

Attachment D



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, July 18, 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 four (4) closed session items as set forth on the agenda.

CITY COUNCIL

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code § 54957(b)
Position Title: City Manager

VICTORVILLE WATER DISTRICT

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8**
Property Location: Acquisition of Water Rights – Mojave Water Basin
District Negotiators: Keith C. Metzler, General Manager, or authorized designee
Negotiating Parties: Luckey 2010 Revocable Trust
Under Negotiation: Price and terms
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8**
Property Location: Acquisition of Water Rights – Mojave Water Basin
District Negotiators: Keith C. Metzler, General Manager, or authorized designee
Negotiating Parties: Della M. Frazier
Under Negotiation: Price and terms
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8**
Property Location: Acquisition of Water Rights – Mojave Water Basin
District Negotiators: Keith C. Metzler, General Manager, or authorized designee
Negotiating Parties: Joan Paustell-Beinschroth
Under Negotiation: Price and terms

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 four (4) closed session items as set forth on the agenda. The Victorville Water District unanimously approved to purchase the properties in Water District Items A, B, and C. Closed Session for City Council Item A will be continued at the end of the Open Session.

Invocation: Pastor Paul Gostanian of High Desert Church

Pledge of Allegiance: Police Captain John Wickum

Proclamations/Special Presentations

Recognition of Career Online High School Graduates

City Clerk Presents Agenda/Revisions to Agenda

City Clerk announced two (2) revisions. Revision to agenda item 5: Attachment A Section 1B and Section 2 had typos. Revision to agenda item 20: Cost Comparison Table in Discussion Section was updated

Mayor Jones revised the order wherein agenda item 19 would immediately follow the Public Comments

Conflict of Interest Declarations

There were no conflicts of interest reported.

Introduction to Public Comments

Mayor Jones provided an opening statement regarding public comments.

Public Comments

The following people spoke:

Laura Maceda on general items

Holly Lucero on item 19

Al Cutillo on general items

Tom Reyes on item 19

Lawrence Jimenez on item 19

Monique S. on item 19

Nicholas Tovar on item 19

Fabiana Luna on item 19

Stephani Callicott on item 19

Kevin Kassel on general items

WRITTEN COMMUNICATIONS

19. Transitional and Supportive Housing Overview

Recommendation:

That the City Council receive and file a report and presentation on Transitional and Supportive Housing.

City Planner Scott Webb gave a presentation

Questions and comments ensued

Council Member Gomez left the dais at 7:37 p.m.

Council Member Gomez returned to the dais at 7:38 p.m.

Motion was made to allow Mayor Jones one extra minute for questions

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

The Chair directed the City Manager to compose an informative guide for the layperson outlining the City's Code Compliance residential codes

The Chair called for a recess at 7:58 p.m.

Recess concluded at 8:06 p.m.

PUBLIC HEARING(S)

1. Award of Construction Contract and Approve Notice of Exemption – Civic Area Pavement Rehabilitation Project

Recommendation:

That the Honorable City Council:

- (1) Open and conduct a public hearing, receive testimony regarding the proposed project;
- (2) Approve the Notice of Exemption for the Civic Area Pavement Rehabilitation Project; and
- (3) Award a construction contract to Roy Allan Slurry Seal, Inc., in the amount of \$2,111,345.61 for the Civic Area Pavement Rehabilitation Project, CC23-033.

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 Jones

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

2. Adoption of Resolution No. C23-051- Annual Assessments for Unpaid Rubbish Collection, Sewer Use Fees, Storm Drain Fees, Hazardous Waste Fees, and/or Assembly Bill 939 Recycling Fees

Recommendation:

That the Honorable City Council:

- (1) Conduct the public hearing and receive testimony for the adoption of the proposed Resolution No. 23-051;
- (2) Close the public hearing; and
- (3) Adopt Resolution No. 23-051 entitled, "A Resolution of the City Council of Victorville, California, making determination and confirming assessments and proceedings for Unpaid Rubbish Collection, Sewer Use Fees, Storm Drain Fees, Hazardous Waste Fees, and/or Assembly Bill 939 Recycling Fees."

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 Jones
Seconded: Council Member Harriman

Motion passed 5-0

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

3. Adoption of Resolution No. VWD 23-011 - Annual Assessments for Unpaid Water Fees

Recommendation:

That the Honorable Victorville Water District Board of Directors:

- (1) Conduct the public hearing and receive testimony for the adoption of the proposed Resolution No. VWD 23-011;
- (2) Close the public hearing; and
- (3) Adopt Resolution No. VWD 23-011 entitled, "A Resolution of the Victorville Water District, City of Victorville, adding delinquent non-paid charges to the annual taxes levied upon the property for which the charges are delinquent and unpaid."

Questions ensued

The Chair opened the Public Hearing

Jayne Riether-Faytol spoke in opposition

The Chair closed the Public Hearing

Motion was made to approve staff recommendations

Moved: Mayor Jones

Seconded: Council Member Irving

Comments ensued

Motion passed 5-0

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

4. Award of Construction Contract and Approve Notice of Exemption – VMUS Gas Replacement Phase - IV

Recommendation:

That the Honorable City Council:

(1) Open and conduct a Public Hearing;

(2) Close the Public Hearing;

(3) Approve the Notice of Exemption; and

(4) Award a construction contract to A.M. Ortega Construction, Inc., in the amount of \$298,446.09 for VMUS Gas Replacement - Phase IV.

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 Jones

Seconded: Council Member Harriman

Motion passed 5-0

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

CONSENT CALENDAR

5. Commercial Demand Schedule No. 24

Recommendation:

That the City Council and Board of Directors ratify Commercial Demand Schedule No. 24 in the amount of \$4,174,762.67, covering Electronic Fund Transfers No. 335193 through 335314 and Warrant No. 790791 through 790976 for 06/08/2023 through 06/22/2023, per the adopted budget for Fiscal Year 2022-2023 for the period covering July 1, 2022 through June 30, 2023.

6. Fiscal Year 2022-2023 Senate Bill-165 Annual Report for Community Facilities District No. 2018-001 (Victorville Lead Track)

Recommendation:

That the Honorable City Council receive and file the Fiscal Year ("FY") 2022-2023 Senate Bill 165 Annual Report for Community Facilities District ("CFD") No. 2018-001 (Victorville Lead Track) pursuant to the Local Agency Special Tax and Bond Accountability Act.

7. Payroll Warrant List

Recommendation:

That the City Council and Board of Directors ratify Payroll Demand Schedule No. 11A for Payroll Period April 28, 2023, through May 12, 2023, in the amount of \$1,907,375.91 covering Check Nos. 33404 through 33421, including Vendor checks. Please note employee Check No. 33410 has a live Check and an EFT Advice. Also included are Advice Nos. 300510 through 301007, per adopted budget for Fiscal Year 2022-2023 (period covering July 1, 2022, through June 30, 2023).

8. Payroll Warrant List

Recommendation:

That the City Council and Board of Directors ratify Payroll Demand Schedule No. 11B for Payroll Period May 12, 2023, through May 26, 2023, in the amount of \$1,983,896.23 covering Check Nos. 33422 through 33463, including Vendor checks. Please note employee Check No. 33424 and 33449 have a live Check and an EFT Advice. Also included are Advice Nos. 301008 through 301504, per adopted budget for Fiscal Year 2022-2023 (period covering July 1, 2022, through June 30, 2023).

9. Payroll Warrant List

Recommendation:

That the City Council and Board of Directors ratify Payroll Demand Schedule No. 12A for Payroll Period May 26, 2023, through June 09, 2023, in the amount of \$2,047,686.33 covering Check Nos. 33464 through 33501, including Vendor checks. Please note employee Check No. 33467 and 33493 have a live Check and an EFT Advice. Also included are Advice Nos. 301505 through 302005, per adopted budget for Fiscal Year 2022-2023 (period covering July 1, 2022, through June 30, 2023).

10. Wellness Center Construction Update

Recommendation:

That the City Council receive and file the information.

11. Full Faithful Performance Security Release for EROW20-00047 and BLDC19-00022

Recommendation:

That the Honorable City Council approve the full release of the Faithful Performance security for EROW20-00047 and BLDC19-00022.

12. Reduction of Landscaping Securities for Tract Map No. 15396

Recommendation:

That the Honorable City Council:

- (1) Approve an additional 20-percent reduction for the Landscape Maintenance Assessment District Faithful Performance Securities for Tract Map No. 15396; and
- (2) Accept the work for maintenance.

13. Minutes of the February 21, 2023, and March 7, 2023, Regular City Council Meetings

Recommendation:

That the Honorable City Council approve the minutes of the Regular City Council Meetings held on February 21, 2023, and March 7, 2023.

Questions ensued for items 6 and 10

Motion was made to approve staff recommendations for Consent Calendar items 5 through 13

Moved: Council Member Irving

Seconded: Council Member Harriman

Motion passed 5-0 with Council Member Gomez voting no on item 13

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

WRITTEN COMMUNICATIONS CONT.

- 14.** Amend Budget for Additional Highway Safety Improvement Program (HSIP) Federal Grant Funds for the Guardrail Project

Recommendation:

That the Honorable City Council adopt Resolution No. 23-064 to amend the Fiscal Year 2022/2023 budget to reflect an additional revenue of \$364,102.50 and appropriate an additional expense of \$364,102.50 from the HSIP federal grant for the construction of the Guardrail 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

- 15.** Amendment No. 1 to the Renewable Power Purchase and Sale Agreement with AM Wind Repower LLC

Recommendation:

That the Honorable City Council approve Amendment No. 1 to the Renewable Power Purchase and Sale Agreement (PPA) with AM Wind Repower LLC.

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

16. Discussion and possible action to amend Resolution No. 21-017 with respect to attendance requirements for Community Revitalization Investment Authority (CRIA) Board Members and the terms and replacement of public members of the CRIA Board

Recommendation:

That the City Council adopt Resolution No. 23-065, thereby amending Resolution No. 21-017 with respect to attendance requirements for Community Revitalization Investment Authority (CRIA) Board Members and the terms and replacement of public members of the CRIA Board.

Questions ensued

Motion was made to approve staff recommendation

Moved: Mayor Jones

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

17. Cancellation of the August 1, 2023, regular City Council meeting

Recommendation:

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

Questions ensued

Motion was made to approve the cancellation of the August 1, 2023, City Council meeting

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

18. Annual League of California Cities voting delegate and alternate(s)

Recommendation:

That Your Honorable City Council designate the voting delegate and alternate(s) for the League of California Cities Annual Conference & Expo, September 20-22, 2023.

Questions ensued

The Chair opened the nominations for Delegate

Council Member Irving nominated Mayor Pro Tem Becerra

Mayor Pro Tem Becerra accepted the nomination

Council Member Gomez nominated Council Member Gomez

Council Member Gomez accepted the nomination

The Chair closed the nominations for Delegate

Council Member Gomez voted for Council Member Gomez.

Mayor Pro Tem Becerra, Council Member Harriman, Council Member Irving, and Mayor Jones voted for Mayor Pro Tem Becerra

It was declared that Mayor Pro Tem Becerra would be the voting Delegate

The Chair opened the nominations for Alternate(s)

Council Member Irving nominated Mayor Jones as Primary Alternate and Council Member Harriman as Secondary

Mayor Jones and Council Member Harriman accepted the nominations

Council Member Gomez nominated Council Member Gomez as Primary

Alternate

Council Member Gomez accepted the nomination

The Chair closed the nominations for Alternate(s)

Council Member Gomez voted for Council Member Gomez as Primary Alternate

Mayor Pro Tem Becerra, Council Member Harriman, Council Member Irving, and Mayor Jones voted for Mayor Jones as Primary Alternate and Council Member Harriman as Secondary

It was declared that Mayor Jones would be Primary Alternate and Council Member Harriman would be Secondary

20. Ceremonial Recognition Items

Recommendation:

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

Questions ensued

Motion was made to approve the new Ceremonial Recognition template

Moved: Mayor Jones

Seconded: Mayor Pro Tem Becerra

Comments ensued

Motion passed 4-1

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

Noes: Council Member Gomez

21. City Manager Reports

City Manager Keith C. Metzler announced that Saturday, July 22nd, 2023, is the City's Free Dump Day, from 8:00 a.m. to 1:00 p.m.; it will be held on Forest Ave, at the former University Prep location. He announced the self-cleaning restrooms are installed at the Brentwood and Center St Parks; they are pending final inspection. He also announced a free Harry Potter Party at the Victorville City Library, Saturday, July 29th, 2023, from 11:00 a.m. to 3:00 p.m. He announced the Temporary Pet Adoption Center is scheduled to be available by the end of the week, at the City of Victorville's Animal Control Facility on Amargosa Rd. He

also announced that Code Enforcement launched a city-wide Community Enhancement Program. Lastly, he reported that the Building Department finalized the inspections of the Mars Pet Care facility and that is now operational.

22. Discussion and Possible Action Regarding Upcoming Agenda Items

None

23. Reports from Council Members

Council Member Gomez reported on her involvement with the community.

Council Member Harriman reported on his attendance to the Concert in the Park Series.

Mayor Pro Tem Becerra reported VVTA is continuing property development to support the Hydrogen Buses. She also reported on her attendance to the National Association of Latino Elected and Appointed Officials (NALEO) Conference along with Mayor Jones and City Manager Keith C. Metzler.

Mayor Jones reported that she was reappointed, at the SBCTA meeting, to represent the High Desert Region General Policy Committee. She reported on her attendance to Concert in the Parks Series and her attendance to the ribbon cutting ceremony for the Family Assistance Program. She also reported on her attendance to the NALEO Conference.

Recessed to continue the Closed Session City Council Item A at 9:58 p.m.

Recess concluded at 10:22 p.m.

Closed Session Announcements by the City Attorney Continued

City Attorney Andre de Bortnowsky announced there is no reportable action with respect to City Council Item A.

Adjournment

Mayor Jones adjourned the meeting at 10:23 pm

Attest:

Debra Jones, Mayor

Jennifer Thompson, City Clerk