



City of Hesperia Meeting Minutes - Final City Council

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Tuesday, August 16, 2022

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
HESPERIA PUBLIC FINANCING AUTHORITY - ANNUAL MEETING
HESPERIA PUBLIC FACILITIES CORPORATION - ANNUAL MEETING**

CLOSED SESSION - 5:30 PM

Roll Call

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

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

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 Swanson, Mayor Pro Tem Holland
Mayor Bennington and Council Member Gregg

D. Agenda Revisions and Announcements by City Clerk

City Attorney Eric Dunn introduced an item to discuss options for the upcoming election.

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

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

Nay: 0

Discussion ensued.

Council directed staff to initiate a Special Meeting on August 24, 2022, at 6:00 pm, to consider appointments in lieu of holding an election.

E. Closed Session Reports by City Attorney

No reportable action was taken

ANNOUNCEMENTS/PRESENTATIONS

1. Presentation to resident David Ellis, Pride Enhancement Program Honoree.
2. Presentation of Certificate of Recognition to Robert Stine by the City Council.

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

Bob Nelson commented on community issues.

Daniel Krist commented on community issues.

Rick Casas commented on cannabis business in the City.

Carlos De Oliveira commented on cannabis business in the City.

Sheldon De Oliveira commented on cannabis business in the City.

Allison Lee introduced herself and her interest as a potential candidate/appointee to City Council.

Al Vogler commented on OHV activity and fireworks in the City.

Council Comments were heard at this time in response to Public Comments.

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Bird commented on cannabis laws in the state and country, public comments on cannabis, the Department of Justice lawsuit timing against the City, the effects of cannabis on our community's young people, VVWRA attendance on Thursday, and thanked Council Member Swanson for attending Tri City in his place.

Council Member Gregg commented on cannabis business owners public comments, his responding to calls in regards to cannabis, asked that council clarify stance on cannabis business going forward, and public comments accusing the City Council of being racist.

Council Member Holland commented on public commenters insulting the City Council and City itself, his historical stance on cannabis business in the City, previous comments from cannabis businesses during the process to allow cannabis businesses, and cannabis delivery originating from other Cities

Council Member Swanson and Mayor Bennington deferred their comments until the regular Council Comment item at the end of the meeting.

JOINT CONSENT CALENDAR

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

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

Nay: 0

1. Consideration of the Draft Minutes from the Special Meeting held Tuesday, August 2, 2022.

Recommended Action:

It is recommended that the City Council approve the Draft Minutes from the Special Meeting held Tuesday, August 2, 2022.

Sponsors: Assistant City Clerk Erin Baum

2. **HESPERIA PUBLIC FACILITIES CORPORATION AND HESPERIA PUBLIC FINANCING AUTHORITY ANNUAL MEETING ITEM**

Consideration of the Draft Minutes from the Corporation and Authority Annual Meetings held August 17, 2021.

Recommended Action:

It is recommended that the Board of Directors approve the Draft Minutes of the Corporation and Authority Annual Meetings held August 17, 2021.

Sponsors: Assistant City Clerk Erin Baum

3. 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

4. Equipment Procurement for Water Distribution Program

Recommended Action:

It is recommended that the Board of Directors of the Hesperia Water District authorize the City Manager to approve the procurement of one vacuum excavator and enter into an agreement with Ditch Witch West in the not-to-exceed amount of \$84,808.

Sponsors: Director of Public Works Jeremy McDonald

5. Granicus Acquisition of GovQA

Recommended Action:

It is recommended that the City Council authorize the City Manager to enter into a one (1) year agreement with Granicus, LLC in an amount not-to-exceed \$10,866.50 to provide services for the City's electronic public records request and claims software program.

Sponsors: Assistant City Clerk Erin Baum

CONSENT ORDINANCES

A motion was made by Swanson, seconded by Holland, that the Consent Ordinances be

approved. The motion carried by the following vote:

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

Nay: 0

6. Emergency Service Roles

Recommended Action:

Place on second reading and adopt by title waiving the text of Ordinance No. 2022-11 amending Hesperia Municipal Code Chapter 2.20 regarding the line of succession in the direction of emergency services.

Sponsors: Community Relations Specialist Jennifer Colby

PUBLIC HEARING

7. Consideration of the Amendment to Title 1 related to Police Multiple Response/Firework Fees and Amendment to the City-wide Fee Schedule and Bail Schedule Related to Police Multiple Response/Firework Fees

Recommended Action:

It is recommended that the City Council, Board of Directors for the Hesperia Water District, Board of Directors for the Hesperia Housing Authority, and the Commissioners of the Community Development Commission introduce and place on first reading Ordinance No. 2022-12 amending Title 1 of the Hesperia Municipal Code related to Police Multiple Response/Firework fees; adopt Joint Resolution No. 2022-62, Resolution No. HWD 2022-14, Resolution No. HHA 2022-07, and Resolution No. HCDC 2022-04 amending the City-wide fee schedule related to the fees for the Multiple Response Program; and adopt Resolution No. 2022-63 amending the City-wide bail schedule related to prohibited firework fees.

Sponsors: Administrative Analyst Jacquelyn Castillo

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

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

Nay: 0

8. Development Code Amendment DCA22-00003; 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. 2022-13 approving Development Code Amendment DCA22-00003 modifying development standards associated with Accessory Dwelling Units (ADUs).

Sponsors: Senior Planner Ryan Leonard

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

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

Nay: 0

9. Appeal to the City Council (APP22-00001); Applicant Pacific Communities Builder; APNs: 0405-042-23

Recommended Action:

It is recommended that the City Council adopt Resolution No. 2022-64, denying appeal APP22-00001 and upholding the Planning Commission and Development Review Committee (DRC) denial of a third extension of time for Tentative Tract No. 17243 (TTE22-00001).

Sponsors: Senior Planner Ryan Leonard

Thomas Zimmerman spoke in opposition of the resolution during the public comment period.

Ron Freeman spoke in opposition of the resolution during the public comment period.

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

Aye: 4 - Bird, Holland, Gregg and Bennington

Nay: 1 - Swanson

COUNCIL COMMITTEE REPORTS AND COMMENTS

Council Member Swanson gave an update on attendance at the SBCTA Mountain Desert meeting where they discussed signal timing and funding for improvements to HWY 138, commented on interest in the condition of the VVWRA plant in the City, reclaimed water availability, recent attendance at the Tri-Agency meeting, statements by public commenters on cannabis, her support of legal business in the City, traffic safety at stop signs, her daughter being recognized as a "Woman of Distinction", and wished her mother a happy 93rd birthday.

Council Member Bird commented on public speakers first amendment right to speak, his moral indignation, historical cannabis ballot measures, Federal, versus State, versus City, laws on cannabis, putting cannabis use on a future ballot measure in the City, supporting the citizens choice in approval of Measure N, and traffic safety at stop signs.

Council Member Gregg commented on traffic safety solutions, cannabis use as a future ballot measure in the City, National Night Out turn out, thanked Sheriff's, Fire and City staff for their attendance, the Farmer's Market in the Civic Park on Tuesdays, recognition of the Desert Recovery Group, the changing weather and thanked Public Works staff in response to flooding.

Mayor Pro Tem Holland commented on traffic safety, traffic enforcement, incorporating stop sign enforcement into the "Every Fifteen Minutes" program in local High Schools, public comments on the City Manager, his vote in a previous Council's decision on cannabis business within the City, public comments on the City and City Council, public comments on speaking limits, his pride in our Sheriff's and Fire departments reputation, and apologized to the City Manager for unwarranted accusations by the public.

Mayor Bennington commented on public comments in regards to her knowledge of the City, returning public commenters calls, her stance on adult use cannabis, acknowledged her parents in the audience, asked for an update on VVWRA progress with reclaimed water, recent attendance at Valley Morning Insight where Congressman Obernolte spoke, attendance at the recent Planning Commission Meeting, new tenants at the former K Mart site, attendance at the Blue Ribbon Breakfast honoring Detective Anthony Alvarez, Deputy Joel Chanceless and Deputy Curtis Bennington as Deputies of the Year, future attendance at the CAL Cities Desert Mountain region and MDAQMD meetings, thanked City staff, Sheriff's and Fire staff, recognized Hesperia City staff as the best City staff, and thanked Allison Lee for her attendance..

CITY MANAGER/CITY ATTORNEY/STAFF REPORTS

None

ADJOURNMENT

The meeting was adjourned in honor of Council Member Swanson's mother's and Council Member Bird's birthdays



Erin Baum,
Assistant City Clerk