

Attachment B

Minutes of April 6, 2021



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

**VICTORVILLE CITY COUNCIL
VICTORVILLE LIBRARY BOARD OF TRUSTEES
SOUTHERN CALIFORNIA LOGISTICS RAIL AUTHORITY
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, April 6, 2021**

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

Absent: None

Public Comments

The following people spoke:

Blanca Gomez

Valentin Godina

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.** 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.** 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 Becerra, Council Member Gomez, Mayor Pro Tem Irving, Mayor Jones

Absent: None

Also Present: City Manager Keith Metzler, Deputy City Manager Sophie Smith, Deputy City Manager Jenele Davidson, City Clerk Charlene Robinson, 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. There was no reportable action with respect to these items.

Invocation:

Mayor Debra Jones

Pledge of Allegiance:

Police Captain John Wickum

Proclamations/Special Presentations

Presentation from City Attorney regarding public comments made at the March 23rd Council meeting.

Questions ensued.

City Clerk Presents Agenda/Revisions to Agenda

Statement regarding virtual meetings. No revisions reported.

Conflict of Interest Declarations

No conflicts of interests reported.

Introduction to Public Comments

Mayor Jones provided opening statement regarding public comments.

Public Comments

The following people spoke:

Maggie Martin

Valentin Godina

Barbara Whittington

Ramiro Rodriguez

Derek Marshall

Kareema Abdul

Miguel Soto, Jr.

DeAnn Hudgens

Chris Ponce

Cougar Santos

Elvia Hernandez

Blanca Gomez

PUBLIC HEARING(S)

1. Consideration of proposed Ordinance No. 2417 regarding the regulation of camping and storage of personal property in public areas and amending in part Chapter 13.27 of the Victorville Municipal Code

Recommendation:

That the Honorable City Council: (1) Open the Public Hearing; (2) Take public testimony; and (3) Leave the Public Hearing open and continue this item to the April 20, 2021 regular City Council Meeting.

Questions ensued.

Mayor Jones opened the public hearing.

The following people spoke:

Elvia Hernandez

Maggie Martin

Cougar Santos

Paul Marsh

Miguel Soto, Jr.

Ramiro Rodriguez

Motion was made to leave the Public Hearing open and continue this item to the April 20, 2021 Regular City Council meeting.

Moved: Mayor Pro Tem Irving
Seconded: Council Member Becerra

Motion passed 4-0

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

CONSENT CALENDAR

2. Securities Substitution for Tract Map No. 16887-2

Recommendation:

That the Honorable City Council: (1) Enter into a Subdivision Improvement Agreement (SIA) with LGI Homes; (2) Accept new securities for the remaining public improvements; (3) Release the existing Subdivision Agreement with Oro Grande Development Company; and (4) Release the existing Lien Agreement with Prime A Investments.

3. Securities Substitution for Tract Map No. 15295

Recommendation:

That the Honorable City Council: (1) Enter into a Subdivision Improvement Agreement (SIA) with DR Horton Los Angeles Holding Company, Inc.; (2) Accept new securities for the remaining public improvements; (3) Release the existing SIA with Savannah Collection – Victorville LLC; and (4) Release the existing securities.

4. Notice of Completion – Amethyst Pumping Station Project

Recommendation:

That the Honorable Victorville Water District Board (Board) accept as complete and approve the Notice of Completion for the Amethyst Pumping Station Project.

5. Victorville Municipal Utility Services Energy Efficiency Targets pursuant to Public Utilities Code § 9505, Resolution No. 21-022

Recommendation:

That the Honorable City Council adopt Resolution No. 21-022 adopting the Victorville Municipal Utility Services energy efficiency targets for the next 10-year period (2022-2031) as required by Public Utilities Code § 9505.

6. Payroll Warrant List

Recommendation:

That the City Council and Board of Directors ratify Payroll Demand Schedule No. 9A for Payroll Period February 19, 2021 through March 05, 2021, in the amount of \$1,425,189.46 covering Check Nos. 32280 through 32295, including Vendor checks. Please note employee Check Nos. 32285 & 32286 have both a live Check and an EFT Advice. Also included are Advice Nos. 274616 through 275054, per

adopted budget for Fiscal Year 2020-2021 (period covering July 1, 2020 through June 30, 2021).

7. Commercial Demand Schedule No. 16

Recommendation:

That the City Council and Board of Directors ratify Commercial Demand Schedule No. 16 in the amount of \$9,001,225.11, covering Electronic Fund Transfers No. 324914 through 325050, Warrant No. 780661 through 780838 for 03/10/2021 through 03/17/2021 and Wire Transfers dated 03/12/2021, per the adopted budget for Fiscal Year 2020-2021 for the period covering July 1, 2020 through June 30, 2021.

8. Minutes of February 23, 2021, March 2, 2021 and March 9, 2021

Recommendation:

That the City Council approve the minutes of the City Council meetings held on February 23, 2021, March 2, 2021, and March 9, 2021.

Questions ensued.

Motion was made to approve staff recommendations for Consent Calendar items 2 through 8, with Councilmember Gomez voting no on item 7.

Moved: Mayor Pro Tem Irving
Seconded: Council Member Becerra

Motion passed.

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

Noes: Council Member Gomez voting no on item 7.

WRITTEN COMMUNICATIONS

9. Request to Purchase Automatic Control Valves and Fittings

Recommendation:

That the Honorable Victorville Water District Board of Directors approve the purchase of automatic control valves and fittings from Western Water Works for Project #CC21-081 in an amount not to exceed of \$103,957.43.

Questions ensued.

Motion was made to approve staff recommendation.

Moved: Council Member Becerra
Seconded: Mayor Pro Tem Irving

Motion passed 4-0

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

10. Approval of Final Tract Map No. 17516

Recommendation:

That the Honorable City Council: (1) Approve Final Tract Map No. 17516; (2) Approve the Subdivision Improvement Agreement between the Subdivider (Joshua Tree Fund 589, LLC) and the City, for Final Tract Map No. 17516; and (3) Approve the Lien Agreement between the City and Joshua Tree Fund 589, LLC as security for the public improvements for said tract.

Questions ensued.

Motion was made to approve staff recommendation.

Moved: Council Member Gomez
Seconded: Mayor Pro Tem Irving

Motion passed 4-0

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

11. Award of contract to California Water Development Inc. for the Doris Davies Pool Deck Repair.

Recommendation:

That the City Council award a Construction Agreement to California Water Development Inc. in the amount of \$157,564.00 for demolition and replacement of the damaged pool deck.

Questions ensued.

Motion was made to approve staff recommendation.

Moved: Council Member Becerra
Seconded: Council Member Gomez

Motion passed 4-0

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

12. System Source, Inc. Construction Agreement, BM21-100

Recommendation:

That the City Council award a Construction Agreement to System Source, Inc. in the amount of \$57,623.86 for the piggyback purchase and installation of modular office furniture for the new Code Enforcement area within City Hall.

Questions ensued.

Motion was made to approve staff recommendation.

Moved: Council Member Becerra

Seconded: Mayor Pro Tem Irving

Comments ensued.

Motion passed 3-1

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

Noes: Council Member Gomez

13. Resolution No. 21-011 Approving the Purchase and Sale Agreement by and between the City of Victorville and Mars Petcare US, Inc.

Recommendation:

That Your Honorable Board of Directors: (1) approve Resolution No. 21-011 authorizing the Purchase and Sale Agreement by and between the City and Mars Petcare US, Inc.; (2) authorize the City Manager or designee to execute transactional documents to effectuate the sale and transfer; and (3) approve Resolution No. 21-012 Amending the Annual Budget for Fiscal Year 2020-2021 to recognize the sale proceeds.

Questions ensued.

Motion was made to approve staff recommendation.

Moved: Council Member Gomez

Seconded: Mayor Pro Tem Irving

Motion passed 4-0

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

14. Construction Contract Award for Taxilane Concrete Widening Project #CC21-098

Recommendation:

That Your Honorable Board of Directors approves the award of a Construction Contract to TSR Construction, Inc. in the amount not to exceed \$304,250 for Taxilane Concrete Widening Project #CC21-098.

Questions ensued.

Motion was made to approve staff recommendation.

Moved: Council Member Gomez

Seconded: Mayor Pro Tem Irving

Motion passed 4-0

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

15. Potential Acquisition of Certain Tax Defaulted Properties by the City of Victorville

Recommendation:

That Your Honorable Board of Directors approve Resolution No. 21-023 objecting to the sale of certain tax deeded property within the city of Victorville and amending the annual budget for Fiscal Year 2020-2021 for the potential acquisition.

Questions ensued.

Motion was made to approve staff recommendation.

Moved: Council Member Gomez

Seconded: Mayor Pro Tem Irving

Comments ensued.

Motion passed 4-0

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

Motion was made to consider and vote on Written Communication items 16 and 17 together.

Moved: Mayor Pro Tem Irving
Seconded: Council Member Becerra

Motion passed 3-1

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

- 16.** Settlement Agreement between the City of Victorville and Philip San in regard to
& Citation No. 22840 and Superior Court Case No. CIVDSB2008713 and Settlement
17. Agreement between the City of Victorville and Alfred Castaneda in regard to
Citation No. 25273 and Superior Court Case No. CIVSDB2021833.

Recommendation:

The City Attorney's Office recommends that City Council accept and ratify the settlement agreements.

Questions ensued.

Motion was made to approve staff recommendation.

Moved: Mayor Pro Tem Irving
Seconded: Council Member Becerra

Comments ensued.

Motion passed 3-1

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

- 18.** Presentation, Discussion and Possible Action to Host Pre-Bid Outreach Events for All Contracting and Procurement Opportunities that Carry Disadvantaged Business Enterprise (DBE) Goals

Recommendation:

Any direction is at the discretion of the City Council.

Mayor Pro Tem Irving introduced the item.

Lauren Jaquith from Padilla & Associates provided a presentation regarding the DBE program.

Questions ensued.

Motion was made to direct staff to prepare, schedule, and host pre-bid outreach events for all upcoming contracting and procurement opportunities that carry DBE goals.

Moved: Mayor Pro Tem Irving

Seconded: Council Member Becerra

Comments ensued.

Motion passed 3-1

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

Noes: Mayor Jones

19. Selection Committee's appointment to the Measure P Oversight Committee

Recommendation:

That Your Honorable City Council appoint the following to the Measure P Oversight Committee: Michael Krause, Resident Member of Education Mark Creffield, Resident Member of Local Chamber of Commerce Matthew Pellouchoud, Resident Member of Local Major Retail Industry Margaret Cooker, Resident Member of the Senior Community

Questions ensued.

Motion was made to approve staff recommendation.

Moved: Mayor Pro Tem Irving

Seconded: Council Member Becerra

Comments ensued.

Motion passed 3-1

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

Noes: Council Member Gomez

20. City Manager Reports

City Manager Keith Metzler introduced City of Victorville's new Fire Chief, Jeff Armstrong.

Permits were issued last week for the Mega Mart gas station at Mariposa Rd. and Nisqualli Rd.

Tenant improvement permits were issued yesterday for the Amazon Last Mile Delivery station located at the old Walmart building on Balsam Rd. and Bear Valley Rd.

Victorville Community Cleanup Day is April 17 from 8 a.m. to noon. Last day to register is Thursday, April 8. Sign up on our City website. City of Victorville will provide volunteers with t-shirts, gloves, litter sticks, bottled water, bags, and coupons for discounted lunch at local restaurants.

21. Discussion and Possible Action Regarding Upcoming Agenda Items

Motion was made to suspend the rules for reconsideration on the issues of research and of providing interpreting services specifically as to the who and when elements set out in the Council policy.

Moved: Mayor Jones
Seconded: Council Member Becerra

Motion passed 3-1

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

Motion was made to direct the City Manager and City Attorney to present to the Council for its review and possible follow-on action, a comprehensive report that would include: 1. The driving principles, along with legal requirements and or metrics for providing language access services during City Council meetings; 2. How compliance with the law is assessed; 3. How to fix and maintain an appropriate level of service when language access is required; 4. The current statistics on the number of Spanish speakers in Victorville who cannot communicate effectively in English; and 5. the various options for interpreting services, associated costs and the ability to assess regularly actual usage.

Moved: Mayor Jones
Seconded: Council Member Gomez

Motion passed 4-0

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

22. Reports from Council Members

Councilmember Becerra announces she was elected to SCAG District 65 on March 29.

Councilmember Gomez spoke in Spanish.

Mayor Pro Tem Irving congratulated those who were appointed to the Measure P Oversight Committee and Councilmember Becerra on her election to SCAG.

Mayor Jones echoed Mayor Pro Tem Irving's sentiments, welcomed Fire Chief Armstrong, and spoke about her involvement with the outside agencies.

Adjournment of Meeting

Mayor Jones adjourned the meeting at 9:33 p.m.

ATTEST:

Debra Jones, Mayor

Charlene Robinson, City Clerk