) authorize the City Manager to execute a purchase order with Hesperia Unified School District (HUSD) in the not-to-exceed amount of \$256,000, Risk Free Repairs & Road Service in the not-to-exceed amount of \$200,000, and Agri-Con Hydraulics, Inc. in the not-to-exceed amount of \$141,000. All include a contingency of 10% (for possible further maintenance increases) for the provision of providing vehicle/equipment maintenance for Fiscal Year 2018-19.

**Sponsors:** Public Works Manager Mark Faherty

9. Approve and Accept Construction of FY 2017-18 CDBG Street Improvements

**Recommended Action:**

It is recommended that the City Council accept the work constructed under FY 2017-18 CDBG Street Improvements (C.O. No. 7142), 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

10. Award of Contract to Zumar Industries - Purchase of Traffic Signs

**Recommended Action:**

It is recommended that the City Council award a three-year contract to Zumar Industries of Santa Fe Springs, California, for the purchase of traffic related signs and materials in the not-to-exceed amount of \$155,365, and authorize the City Manager to execute a Contract and Purchase Requisition for the above-mentioned services.

**Sponsors:** Public Works Manager Mark Faherty and Maintenance Crew Supervisor/Traffic Scott Smith

*Audrey Longshore commented on item 10.*

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

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

**Nay:** 0

11. Community Facilities District (CFD) 94-01, Annexation 195

**Recommended Action:**

It is recommended that the Hesperia Fire Protection District Board of Directors adopt Resolution No. HFPD 2018-13 admitting Annexation 195 (APN 0405-203-03) into the Community Facilities District (CFD) 94-01 and direct the Secretary of the Board to file the addition with the County Recorder.

**Sponsors:** Fire Chief Ron Walls

12. Real Property Purchase and Sale Agreement - 9393 Santa Fe Avenue East

**Recommended Action:**

It is recommended that the Hesperia City Council adopt Resolution No. 2018-42: (i) approving the "Agreement For The Purchase And Sale Of Real Property And Joint Escrow Instructions" (Agreement) for real property located at 9393 Santa Fe Avenue East, Assessor's Parcel Numbers 0410-171-19 & 0410-171-47 (Property) by and between County Service Area 70 (Buyer) and the City of Hesperia (Seller); and (ii) authorizing the City Manager to execute all documents necessary to complete the transaction.

**Sponsors:** Economic Development Manager Rod Yahnke

13. Adopt Resolution No. HWD 2018-014 - Implementation of and Approval of the Rules and Regulations and Program Guidelines of the City's Recycled Water Program

**Recommended Action:**

It is recommended that the Board of Directors of the Hesperia Water District adopt Resolution No. HWD 2018-014, which shall



1. Implement the Recycled Water Program (RWP) in accordance with the statewide general waste discharge requirements for recycled water (Order WQ 2016-0068-DDW) and consistent with the Victor Valley Wastewater Reclamation Authority (VWWRA) Recycled Water Program (Ordinance No. 006); and
2. Approve of the proposed Rules and Regulations and Program Guidelines for the City's Recycled Water Program

**Sponsors:** Assistant City Manager Michael Blay

14. Revised Combined Compensation Schedules

**Recommended Action:**

It is recommended that the City Council adopt Resolution No. 2018-043 and the Board of Directors of the Hesperia Water District adopt Resolution HWD 2018-13, approving the City's revised Combined Compensation Schedule encompassing December 9, 2017 through February 19, 2018 as well as for the new revised compensation schedule for Fiscal Year (FY) 2018-19 effective July 7, 2018.

**Sponsors:** Director of Finance Casey Brooksher and Human Resources Manager Rita Perez

15. Special Assessment of Enforcement and Abatement Costs

**Recommended Action:**

It is recommended that the City Council approve Resolution No. 2018-44, confirming parcels of land upon which unpaid fees for services, and enforcement and abatement costs remain, and Resolution No. 2018-45, requesting that San Bernardino County place the unpaid fees for services, and enforcement and abatement costs on the property tax rolls.

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

16. Outside Agency Representative Appointments

**Recommended Action:**

It is recommended that the City Council approve and formalize the direction given to staff at the June 19, 2018 City Council Meeting to revise appointments for representation at various outside agencies as follows:

- ☐ Victor Valley Waste Water Reclamation Authority - Council Member Bird as Primary representative (currently alternate) and Council Member Russ as Alternate (formerly Mayor Blewett)
- ☐ Victor Valley Transit Authority - Mayor Pro Tem Swanson as alternate (formerly Mayor Blewett)
- ☐ Tri-Agency- Council Member Bird (formerly Mayor Blewett, no primary role)

**Sponsors:** City Clerk Melinda Sayre

*ET Snell commented on item 16 regarding VWWRA.*

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

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

**Nay:** 0

16B. ADDED AS URGENCY ITEM. Adoption of Candidate Statement Fee for Novmeber 6, 2018 Election

**Recommended Action:**

It is recommended that the City Council adopt Resolution 2018-51 adopting a charge for preparation of candidate statements in the amount of \$238 for District Two (2), \$313 for District Three (3), and \$265 for District Four (4) as estimated by the San Bernardino County Elections Office.

**Sponsors:** City Clerk Melinda Sayre

**CONSENT ORDINANCES**

17. Specific Plan Amendment SPLA17-00004 & Site Plan Review SPR17-00016; Applicant: 9980 Hesperia LLC; APN: 0407-061-11

**Recommended Action:**

Place on second reading and adopt by title waiving the text of Ordinance No. 2018 06 approving Specific Plan Amendment SPLA17 00004 and adopt Resolution No. 2018 37 approving Site Plan Review SPR17 00016 to amend the Main Street and Freeway Corridor Specific Plan from Neighborhood Commercial (NC) to Medium Density Residential (MDR) to construct a 14-unit apartment complex on 2.1 gross acres located on the southwest corner of Hercules Street and Hesperia Road (Applicant: 9980 Hesperia, LLC; APN: 0407-061-11).

**Sponsors:** Senior Planner Ryan Leonard

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

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

**Nay:** 0

**NEW BUSINESS**

18. Consideration to call a Municipal Election to Present a Cannabis Business Tax Measure to the Voters and Approve Required Actions for Consolidating the Election with the Statewide Election on November 6, 2018

**Recommended Action:**

It is recommended that the City Council consider adopting Resolution No. 2018-46 entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE RELATING TO ESTABLISHMENT OF A CANNABIS BUSINESS TAX AND REQUESTING THAT THE COUNTY OF SAN BERNARDINO CONSOLIDATE THE ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, AND CONDUCT THE ELECTION ON THE CITY'S BEHALF"

**Sponsors:** City Attorney Eric Dunn

*ET Snell commented on item 18.*

*Substitute Motion to change language to up to ten percent failed for lack of second.*

**A motion was made by Brosowske, seconded by Russ, that this item be approved as amended to change the Resolution language to clarify the tax is from one percent up to six percent and to not print the ordinance in the voter guide. The motion carried by the following vote:**

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

**Nay:** 0

## **COUNCIL COMMITTEE REPORTS AND COMMENTS**

*Council Member Brosowske commented on political engagement and his appointment to the Council.*

*Council Member Bird commented on VVTA meeting update on budget and transfer points, and upcoming VVWRA meeting.*

*Council Member Russ commented on AQMD meeting update on budget.*

*Mayor Pro Tem Swanson commented on attendance at Dr. Breda Leech's ceremony for being selected business of the month by Senator Scott Wilk, upcoming Chamber High Desert Regional Chamber Coalition Chamber of Commerce luncheon.*

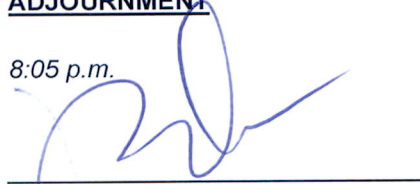
*Mayor Holland commented on High Desert Regional Chambers Coalition luncheon, electric buses, attendance at SBCTA meeting, and the repeal of SB 1.*

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

*None*

## **ADJOURNMENT**

8:05 p.m.

A handwritten signature in blue ink, appearing to read 'Melinda Sayre', is written over a horizontal line.

Melinda Sayre,  
City Clerk