

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, June 20, 2023**

**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 Harriman, Council Member Irving, Mayor Pro Tem Becerra, Mayor Jones

Absent: None

Public Comments for Closed Session Items

None

Declaration of Closed Session Item(s) by City Attorney

City Attorney Andre de Bortnowsky announced five (5) 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)
- C. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(d)(1)
Case name unspecified: (Disclosure would jeopardize existing settlement negotiations)
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code § 54957(b)
Position Title: City Manager
- E. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION**
Pursuant to Government Code § 54956.9(d)(1)
Case name: The People of the State of California vs. Blanca Azucena Gomez
Case Nos: MVI21007253, MVI23001156

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, Mayor Pro Tem Becerra, Mayor Jones

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 five (5) closed session items as set forth on the agenda. Items A, B, C, and D had no reportable action. Item E passed 4-0, with Council Member Gomez being absent, to rescind the client privilege waiver with respect to Case No MV121007253.

Invocation: Elder Michael Reyes of Destiny Christian Church

Pledge of Allegiance: Police Captain John Wickum

Proclamations/Special Presentations

Presentation of the Lifesaver Award to Members of the Victorville Fire Department

City Clerk Presents Agenda/Revisions to Agenda

City Clerk announced one (1) revision. Revision to agenda item 18: Staff Report page 3, Attachment A pages 17 and 18, and Attachment B pages 6 and 7 had minor grammatical errors.

Conflict of Interest Declarations

There were no conflicts of interested reported.

Introduction to Public Comments

Mayor Jones provided an opening statement regarding public comments.

Public Comments

Holly Lucero spoke on general items

Carolina G spoke on item 21

Tom Reyes spoke on general items

Carrie Reyes spoke on general items

Fabian Luna spoke on general items

Kevin Kassel spoke on general items

MaryAnn State spoke on general items

Edith Rogers spoke on general items

The Chair called a recess at 6:42 p.m.

Recess concluded at 6:48 p.m.

PUBLIC HEARING(S)

1. Annual Confirmation of Maintenance Assessment Districts for Fiscal Year 2023/2024

Recommendation:

That the Honorable City Council:

- (1) Conduct a public hearing and receive testimony for the final approval of the Engineer's Reports for Maintenance Assessment Districts 1 through 3, Drainage Facility Assessment Districts 1 through 3, Landscape Maintenance Assessment Districts 1 through 8, and the City-Wide Street Lighting Assessment District and adoption of proposed Resolution Nos. 23-055 through 23-058 confirming and ordering the levy and collection of the annual assessments for the respective assessment districts;
- (2) Close the public hearing;
- (3) Give final approval of the Engineer's Reports for each assessment district; and
- (4) Adopt Resolution Nos. 23-055 through 23-058.

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: Mayor Pro Tem Becerra

Seconded: Council Member Harriman

Motion passed 4-1

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

Noes: Council Member Gomez

CONSENT CALENDAR

2. Wildfire Mitigation Plan for the City of Victorville Municipal Utility Services

Recommendation:

No action is required at this time. The VMUS 2023 Wildfire Mitigation Plan is being presented to the City Council for their review and possible comment.

3. Presentation of Resolution No. 23-052 – Confirming the Annual Special Tax Amount to be Levied in Community Facilities District (“CFD”) 01-01 for Fiscal Year 2023-2024 (Mello-Roos); and presentation of Resolution No. 23-053 – Confirming the Annual Special Tax Amount to be Levied in Community Facilities District (“CFD”) 07-01 for Fiscal Year 2023-2024 (Mello-Roos)

Recommendation:

That the City Council adopt Resolution No. 23-052 to confirm the annual special tax to be applied to property taxes of CFD 01-01 affected parcels and adopt Resolution No. 23-053 to confirm the annual special tax to be applied to property taxes of CFD 07-01 affected parcels.

4. Payroll Warrant List

Recommendation:

That the City Council and Board of Directors ratify Payroll Demand Schedule No. 10C for Payroll Period April 14, 2023, through April 28, 2023, in the amount of \$1,886,987.67 covering Check Nos. 33388 through 33403, including Vendor checks. Please note employee Check No. 33391 & 33394 have a live Check and an EFT Advice. Also included are Advice Nos. 300011 through 300509, per adopted budget for Fiscal Year 2022-2023 (period covering July 1, 2022, through June 30, 2023).

5. Commercial Demand Schedule No. 23

Recommendation:

That the City Council and Board of Directors ratify Commercial Demand Schedule No. 23 in the amount of \$3,341,561.21, covering Electronic Fund Transfers No. 335067 through 335192 and Warrant No. 790651 through 790790 for 05/26/2023 through 06/07/2023, per the adopted budget for Fiscal Year 2022-2023 for the period covering July 1, 2022 through June 30, 2023.

6. Full Release of Public Improvement Faithful Performance Securities for Case Nos. BLDC18-00108 and EROW20-00087

Recommendation:

That the Honorable City Council approve the full release of the Public

Improvements Faithful Performance Securities for Case Nos. BLDC18-00108 and EROW20-00087

7. Release of Subdivision Improvement Agreement and Faithful Performance Security for Tract Map No. 16719

Recommendation:

That the Honorable City Council approve the release of the Subdivision Improvement Agreement and the full release of the Faithful Performance Security for Tract Map No. 16719

8. Second Reading of Ordinance No. 2440

Recommendation:

That the City Council adopt, by second reading, Ordinance No. 2440 amending and/or temporarily suspending certain provisions of Chapters 7.04 and 7.05 of Title 7 (Animals) of the Victorville Municipal Code for the purpose of addressing an imminent lack of animal sheltering capacity and facilities in the City, revising fee provisions, and updating references to responsible personnel.

Comments ensued

Motion was made to approve staff recommendations for Consent Calendar items 2 through 8.

Moved: Council Member Irving

Seconded: Mayor Pro Tem Becerra

Motion passed, with Council Member Gomez voting no on item 8

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

WRITTEN COMMUNICATIONS

9. Request to Approve Automatic Aid and Mutual Aid Agreement with Apple Valley Fire Protection District

Recommendation:

That the City Council approve the Automatic Aid and Mutual Aid Agreement between the Apple Valley Fire Protection District and the City of Victorville and authorize execution of the Agreement by the City Manager.

Questions ensued

Motion was made to approve staff recommendation

Moved: Mayor Pro Tem Becerra
Seconded: Council Member Harriman

Comments ensued

Motion passed 5-0

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

10. Award Construction Agreements to Kelley's Underground Construction Inc., High Desert Underground, Inc., and DDH Apple Valley Construction, Inc., for Qualified Emergency Water Contractor

Recommendation:

That the Honorable City Council and Victorville Water District Board of Directors (Board) award Construction Agreements for Qualified Emergency Contractor, Project CC23-082, by and between the Victorville Water District (District) and:

- (1) Kelley's Underground Construction Inc.,
 - (2) High Desert Underground, Inc., and
 - (3) DDH Apple Valley Construction, Inc.; and
- By and between the City of Victorville and:
- (4) Kelley's Underground Construction Inc.
 - (5) High Desert Underground, Inc.; and
 - (6) DDH Apple Valley Construction, Inc.

Questions ensued

Motion was made to approve staff recommendations

Moved: Council Member Irving
Seconded: Mayor Pro Tem Becerra

Comments ensued

Motion passed 5-0

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

11. Approve the Purchase of a 2023 Freightliner Crane Truck

Recommendation:

That the Honorable Victorville Water District Board of Directors (Board) approve the purchase of a 2023 Freightliner Crane Truck from Commerce Truck Equipment Sales, LLC in an amount not to exceed \$236,869.31.

Questions ensued

Motion was made to approve staff recommendation

Moved: Mayor Pro Tem Becerra

Seconded: Council Member Irving

Motion passed 5-0

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

12. Bear Valley Road Overhead at BNSF Railroad Project - Budget Amendment for Federal Bridge National Highway Performance Program (NHPP) Grant Funds and Contract Change Order

Recommendation:

That the Honorable City Council take the following actions related to the Bear Valley Road Overhead at BNSF Railroad Project:

(1) Adopt Resolution No. 23-059 to amend the Fiscal Year 2022/2023 budget to reflect an additional revenue of \$1,768,829.00 from Federal Bridge NHPP grant funds and an additional expense of \$1,768,829.00; and

(2) Approve a contract change order in the amount not to exceed of \$1,501,900.00.

Questions ensued

Motion was made to approve staff recommendations

Moved: Council Member Harriman

Seconded: Mayor Pro Tem Becerra

Motion passed 5-0

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

13. Project Proposal to California Transportation Commission for Local Streets and Roads Funding for Fiscal Year 2023-2024

Recommendation:

That the Honorable City Council:

- (1) Adopt Resolution No. 23-054 approving the Mojave Drive (El Evado Road to La Paz Drive) Project for submittal to the California Transportation Commission (CTC) to be eligible to receive Local Streets and Roads Funds for Fiscal Year 2023-2024; and
- (2) Authorize staff to submit this project proposal to the California Transportation Commission.

Questions ensued

Motion was made to approve staff recommendations

Moved: Mayor Pro Tem Becerra

Seconded: Council Member Harriman

Motion passed 5-0

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

14. Wellness Center Project - Phase 2 Supplemental Work Order (SWO) No. 9

Recommendation:

That the Honorable City Council approve SWO No. 9 for the Wellness Center Phase 2 construction contract resulting in an increase not to exceed \$1,640,679.38.

Questions ensued

Motion was made to approve staff recommendation

Moved: Mayor Pro Tem Becerra

Seconded: Council Member Irving

Motion passed 4-1

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

Noes: Council Member Gomez

15. Green Tree Library – Conceptual Design

Recommendation:

That the Honorable City Council approve the preliminary site and floor plans and direct staff to move forward with the final design and construction phases of the project.

Questions ensued

Motion was made to approve staff recommendation

Moved: Council Member Irving

Seconded: Mayor Pro Tem Becerra

Motion passed 5-0

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

16. Macerich Assistance Payment #9 - Mall of Victor Valley Development Agreement

Recommendation:

That Your Honorable City Council authorize assistance payment as provided for in the Development Agreement with Macerich Victor Valley LLC in the amount of \$408,960.00 for Calendar Year (CY) 2022.

Questions ensued

Motion was made to approve staff recommendation

Moved: Council Member Irving

Seconded: Mayor Pro Tem Becerra

Motion passed 4-1

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

Noes: Council Member Gomez

17. Fiscal Year 2023/2024 Contracts/Renewals - Annual Supply and Service Agreements

Recommendation:

That the City Council/Board of Directors award contracts for the Annual Supply

and Service Agreements to various vendors and suppliers for Fiscal Year 2023/2024 per the Adopted Budget approved on June 06, 2023.

Questions ensued

Motion was made to approve staff recommendation

Moved: Mayor Pro Tem Becerra
Seconded: Council Member Harriman

Comments ensued

Motion passed 4-1

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

Noes: Council Member Gomez

18. Receive and File of Annual Single Audit on Federal Expenditures Report for Year Ended June 30, 2022

Recommendation:

That the City Council receive and file the Fiscal Year 2021-2022 Single Audit.

Questions ensued

Motion was made to approve staff recommendation

Moved: Council Member Irving
Seconded: Council Member Harriman

Comments ensued

Motion passed 5-0

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

19. National Opioid Settlement Agreements

Recommendation:

That the Honorable City Council:

(1) Adopt Resolution No. 23-060, approving a budget amendment for Fiscal Year 2022-2023 to appropriate \$61,252.75 in both revenue and expenditures related to

the National Opioid Settlement Agreements;
(2) Adopt Resolution No. 23-061, authorizing the City of Victorville to agree to certain settlement agreements; and
(3) Authorize the City Manager to use all Opioid Settlement Fund Disbursements, including future funds, in accordance with the List of Opioid Remediation Uses provided in the Opioid Settlements.

Questions ensued

Motion was made to approve staff recommendations

Moved: Mayor Pro Tem Becerra
Seconded: Council Member Irving

Comments ensued

Motion passed 4-1

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

20. Fiscal Year 2023-2024 Training Schedule for City Council Members

Recommendation:

That Your Honorable City Council direct staff which business events Council will attend during Fiscal Year 2023-2024 to allow sufficient time for registration and travel accommodations.

Questions ensued

Motion was made to approve City Council members Jones, Becerra, Irving, and Harriman to attend the events as outlined in the staff report

Moved: Mayor Pro Tem Becerra
Seconded: Mayor Jones

Motion passed 4-1

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

21. Fentanyl Awareness and Education Program

Recommendation:

Any action is at the discretion of Your Honorable City Council.

Questions ensued

Motion was made to direct the City Manager and staff to create a proposed plan for a Fentanyl Awareness and Education Program at staff's convenience

Moved: Council Member Harriman

Seconded: Mayor Jones

Motion passed 4-1

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

Noes: Mayor Pro Tem Becerra

Motion was made to amend the previous motion to include data to support the need for the proposed Fentanyl Awareness and Education Program

Moved: Council Member Gomez

Seconded: Mayor Jones

Motion passed 4-1

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

Noes: Mayor Pro Tem Becerra

Substitute motion was made to direct the City Manager and City Attorney to determine if any legal issues exist with creating a Fentanyl Awareness and Education Program

Moved: Mayor Pro Tem Becerra

Seconded: Council Member Irving

Motion failed 2-3

Ayes: Council Member Irving, Mayor Pro Tem Becerra

Noes: Council Member Gomez, Council Member Harriman, Mayor Jones

22. City Wide Landscaping Beautification and Upkeep

Recommendation:

Any action is at the discretion of Your Honorable City Council.

Questions ensued

Motion was made to allow Council Member Harriman an additional minute to ask questions

Moved: Council Member Harriman

Seconded: Mayor Jones

Motion passed 5-0

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

Motion was made to approve the City Manager to research beautification options that would best suit the City and citizens

Moved: Mayor Jones

Seconded: Council Member Gomez

Motion passed 3-2

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

Noes: Council Member Irving, Mayor Pro Tem Becerra

23. Removal of Member Blech and Neri from the Community Revitalization Investment Authority Board

Recommendation:

Any action is at the discretion of Your Honorable City Council.

Questions ensued

No action was taken by the City Council

24. City Manager Reports

City Manager Keith C. Metzler announced that Saturdays, June 24th, July 8th, and July 15th, are free Animal Adoption Events at the City's Animal Control location. He also announced the next Concert in the Park is Friday, June 23rd, 2023, from 6:00

p.m. to 8:30 p.m. at Hook Park. He also reported that Project Faring has been issued a temporary Certificate of Occupancy.

25. Discussion and Possible Action Regarding Upcoming Agenda Items

Motion was made to agendize an item for discussion and possible action at the staff's convenience to direct the City Manager to create a presentation of the Transitional Home and its effects on the City and its residents.

Moved: Mayor Jones
Seconded: Council Member Irving

Motion passed 5-0

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

Motion was made to agendize an item for discussion and possible action at the July 18, 2023, City Council meeting to propose a new resolution that clearly defines an attendance policy for CRIA Board members.

Moved: Mayor Jones
Seconded: Council Member Irving

Motion passed 5-0

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

26. Reports from Council Members

Council Member Gomez reported on her involvement with the community.

Adjournment

Mayor Jones adjourned the meeting at 9:57 p.m.

Attest:

Debra Jones, Mayor

Jennifer Thompson, City Clerk