



# City of Hesperia

## Meeting Minutes - Final

### City Council

City Council Chambers  
9700 Seventh Ave.  
Hesperia CA, 92345

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Tuesday, May 7, 2019

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 WATER DISTRICT**

**CLOSED SESSION - 5:30 PM**

**Roll Call**

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

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: ZAB, LLC and Hesperia Housing Authority  
Location: APN: 0407-261-03, 04 and 20  
Under Negotiation: Price and Terms

**CALL TO ORDER - 6:32 PM**

- A. Invocation by Frank Morley of Hesperia Church of the Nazarene**
- B. Pledge of Allegiance to the Flag**
- C. Roll Call**

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

- D. Agenda Revisions and Announcements by City Clerk - None**
- E. Closed Session Reports by City Attorney - Direction given to staff, no reportable action taken.**

**ANNOUNCEMENTS/PRESENTATIONS**

- 1. Presentation to the Oak Hills High School Girls Soccer Team
- 2. Presentation of the American Flag from the United States Air Force 9th Expeditionary Aircraft Maintenance Unit to the City Council

3. Community Events - Meet and Clean Program Saturday, 5/25 at 8:00am at the corner of Mariposa and Eucalyptus; Grand Re-opening of the Hesperia Animal Shelter Saturday, 6/1 at 10am; Hesperia Police Activities League Inaugural 5k Run/Walk Saturday, 6/15 in the Civic Plaza Park.

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

*Frances Schauwecker commented on recent relocation to the City of Hesperia and cannabis regulations within the City.*

*Anthony Rhoades commented on business operations in the City and cannabis regulations.*

*Daniel Krist commented on community issues.*

*Kasha Harrington commented on cannabis regulations within the City.*

*Eliseo Lopez commented on landlord tenant services provided by Inland Fair Housing and Mediation Board for City residents.*

*Bob Nelson commented on free speech.*

*Kelly Gregg commented on cannabis regulations within the City.*

**JOINT CONSENT CALENDAR**

*Bob Nelson, Anthony Rhoades, Daniel Krist commented on item #5.*

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

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

**Nay:** 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, April 16, 2019

**Recommended Action:**

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, April 16, 2019.

**Sponsors:** City Clerk Melinda Sayre

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:** Director of Finance Casey Brooksher

3. Support of the 2019 Victor Valley Bicycle Tour

**Recommended Action:**

It is recommended that the City Council approve support of the 2019 Victor Valley Bicycle Tour in in line with past practice, in the requested amount of \$1,500.

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

4. Off-Highway Motor Vehicle Grant Application to the California Department of Parks and Recreation

**Recommended Action:**

It is recommended that the City Council approve and adopt Resolution No. 2019-22 authorizing the submission of a California Off-Highway Motor Vehicle (OHV) Grant Application to the California Department of Parks and Recreation for a total of \$57,183, and authorize the City Manager and the San Bernardino County Sheriff's Department to execute the Application and any amendments thereto on behalf of the City.

**Sponsors:** Captain Mike Browne

5. Award contract to Nobel Systems for Citywide GIS integrations with GeoViewer, Geo Viewer webhosting subscription, and data management

**Recommended Action:**

It is recommended that the City Council award a three-year contract in the amount of \$40,940 annually, with a total not to exceed amount of \$122,820, to Nobel Systems for data integration, management, webhosting, and administrative training for the City's Geographical Information System (GIS).

**Sponsors:** Assistant City Manager Michael Blay and GIS Manager Eric Greene

6. Purchase and Sale Agreement and MOU - APN 0410-031-03

**Recommended Action:**

It is recommended that the City Council of the City of Hesperia, as the Successor Agency to the Hesperia Community Redevelopment Agency, adopt Joint Resolution No. 2019-07 and SA 2019-01: (i) approving the "Agreement For The Purchase And Sale Of Real Property And Joint Escrow Instructions" (PSA) for real property located at the Northeast corner of "E" Avenue and Mojave Street, Assessor's Parcel Number 0410-031-03 (Property) by and between J.C. Property Investments, LLC, a California Limited Liability Company (Buyer) and Successor Agency to the Hesperia Community Redevelopment Agency (Seller); (ii) approving Memorandum of Understanding (MOU) between Buyer and City of Hesperia; and (iii) authorizing the City Manager/Executive Director to execute all documents necessary to consummate the transaction.

**Sponsors:** Economic Development Manager Rod Yahnke

**CONSENT ORDINANCES**

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

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

**Nay:** 0

7. Specific Plan Amendment SPLA19-00001; Guillermo Calixto; APNs: 0357-303-04 & 05

**Recommended Action:**

Place on second reading and adopt by title waiving the text of Ordinance No. 2019-05 approving Specific Plan Amendment SPLA19-00001 to change approximately 4.1 gross acres, of a 4.9 gross acre site within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Rural Estate Residential (RER).

**Sponsors:** Senior Planner Ryan Leonard

8. Specific Plan Amendment SPLA19-00002; Applicant: City of Hesperia; Area affected: Main Street and Freeway Corridor Specific Plan

**Recommended Action:**

Place on second reading and adopt by title waiving the text of Ordinance No. 2019-06 approving Specific Plan Amendment SPLA19-00002 to change approximately 109 gross acres within the Main Street and Freeway Corridor Specific Plan (MSFCSP) from Pedestrian Commercial (PC) to Neighborhood Commercial (NC); to remove all development standards that prohibit parking in the street side setback for all commercial and

industrial zoned properties within the MSFCSP; and to increase the floor area ratio in the Neighborhood Commercial zone from 0.23 to 0.35.

**Sponsors:** Senior Planner Ryan Leonard

## **PUBLIC HEARING**

### 9. Vacate Portions of Opal Avenue

#### **Recommended Action:**

It is recommended that the City Council hold a public hearing to receive public comments pursuant to Section 8320, subdivision (a) of the California Streets and Highways Code, and adopt Resolution 2019-015 to vacate two portions of land west of Opal Avenue as described in attachments Exhibit "A" and Exhibit "B".

**Sponsors:** Assistant City Manager Michael Blay

*The public hearing was opened, there being no comment the public hearing was closed*

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

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

**Nay:** 0

### 10. Community Development Block Grant (CDBG) One-Year Action Plan (2019-2020)

#### **Recommended Action:**

It is recommended that the City Council conduct a public hearing and upon accepting public testimony: (1) Adopt Resolution No. 2019-20 approving the Program Year (PY) 2019-2020 One-Year Action Plan; and (2) Authorize the City Manager and/or Economic Development Manager or their designee to execute and transmit all necessary documents, including the adopted PY 2019-2020 Community Development Block Grant (CDBG) Action Plan and any amendments, to assure the City's timely receipt of CDBG funding.

**Sponsors:** Economic Development Manager Rod Yahnke

*The public hearing was opened, the following individuals commented on item 10:*

*Jimmy Waldron, Anthony Rhoades, Kelly Gregg, James Blocker*

*There being no further comment the public hearing was closed.*

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

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

**Nay:** 0

### 11. Appeal APP19-00001; Applicant: M.O.R.R. (Round Table Pizza); APN: 0410-135-56

#### **Recommended Action:**

It is recommended that the City Council consider Appeal APP19-00001 and adopt either Resolution No. 2019-16 denying the appeal and upholding the Planning Commission's decision to deny CUP19-00002, or Resolution No. 2019-17 approving the appeal and overturning the Planning Commission's decision to deny CUP19-00002.

**Sponsors:** Acting Principal Planner Chris Borchert

*The public hearing was opened, the following individuals commented on item #11:*

*Bill (no last name provided) of Pascos Pizza, David Kracoff, Rudy Rocha, Tom Thompson, Brittany (no last name provided)*

*There being no further comment the public hearing was closed.*

**A motion was made by Bird, seconded by Gregg, that Resolution 2019-16 be approved, upholding the Planning Commissions decision to deny CUP19-00002. The motion carried by the following vote:**

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

**Nay:** 2 - Brosowske and Swanson

12. Specific Plan Amendment SPLA19-00003; Applicant: Pixior; Area affected: Main Street and Freeway Corridor Specific Plan

**Recommended Action:**

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2019-07 approving Specific Plan Amendment SPLA19-00003 to change approximately 21 gross acres from Regional Commercial to Commercial Industrial Business Park and allow up to 50 percent lot coverage within the Main Street and Freeway Corridor Specific Plan. The changing retail commercial landscape from fewer "brick and mortar" locations to e-commerce is resulting in the need for less commercial frontage, focused on easy accessibility to Interstate 15.

**Sponsors:** Acting Principal Planner Chris Borchert

*The public hearing was opened, the following individuals commented on item #12:*

*Vittorio Cavina on behalf of Glen Ludwig, Simon Bouzaglou*

*There being no further comment the public hearing was closed.*

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

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

**Nay:** 0

13. Apartment Unit Sizes and Building Separation with Possible Code Amendment DCA19-00001 and Specific Plan Amendment SPLA19-00004

**Recommended Action:**

The Planning Commission recommends that the City Council introduce and place on first reading Ordinance No. 2019-08 approving Development Code Amendment DCA19-00001 and Specific Plan Amendment SPLA19-00004, to amend the apartment unit minimum size requirement and separation distances (Applicant: City of Hesperia; City-wide).

**Sponsors:** Acting Principal Planner Chris Borchert

*The City Manager clarified that this item did not go to the Planning Commission as stated in the recommended action.*

*The following individuals commented on item #13:  
Ian Bryant*

*There being no further public comment the public hearing was closed.*

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

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

**Nay:** 2 - Brosowske and Swanson

### **NEW BUSINESS**

#### 14. FY 2019-20 Budget Workshop #1 - Operating Budget

##### **Recommended Action:**

It is recommended that the City Council and the Hesperia Water District Board of Directors receive and file this staff report, which provides information about the current status of the City of Hesperia's proposed operating budget for FY 2019-20.

**Sponsors:** Director of Finance Casey Brooksher

*No action taken on this item. Report was received and filed.*

### **COUNCIL COMMITTEE REPORTS AND COMMENTS**

*Council Member Gregg commented on attendance at a training with the Fire Department, Legislative Action Days conference in Sacramento, Drug Free America event, National Day of Prayer, and San Bernardino County Sheriff's Chili Cook Off event.*

*Council Member Brosowske commented on attendance at community events.*

*Council Member Swanson commented on attendance at MDAQMD meeting, HUSD Festival of the Arts event, SBCTA meeting, ride along with the Fire Department, and Helpers event at Oak Hills High School.*

*Mayor Pro Tem Holland did not attend any meetings.*

*Mayor Bird commented on grand opening of Texas Roadhouse, attendance at League Conference in Sacramento, National Day of Prayer, upcoming changes to VVWRA, Grand opening of Nail Bar and Spa, and school sports achievements.*

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

*None*

### **ADJOURNMENT**

10:52 pm

  

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Stephanie McClure,  
Assistant City Clerk