



City of Hesperia

Meeting Minutes - Final

City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, October 19, 2021

6:30 PM

REGULAR MEETING AGENDA
HESPERIA CITY COUNCIL
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
HESPERIA HOUSING AUTHORITY
HESPERIA COMMUNITY DEVELOPMENT COMMISSION
HESPERIA WATER DISTRICT
October 19, 2021
9700 7th Avenue, Council Chambers, Hesperia, CA 92345

CLOSED SESSION - 5:00 PM

Roll Call

Present: 5 - Council Member Bird, Council Member Holland, Mayor Gregg, Mayor Pro Tem Bennington and Council Member Swanson

Conference with Legal Counsel - Potential Litigation: Government Code Section 54956.9(d)2

Two (2) Cases

Conference with Legal Counsel – Existing Litigation Government Code Section 54956.9(d)1

1. Assistant Secretary for FHEO v. City of Hesperia, California, et al.; Case Number 09-16-4717-8
2. City of Hesperia v. Lake Arrowhead Community Service District, et al., Court of Appeal Case No. E067679 (Superior Court Case No. CIVDS1602017)
3. Silverwood Aviation, Inc. et al. v City of Hesperia et al. Case No. 5:20-CV-00185

CALL TO ORDER - 6:30 PM

A. Invocation

B. Pledge of Allegiance to the Flag

C. Roll Call

Present: 5 - Council Member Bird, Council Member Holland, Mayor Gregg, Mayor Pro Tem Bennington and Council Member Swanson

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

E. Closed Session Reports by City Attorney *None*

JOINT CONSENT CALENDAR

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

Aye: 5 - Bird, Holland, Gregg, Bennington and Swanson

Nay: 0

1. Consideration of the Draft Minutes from the Regular Meeting held Tuesday, October 5, 2021.

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Regular Meeting held Tuesday, October 5, 2021.

Sponsors: Assistant City Clerk Erin Baum

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 Administrative Services Casey Brooksher

3. Treasurer's Cash Report for the unaudited period ended August 31, 2021

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, and Water District.

Sponsors: Director of Administrative Services Casey Brooksher

4. Amendment to Contract with Data Ticket, Inc. for additional Hearing Officer

Recommended Action:

It is recommended that the City Council authorize the City Manager to approve an amendment of \$16,000 to the existing contract with Data Ticket, Inc., for a revised not-to-exceed amount of \$216,000, for the management and collection of citations, cost recovery, appeals, and additional hearing officer services for animal control.

Sponsors: Director of Government Services/City Clerk Melinda Sayre

5. Vehicle Procurement - Two Full-Size and Four Mid-Size Trucks

Recommended Action:

It is recommended that the City Council and Board of Directors of the Hesperia Water District (HWD) authorize the City Manager to approve the procurement of six (6) 2022 Ford 4 X 4 trucks, awarding the bid to Fairview Ford in the not-to-exceed amount of \$178,890. Two full-size trucks are for the Water Distribution and Production Programs and four mid-size trucks are for the Street Maintenance Traffic Program, Water Customer Service and Production Programs, and the Sewer Division.

Sponsors: Director of Public Works Jeremy McDonald

6. Amendment to Advance Disposal Franchise Agreement Establishing the Provisions of the HEART Program

Recommended Action:

It is recommended that the City Council authorize the City Manager to execute an amendment, in a form approved by the City Attorney, to add Section 5.14 of the Bestway Disposal, Inc., dba Advance Disposal (Advance Disposal) Franchise Agreement creating the standards of the Hesperia Environmental Assistance Response Team (HEART) Program.

Sponsors: Management Analyst Jamie Carone

General Public Comments were heard at this time

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

Bob Nelson commented on speaking limits at public meetings.

Al Vogler spoke on the placement of Public Comments.

Barbara Barrowman spoke on a tree pest infestation.

Daniel Krist spoke on community issues.

June Kripal spoke on vaccine mandates.

Codrin Mihai spoke on a development issue.

Rebecca spoke on community issues.

Kelly Gregg spoke commended Council on their work.

Pastor Greene spoke on street paving.

Mereshawn Collins spoke on an issue in her neighborhood.

CONSENT ORDINANCES

7. Specific Plan Amendment SPLA21-00003; Applicant: SRD Design Studio, Inc; APNs: 3064-551-04, -07 and portions of 3064-551-03, -06 & -08

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2021-09 approving Specific Plan Amendment SPLA21-00003 to change approximately 40 gross acres of land within the Main Street and Freeway Corridor Specific Plan from Regional Commercial (RC) to Commercial Industrial Business Park (CIBP).

Sponsors: Associate Planner Edgar Gonzalez

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

Aye: 5 - Bird, Holland, Gregg, Bennington and Swanson

Nay: 0

PUBLIC HEARING

8. Consideration of a Tobacco Retail Licensing Ordinance

Recommended Action:

It is recommended that the City Council introduce and place on first reading Ordinance No. 2021-07 adopting Chapter 5.80 of the Hesperia Municipal Code, regulating tobacco product sales, requiring the licensure of tobacco retailers.

Sponsors: Management Analyst Jamie Carone

The following commenters spoke in support of the TRL Ordinance:

Cindy Medina

Carla Blee

Delores Gonzalez

Ser Duplachaun

Linda Titus

Joseph Ochanduen

Michelle Bohannon

David Greene

Brenda Landry

Dayanara Caballero

Natalie Salsman

Rebecca

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

Aye: 5 - Bird, Holland, Gregg, Bennington and Swanson

Nay: 0

9. Amend City Fee Schedule Related to the Deemed Approved Program and Implement Fees for the Tobacco Retailer License Program

Recommended Action:

It is recommended that the City Council and respective Commission/Boards adopt Joint Resolution No. 2021-51, CDC No. 2021-06, Resolution HHA No. 2021-10, and Resolution HWD No. 2021-19, amending the City-wide fee schedule related to the fees for the Deemed Approved Program and implement fees for the Tobacco Retailer License Program.

Sponsors: Administrative Analyst Tina Bulgarelli and Administrative Analyst Jacquelyn Castillo

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

Aye: 5 - Bird, Holland, Gregg, Bennington and Swanson

Nay: 0

10. Second Public Hearing - Redistricting due to 2020 Census

Recommended Action:

It is recommended that the City Council 1) Receive a presentation from National Demographics Corporation, the City's redistricting consultant, detailing the redistricting process and permissible criteria to be considered to create district boundaries; 2) Conduct the second public hearing to receive public input on the redistricting process and composition of districts; and 3) Provide any additional guidance concerning the drafting of redistricting maps.

Sponsors: Assistant City Clerk Erin Baum

James Blocker commented on redistricting maps.

NEW BUSINESS

11. Potential Vaccine Ordinance Discussion Item

Recommended Action:

It is recommended that the City Council discuss a potential Ordinance prohibiting Hesperia businesses from requiring proof of a COVID-19 vaccine from patrons to enter their establishments.

Sponsors: City Attorney Eric Dunn

The following commenters spoke in support of this potential Ordinance;

James Blocker

Kelly Gregg

Nickoli Boruff

Michael Bogdonoff

Tina Viera

Emma Gregg

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

Aye: 5 - Bird, Holland, Gregg, Bennington and Swanson

Nay: 0

12. Consideration of Resolutions Opposing Vaccine Mandates for School Children, Teachers and Other School Employees

Recommended Action:

It is recommended that the City Council consider Resolutions 2021-53 and 2021-54, opposing vaccination mandates for school children, teachers and other school employees.

Sponsors: Director of Government Services/City Clerk Melinda Sayre

The following commenters spoke in support of the Resolutions;

Rebecca

Kelly Gregg

Michael Bogdonoff

Nickoli Boruff

June Kripal

Emma Gregg

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

Aye: 5 - Bird, Holland, Gregg, Bennington and Swanson

Nay: 0

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

There were no additional Public Comments at this time.

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Bird commented on VVTA meeting attendance, honored long time educator Felix Diaz who passed recently, the recent passing of mother in law Martha Marcourt, and the passing of a former student.

Council Member Swanson commented on redistricting at the State level, calls to the Governor's office, the State of the City event at the Chamber of Commerce and presentation of an award to Jack Hamilton for service, and accomplishments at the City Animal Shelter.

Council Member Holland commented on HUSD, state mandates, and his intended attendance at the next HUSD board meeting.

Mayor Pro Tem Bennington commented on HUSD, vaccine issues at other agencies, the upcoming City Council Advisory committee meeting, thanked Public Works staff for their response during recent winds, promoted the Oak Hills open market, thanked the Fire Chief, and Chief Corbin, and Captain Billings, and Sheriff Dicus for their response to grow houses, wished her daughter Karleigh Happy Birthday.

Mayor Gregg asked Captain Billings to comment any plans for enforcement of any mandates by HUSD, commented on the State of the City event and the mayoral award to Deputy Winstead, and honor of Hesperia's founding fathers, and Halloween driving safety.

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

Meeting was adjourned at 10:16 in honor of the passing of a former student, Felix Diaz, and Martha Marcourt.



Erin Baum,
Assistant City Clerk