

**CITY OF VICTORVILLE  
CITY COUNCIL  
AGENDA**

REGULAR MEETING  
FEBRUARY 20, 2007  
7:00 P.M.

MOJAVE DESERT AIR QUALITY  
MANAGEMENT DISTRICT - BOARDROOM  
14306 PARK AVENUE  
[www.ci.victorville.ca.us](http://www.ci.victorville.ca.us)

THE CITY COUNCIL MEETING IS SCHEDULED TO BEGIN AT 7:00 P.M.  
OR AS SOON THEREAFTER AS POSSIBLE UPON THE CONCLUSION OF THE  
MEETING OF THE LIBRARY BOARD OF TRUSTEES

ANY INDIVIDUAL WITH A DISABILITY WHO REQUIRES REASONABLE  
ACCOMMODATION TO PARTICIPATE IN A CITY COUNCIL MEETING MAY REQUEST  
ASSISTANCE AND/OR RECEIVE THE AGENDA IN AN ALTERNATIVE FORMAT BY  
CONTACTING THE VICTORVILLE CITY CLERK'S OFFICE  
(760) 955-5026 NO LATER THAN 72 HOURS PRIOR TO THE MEETING

CALL TO ORDER

INVOCATION & PLEDGE OF ALLEGIANCE

**PRESENTATION**

PRESENTATION MADE TO THE VICTORVILLE LIBRARY FROM THE FRIENDS OF THE  
LIBRARY

**PUBLIC COMMENT**

1. PUBLIC COMMENT ON ITEMS OF INTEREST TO THE PUBLIC

**APPEAL HEARING**

2. AN APPEAL HEARING CALLED TO HEAR ARGUMENTS FOR OR AGAINST THE  
ADOPTION OF RESOLUTION NO. 07-013, VERSION A – GRANTING OR  
VERSION B – DENYING AND THE ADOPTION OF THE MITIGATED NEGATIVE  
DECLARATION
  - A. RESOLUTION NO. 07-013 – GRANTING

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE  
GRANTING THE APPEAL OF THE DENIAL BY THE PLANNING COMMISSION OF  
PROPOSED TENTATIVE TRACT TT-06-033 ON PROPERTY GENERALLY  
LOCATED NORTH OF MESA STREET, SOUTH OF EUCALYPTUS STREET AND

EAST OF AND ABUTTING TOPAZ ROAD – THE BRASSWELL FAMILY LIMITED PARTNERSHIP

**B. RESOLUTION NO. 07-013 – DENYING**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE DENYING THE APPEAL OF TENTATIVE TRACT TT-06-033 ON PROPERTY GENERALLY LOCATED NORTH OF MESA STREET, SOUTH OF EUCALYPTUS STREET AND EAST OF AND ABUTTING TOPAZ ROAD – THE BRASWELL FAMILY LIMITED PARTNERSHIP

**C. MITIGATED NEGATIVE DECLARATION**

**PUBLIC HEARINGS**

3. A PUBLIC HEARING CALLED TO HEAR ARGUMENTS FOR OR AGAINST THE ADOPTION OF ORDINANCE NO. 2189 ENTITLED:

AN ORDINANCE OF THE CITY OF VICTORVILLE APPROVING ZONE CHANGE ZC-06-032 TO RECLASSIFY PROPERTY FROM C-4 (HIGHWAY SERVICE COMMERCIAL) TO C-2 (GENERAL COMMERCIAL) – JOE SAMUEL

4. A PUBLIC HEARING CALLED TO HEAR ARGUMENTS FOR OR AGAINST THE ADOPTION OF RESOLUTION NO. 07-011 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, ESTABLISHING A SCHEDULE OF MONTHLY FEES AND FREQUENCY OF COLLECTION FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLE MATERIAL AND FOR RECYCLE MATERIAL PROCESSING, AND FOR MANAGEMENT OF HOUSEHOLD HAZARDOUS WASTES IN THE CITY OF VICTORVILLE, AND RESCINDING RESOLUTION NO. 05-176

**CONSENT CALENDAR**

5. PRESENTATION OF REQUEST TO APPROVE THE CONSENT CALENDAR AS FOLLOWS:

**A. PRESENTATION OF REQUEST FOR APPROVAL OF COMMERCIAL DEMAND SCHEDULE NO. 13 IN THE AMOUNT OF \$6,767,319.94 COVERING WARRANT NOS. 569382, 569783, 569849, 570279, 570778, 570804, 570815, 570837, 570842, 570843, 570870, 570892, 570896, 570914, 570915, 570942, 570965, 570966, 570979, 571020, 571029, 571034, 571060, 571068, 571093, 571164, 572745, 572753, 574241, 574285, 574432, 574456, 574476, 574558, 574606, 574644, 575957, 576237, 578935 AND 583646 THROUGH 584222 INCLUSIVE**

- B.** PRESENTATION OF REQUEST FOR APPROVAL OF PAYROLL DEMAND SCHEDULE NO. 8A FOR PAYROLL PERIOD JANUARY 13, 2007 THROUGH JANUARY 26, 2007, IN THE AMOUNT OF \$1,282,969.32 COVERING WARRANT NOS. 21211 THROUGH 21262 AND ADVICE NOS. 109964 THROUGH 110532 INCLUSIVE AND VOID OF CHECK NO. 20678
- C.** PRESENTATION OF REQUEST TO ACCEPT THE FOLLOWING STAFF REPORTS:

  - 1. FINANCE DEPARTMENT - QUARTERLY TREASURER'S REPORT
  - 2. PUBLIC WORKS DEPARTMENT – DECEMBER 2006
  - 3. COMMUNITY SERVICES DEPARTMENT – DECEMBER 2006
- D.** PRESENTATION OF REQUEST TO APPROVE AN INCREASE TO THE CONTRACT WITH HIGH VOLTAGE TECHNICAL SERVICES, INC. FOR SPECIALIZED SERVICES ON HIGH VOLTAGE EQUIPMENT LOCATED AT VMUS FACILITIES IN THE AMOUNT OF \$45,000.00
- E.** PRESENTATION OF REQUEST TO APPROVE THE INDEMNIFICATION AGREEMENT BETWEEN THE CITY OF VICTORVILLE AND GMRI, INC. (OLIVE GARDEN)
- F.** PRESENTATION OF REQUEST TO APPROVE THE FULL RELEASE OF THE LABOR AND MATERIALS BOND FOR LMAD FOR TRACT 15973-4 – EMPIRE HOMES
- G.** PRESENTATION OF REQUEST TO APPROVE THE FULL RELEASE OF THE LABOR AND MATERIALS BOND FOR LMAD FOR TRACT 16247 – COVENANT DEVELOPMENT, INC.
- H.** PRESENTATION OF REQUEST TO APPROVE THE FULL RELEASE OF THE LABOR AND MATERIALS BOND FOR LMAD FOR TRACT 16479 – KB HOMES GREATER LOS ANGELES
- I.** PRESENTATION OF REQUEST TO APPROVE THE RELEASE OF THE LABOR AND MATERIALS PORTION OF THE SEWER BOND FOR TRACT 16247-3 – COVENANT GROUP
- J.** PRESENTATION OF REQUEST TO RELEASE 100% OF THE GRADING BOND FOR TRACT 16853 – FRONTIER HOMES
- K.** PRESENTATION OF REQUEST TO RELEASE 80% OF THE STREET AND SEWER BONDS FOR TRACT 16409 – HIKMAT BEIRUTY

- L. PRESENTATION OF REQUEST TO RELEASE 80% OF THE STORM DRAIN AND SEWER BONDS FOR TRACT 16063-1 – HOWARD ROBERTS DEVELOPMENT
- M. PRESENTATION OF REQUEST TO RELEASE 80% OF THE STORM DRAIN AND SEWER BONDS FOR TRACT 17047 – FRONTIER HOMES
- N. PRESENTATION OF REQUEST TO RELEASE 80% OF THE STREET AND SEWER BONDS FOR TRACTS 16718-1 & 2 – AMERICAN HERITAGE COMMUNITIES
- O. PRESENTATION OF REQUEST TO APPROVE THE FINAL MAP FOR TRACT 15219, PHASES 1 THROUGH 3 – PACIFIC COMMUNITIES
- P. PRESENTATION OF REQUEST TO APPROVE THE FINAL MAP FOR TRACT 14741 – CENTEX HOMES
- Q. PRESENTATION OF REQUEST TO ADOPT RESOLUTION NO. 07-010 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE REVISING THE TABLE OF ORGANIZATION, FIXING THE RATES OF COMPENSATION, AND ESTABLISHING FRINGE BENEFITS FOR EMPLOYEES OF THE CITY OF VICTORVILLE AND SUPERSEDING RESOLUTION NO. 06-109 AND SUBSEQUENT AMENDMENTS

#### **WRITTEN COMMUNICATIONS**

- 6. PRESENTATION OF REQUEST FOR COUNCIL TO 1) APPROVE THE FEE CREDIT AGREEMENT FOR THE ROAD PORTION OF THE DEVELOPMENT IMPACT FEE IN THE AMOUNT OF \$781,630.00 TOWARDS TRACT 16792 FOR THE CONSTRUCTION OF MONTE VISTA ROAD BETWEEN BEAR VALLEY ROAD AND PALMDALE ROAD; AND 2) APPROVE THE FEE CREDIT AGREEMENT BETWEEN THE DEVELOPER FRONTIER HOMES AND THE CITY
- 7. PRESENTATION OF REQUEST TO RATIFY THE TWENTY-FIFTH AMENDMENT TO LAW ENFORCEMENT CONTRACT #94-909 IN THE AMOUNT OF \$296,901.00
- 8. PRESENTATION OF REQUEST TO ADOPT RESOLUTION NO. 07-036 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE APPROVING THE ISSUANCE AND SALE OF NOT TO EXCEED \$45,000,000 AGGREGATE PRINCIPAL AMOUNT OF SOUTHERN CALIFORNIA LOGISTICS AIRPORT AUTHORITY TAXABLE HOUSING SET-ASIDE REVENUE PARITY BONDS (SOUTHERN CALIFORNIA LOGISTICS AIRPORT PROJECT) SERIES 2007

9. DISCUSSION AND ADOPTION OF FISCAL YEAR 2006-2007 MID YEAR BUDGET ADJUSTMENTS
10. PRESENTATION OF REQUEST TO APPROVE THE BIDDING PROCESS FOR THE RIVERWALK PROJECT IN OLD TOWN, VICTORVILLE IN THE AMOUNT OF \$225,000.00
11. PRESENTATION OF REQUEST TO APPROVE AN ADDITIONAL APPROPRIATION TO SUPPORT THE BOMBERO PROGRAM IN THE AMOUNT OF \$1,500.00
12. PRESENTATION OF COUNCILMEMBER CABRIALES' APPOINTMENT TO THE COMMUNITY SERVICES ADVISORY COMMITTEE
13. PRESENTATION OF EVALUATION OF ALTERNATIVES F,G AND H FROM THE SANBAG STUDY FOR CITY COUNCIL'S COMMENTS OR DIRECTION
00. PRESENTATION OF REQUEST TO REVISE BUDGET PERMITTING LAND ACQUISITION OF VICTORVILLE II POWER PROJECT

#### **CONTINUED WRITTEN COMMUNICATIONS**

14. PRESENTATION OF REQUEST TO ADOPT RESOLUTION NO. 07-019 ENTITLED:  
  
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, APPROVING THE MASTER DEVELOPER AGREEMENT BY AND AMONG THE SOUTHERN CALIFORNIA LOGISTICS RAIL AUTHORITY, THE VICTORVILLE REDEVELOPMENT AGENCY, THE CITY OF VICTORVILLE AND DESERTXPRESS ENTERPRISES, LLC, TRANSIT REAL ESTATE DEVELOPMENT, LLC, AND INLAND GROUP, INC. FOR THE DEVELOPMENT OF RAIL FACILITIES AND RELATED INDUSTRIAL, COMMERCIAL AND RESIDENTIAL PROPERTIES IN VICTORVILLE, CALIFORNIA  
(PLEASE SEE SCLRA AGENDA ITEM #3 FOR EXHIBIT A)

#### **COUNCIL REPORTS**

15. PRESENTATION OF REPORTS FROM COUNCIL MEMBERS

#### **CLOSED SESSION**

16. CLOSED SESSION CALLED PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

CONFERENCE WITH LEGAL COUNSEL: PENDING LITIGATION – ONE CASE

CITY COUNCIL AGENDA

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CASE ENTITLED: High Desert Power Trust 2000-A, Plaintiff v. State Board of Equalization and County of San Bernardino, Defendants; Southern California Logistics Airport Authority and Victor Valley Economic Development Authority, Interveners; Superior Court of the State of California, County of San Diego, Case No. GIC 850227

**17. CLOSED SESSION CALLED PURSUANT TO GOVERNMENT CODE SECTION 54956.9(b)**

CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation – Two Potential Cases

**18. CLOSED SESSION CALLED PURSUANT TO GOVERNMENT CODE SECTION 54956.8:**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

PROPERTY LOCATION: North of Southern California Logistics Airport

CITY/AGENCY NEGOTIATOR: Inland Energy

NEGOTIATING PARTIES: Property Owners (see below)

UNDER NEGOTIATION: Acquisition, price and terms of payment

<u>PROPERTY OWNER</u>	<u>APN</u>	<u>PROPERTY ADDRESS</u>
Aim High, LLC	0460-231-25	No street address
Aim High, LLC	0460-231-28	No street address
Aim High, LLC	0460-231-29	No street address
Aim High, LLC	0460-231-26	No street address
Bae Ko	0460-232-11	No street address
Bae Ko	0460-232-12	No street address

**19. CLOSED SESSION CALLED PURSUANT TO GOVERNMENT CODE SECTION 54956.8:**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

PROPERTY LOCATION: North of Southern California Logistics Airport

CITY/AGENCY NEGOTIATOR: Green de Bortnowsky & Quintanilla

NEGOTIATING PARTIES: Property Owners (see below)

UNDER NEGOTIATION: Acquisition, price and terms of payment

<u>PROPERTY OWNER</u>	<u>APN</u>	<u>PROPERTY ADDRESS</u>
Santi & Raj Rao Trust	0459-032-39	No street address
Careamvid Family Limited Partnership	0459-032-40	No street address

**20. CLOSED SESSION CALLED PURSUANT TO GOVERNMENT CODE SECTION 54956.8:**

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

PROPERTY LOCATION: Significant portions of property located in the Northern

Triangle

REAL ESTATE NEGOTIATORS: City / SCLRA / RDA / Tred / Inland Energy / DXE

21. CLOSED SESSION CALLED PURSUANT TO GOVERNMENT CODE SECTION 54957

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Title – City Manager

**ADJOURNMENT OF MEETING**