

Attachment B



City Council Chambers
14343 Civic Drive
Victorville, CA
www.victorvilleca.gov

**VICTORVILLE CITY COUNCIL
VICTORVILLE LIBRARY BOARD OF TRUSTEES
SOUTHERN CALIFORNIA LOGISTICS AIRPORT AUTHORITY
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
THE CITY AS HOUSING ASSETS SUCCESSOR
JOINT POWERS FINANCING AUTHORITY
VICTORVILLE WATER DISTRICT**

**Regular Meeting Minutes
Tuesday, January 16, 2024**

**5:00 p.m. Closed Session
6:00 p.m. Regular Session**

5:00 p.m. Closed Session

Call to Order

Roll Call

Present: Council Member Gomez, Council Member Irving, Council Member Jones, Mayor Becerra

Absent: Council Member Harriman

Public Comments for Closed Session Items

None

Declaration of Closed Session Item(s) by City Attorney

City Attorney Andre de Bortnowsky announced two (2) closed session items as set forth on the agenda.

CITY COUNCIL

A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Pursuant to Government Code § 54956.9(d)(1)

Case name unspecified: (Disclosure would jeopardize existing settlement negotiations)

B. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Pursuant to Government Code § 54956.9(d)(1)

Case name unspecified: (Disclosure would jeopardize existing settlement negotiations)

Recess to Closed Session

6:00 p.m. Regular Session

Call to Order

Roll Call

Present: Council Member Gomez, Council Member Harriman, Council Member Irving, Council Member Jones, Mayor Becerra

Absent: None

Also Present: City Manager Keith C. Metzler, Deputy City Manager Sophie Smith, Deputy City Manager Jenele Davidson, City Clerk Jennifer Thompson, City Attorney Andre de Bortnowsky

Closed Session Announcements by the City Attorney

City Attorney Andre de Bortnowsky announced two (2) closed session items as set forth on the agenda. There were no reportable actions with respect to these items.

Invocation: Council Member Jones

Pledge of Allegiance: Police Captain John Wickum

Proclamations/Special Presentations

Presentation Recognizing Sophia Burciaga, Winner of the City's Annual Civil Rights Memorial Essay Contest, and Advanced Medical and Kidney Institute, Sponsor of the City's Annual Civil Rights Memorial Essay Contest

Introduction of New Hires and Promotions to City Council

American Public Works Association Best Transportation Project of the Year Award for the Green Tree Extension

Animal Shelter Update

Presentation by City Manager to City Council – 2023 Year in Review

City Clerk Presents Agenda/Revisions to Agenda

City Clerk announced one (1) revision. Revision to agenda item 13: Exhibit A to Resolution No. 24-004, the Annual Development Impact Fee Report Table Two, Financial Summary for Fiscal Year 2023, the data on the table has been formatted to correctly display on the document and Table Three Public Improvement Fiscal Year 2023 has also been formatted correctly.

Conflict of Interest Declarations

Mayor Becerra declared a conflict of interest. Mayor Becerra will recuse herself for item 19.

Introduction to Public Comments

Mayor Becerra provided an opening statement regarding public comments.

Public Comments

The following people spoke:

Al Cutillo spoke on general items

PUBLIC HEARING(S)

1. An Amendment to the Victorville Municipal Code with an Environmental Exemption Making Changes to Title 16 to Address the Recently Adopted Land Use Element of the General Plan

Recommendation:

That the Honorable City Council conduct a public hearing, receive public testimony, and take the following actions:

- (1) Find the Code Amendment exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA);
- (2) Introduce Ordinance No. 2448 for adoption, and first reading by title only, to

amend Title 16 of the Victorville Municipal Code and rescind City Council Policy No. CP-11-05 pertaining to Interim Use Permit Regulations; and
(3) Waive a further reading in full of proposed Ordinance No. 2448.

Questions ensued

The Chair opened the Public Hearing

There were no speakers

The Chair closed the Public Hearing

Motion was made to approve staff recommendations

Moved: Council Member Harriman

Seconded: Council Member Irving

Comments ensued

Motion passed 5-0

Ayes: Council Member Gomez, Council Member Harriman, Council Member Irving, Council Member Jones, Mayor Becerra

CONSENT CALENDAR

2. Substitution of Trustee and Deed of Reconveyance for Map Case No. 09-01-04 - Alcala

Recommendation:

That Your Honorable City Council:

- (1) Approve the Substitution of Trustee and Deed of Reconveyance for MAP Case No. 09-01-04;
- (2) Authorize the execution thereof by the City Manager;
- (3) Accept the payoff of the loan receivable; and
- (4) Adopt Resolution No. CHAS 24-001, amending the annual budget for Fiscal Year 2023-2024

3. Victorville Water District Operating Results Report for the Fourth Quarter of Fiscal Year 2023

Recommendation:

That the Honorable Victorville Water District Board of Directors review and file

4. Fire Department Newsletter

Recommendation:

That the Honorable Council review and file the attached Fire Department Newsletter.

5. Second Reading of Ordinance No. 2447

Recommendation:

That the City Council adopt, by second reading, Ordinance No. 2447 adopting the zone change portion of Case No. PLAN22-00027; a zone change to rezone approximately 1.52 acres of General Commercial (C-2) designated land to Industrial Park District (IPD) designated land on property located at the northwest corner of Dos Palmas Road and Park Avenue.

6. Notice of Completion - Eva Dell Park Playground Replacement

Recommendation:

That the Honorable City Council accept as complete and approve the Notice of Completion for the Eva Dell Park Playground Replacement project and authorize the City Manager to execute the Notice of Completion.

7. Payroll Warrant List

Recommendation:

That the City Council and Board of Directors ratify Payroll Demand Schedule No. 5A for Payroll Period October 27, 2023, through November 10, 2023, in the amount of \$2,113,124.20 covering Check Nos. 33730 through 33769, including Vendor checks. Please note employee Check Nos. 33745 - 33747 and 33753 have a live Check and an EFT Advice. Also included are Advice Nos. 306737 through 307246, per adopted budget for Fiscal Year 2023-2024 (period covering July 1, 2023, through June 30, 2024).

8. Commercial Demand Schedule No. 11

Recommendation:

That the City Council and Board of Directors ratify Commercial Demand Schedule No. 11 in the amount of \$5,227,529.53, covering Electronic Fund Transfers No. 337131 through 337260 and Warrant No. 793109 through 793294 for 11/29/2023 through 12/06/2023, per the adopted budget for Fiscal Year 2023-2024 for the period covering July 1, 2023 through June 30, 2024.

9. Reduction of Securities for Tract Map No. 15310

Recommendation:

That the Honorable City Council:

- (1) Approve an 80-percent release of the Faithful Performance Street securities for Tract Nos. 15310-1, 15310-2, and 15310-3;
- (2) Approve the full release of the Faithful Performance and Labor & Materials for the Sewer and Street securities for Tract Nos. 15310-5 and 15310-6;
- (3) Approve the full release of the Monumentation Faithful Performance Securities for Tract Map No. 15310; and
- (4) Accept the recently completed street public improvements.

10. Commercial Demand Schedule No. 12

Recommendation:

That the City Council and Board of Directors ratify Commercial Demand Schedule No. 12 in the amount of \$11,922,104.57, covering Electronic Fund Transfers No. 337261 through 337532 and Warrant No. 793295 through 793521 for 12/13/2023 through 01/02/2024, per the adopted budget for Fiscal Year 2023-2024 for the period covering July 1, 2023 through June 30, 2024.

11. Reduction of Securities for Tract Map No. 16684

Recommendation:

That the Honorable City Council:

- (1) Approve an additional 20-percent reduction for the Street, Water, Drainage, and Sewer Faithful Performance Securities for Tract Map No. 16884;
- (2) Approve the full release of the LMAD Faithful Performance and Labor & Materials Securities for Tract Map No. 16884; and
- (3) Accept the Street, Water, Drainage, and Sewer improvements for maintenance.

12. Full Monumentation Security Release for Tract Map No. 15598

Recommendation:

That the Honorable City Council approve the full release of the Monumentation Faithful Performance and Labor & Materials Securities for Tract Map No. 15598.

13. Annual AB 1600 Development Impact Fee Report for Fiscal Year 2022-2023

Recommendation:

That the Honorable City Council adopt Resolution No. 24-004 approving the annual AB 1600 Development Impact Fee Report for Fiscal Year 2022-2023

Questions ensued for item 5

Motion was made to approve staff recommendations for Consent Calendar items 2 through 13

Moved: Council Member Irving

Seconded: Mayor Becerra

Motion passed 5-0 with Council Member Gomez voting no on item 5

Ayes: Council Member Gomez, Council Member Harriman, Council Member Irving, Council Member Jones, Mayor Becerra

WRITTEN COMMUNICATIONS

14. Appointment of Mayor Pro Tem

Recommendation:

That Your Honorable City Council open nominations for the office of Mayor Pro Tem, take nominations, and have the City Clerk announce the outcome of the vote and declare the appointment upon a majority vote of the Council.

City Clerk opened nominations for the office of Mayor Pro Tem

Council Member Gomez nominated Council Member Gomez

Council Member Gomez accepted the nomination

Mayor Becerra nominated Council Member Harriman

Council Member Harriman accepted the nomination

Council Member Gomez rescinded her nomination

Council Member Gomez nominated Council Member Irving

Council Member Irving declined the nomination

Council Member Gomez nominated Council Member Gomez

Council Member Gomez accepted the nomination

City Clerk closed the nominations for the office of Mayor Pro Tem

Council Member Gomez voted for Council Member Gomez

Council Member Harriman voted for Council Member Harriman

Council Member Irving voted for Council Member Harriman

Council Member Jones voted for Council Member Harriman

Mayor Becerra voted for Council Member Harriman

City Clerk declared that Council Member Harriman will hold the office of Mayor Pro Tem

- 15.** Purchase of a Lighting System Provided by Musco Sports Lighting, LLC for the Hook Jr. High Sports Field Lighting Project

Recommendation:

That the Honorable City Council approve the purchase of a lighting system provided by Musco Sports Lighting, LLC for the Hook Jr. High Sports Field Lighting Project in an amount not to exceed \$277,312.50.

Questions ensued

Motion was made to approve staff recommendation

Moved: Mayor Pro Tem Harriman

Seconded: Council Member Irving

Motion passed 5-0

Ayes: Council Member Gomez, Council Member Irving, Council Member Jones, Mayor Pro Tem Harriman, Mayor Becerra

- 16.** Encampment Resolution Funding Program - Contract with San Bernardino County

Recommendation:

That the Honorable City Council take the following actions:

- (1) Adopt Resolution Nos. 24-001 authorizing a contract between the City of Victorville and San Bernardino County to receive California Encampment Resolution Funding (ERF) Program grant funding in the amount of \$691,092.00 to aid the City of Victorville in engagement, stabilization, and housing of homeless individuals residing in the Mojave Riverbed Encampment Area, and the restoration of former encampment sites to their natural state in compliance with the ERF Program;
- (2) Authorize the City Manager to finalize all documents needed to execute the contract; and
- (3) Adopt Resolution No. 24-002 amending the annual budget for fiscal year

2023- 2024 to reflect an additional appropriation in the amount of \$691,092.00.

Questions ensued

Motion was made to approve staff recommendations

Moved: Council Member Irving

Seconded: Mayor Pro Tem Harriman

Comments ensued

Motion passed 4-1

Ayes: Council Member Irving, Council Member Jones, Mayor Pro Tem Harriman, Mayor Becerra,

Noes: Council Member Gomez

17. Amendment No. 3 to the First Amended, Consolidated and Restated Exclusive Franchise Agreement with Victorville Disposal, Inc. for Solid Waste Refuse and Waste Diversion (Recycling) Services

Recommendation:

That the Honorable City Council:

- (1) Approve Amendment No. 3 to the First Amended, Consolidated and Restated Exclusive Franchise Agreement between the City of Victorville and Victorville Disposal, Inc. for Solid Waste Refuse and Waste Diversion (Recycling) Services;
- (2) Authorize the City Manager to make non-substantive changes and clarifications to the Amendment No. 3; and
- (3) Authorize the Mayor to execute Amendment No. 3.

Questions ensued

Motion was made to approve staff recommendations

Moved: Council Member Jones

Seconded: Council Member Irving

Comments ensued

Motion passed 5-0

Ayes: Council Member Gomez, Council Member Irving, Council Member Jones, Mayor Pro Tem Harriman, Mayor Becerra

18. Amendment No. 1 to the General Services Provider Standard Agreement with Industrial Clerical Recruiters, Inc. for Temporary Staffing Services, Project ESC24-012

Recommendation:

That the Honorable City Council approve amendment No. 1 to the General Services Provider Standard Agreement with Industrial Clerical Recruiters, Inc. (ICR) for Temporary Staffing Services, increasing the total compensation by \$100,000.00 to an amount not to exceed \$225,000.00.

Questions ensued

Motion was made to approve staff recommendation

Moved: Council Member Jones

Seconded: Mayor Pro Tem Harriman

Comments ensued

Motion passed 4-1

Ayes: Council Member Irving, Council Member Jones, Mayor Pro Tem Harriman, Mayor Becerra

Noes: Council Member Gomez

Mayor Becerra recused herself at 8:07 p.m.

19. Fringe Benefits Update - Resolution No. 24-003

Recommendation:

That the Honorable City Council approve Resolution No. 24-003 which revises the fringe benefits available to Council members who are also CalPERS retirees, retroactive to July 1, 2023

Questions ensued

Mayor Pro Tem Harriman called for a recess at 8:49 p.m.

Recess concluded at 8:56 p.m.

Council Member Gomez returned to the dais at 8:57 p.m.

Questions continued

Motion was made to approve staff recommendation with clarification that the

highlighted language will be revised with clear intent

Moved: Council Member Jones
Seconded: Mayor Pro Tem Harriman

Comments ensued

Motion failed 2-2

Ayes: Council Member Jones, Mayor Pro Tem Harriman
Noes: Council Member Gomez, Council Member Irving
Recused: Mayor Becerra

Mayor Becerra returned to the dais at 9:15 p.m.

20. City Manager Reports

City Manager Keith C. Metzler announced the Free Christmas Tree Mulch Giveaway will be held on January 22nd, 2024, through February 23rd, 2024, from 8 a.m. to 4:30 p.m. at the Victor Valley Compost Facility. He also announced Shred Fest and Compost Giveaway will be on February 3rd, 2024, from 8 a.m. to 12 p.m.

Keith C. Metzler announced that Animal Control continues to host Free Animal Adoptions Monday through Friday from 7:30 a.m. to 3 p.m. and Saturdays from 12 p.m. to 2 p.m. at the Amargosa location. He also announced a Final Inspection and Certificate of Occupancy was granted to Arby's on Highway 395.

21. Discussion and Possible Action Regarding Upcoming Agenda Items

Motion was made to agendize an item for discussion and possible action for item 19 to be reconsidered at the next City Council meeting

Moved: Council Member Jones
Seconded: Mayor Becerra

Motion passed 5-0

Ayes: Council Member Gomez, Council Member Irving, Council Member Jones, Mayor Pro Tem Harriman, Mayor Becerra

Motion was made to agendize an item for discussion and possible action at the soonest possible City Council meeting to align Council Member's Health Benefits to that of the City Employees' benefits

Moved: Council Member Jones
Seconded: Mayor Becerra

Motion passed 5-0

Ayes: Council Member Gomez, Council Member Irving, Council Member Jones, Mayor Pro Tem Harriman, Mayor Becerra

Motion was made to agendize an item for discussion and possible action by the March 19th, 2024, City Council meeting, for the City Council to receive presentation from staff and an SBCTA representative to determine continuation in the JPA membership and participation in the San Bernardino Council of Governments

Moved: Council Member Jones
Seconded: Mayor Pro Tem Harriman

Motion passed 5-0

Ayes: Council Member Gomez, Council Member Irving, Council Member Jones, Mayor Pro Tem Harriman, Mayor Becerra

Motion was made to suspend the rules in order to reconsider item 19 at the next City Council meeting

Moved: Council Member Jones
Seconded: Council Member Irving

Motion passed 4-1

Ayes: Council Member Irving, Council Member Jones, Mayor Pro Tem Harriman, Mayor Becerra
Noes: Council Member Gomez

Motion was made to agendize an item for discussion and possible action at the next City Council meeting, for Council to consider writing a letter in support of the Planning Commission's decision on tiny homes construction in downtown Victorville

Moved: Mayor Becerra
Seconded: Council Member Irving

Motion passed 3-2

Ayes: Council Member Gomez, Council Member Irving, Mayor Becerra

Noes: Council Member Jones, Mayor Pro Tem Harriman

22. Reports from Council Members

Council Member Jones commended Mayor Becerra for achieving her position as Mayor.

Mayor Pro Tem Harriman commended Council Member Jones for her three terms as Mayor.

Council Member Gomez reported on her involvement with the community.

Adjournment

Mayor Becerra adjourned the meeting at 9:27 p.m.

Attest:

Elizabeth Becerra, Mayor

Jennifer Thompson, City Clerk