

**CITY OF VICTORVILLE
CITY COUNCIL
AGENDA**

REGULAR MEETING
NOVEMBER 7, 2006
7:00 P.M.

MOJAVE DESERT AIR QUALITY
MANAGEMENT DISTRICT - BOARDROOM
14306 PARK AVENUE
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 VICTORVILLE REDEVELOPMENT AGENCY

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

PRESENTATIONS

PRESENTATION OF COLORS BY SUMMIT LEADERSHIP ACADEMY

PUBLIC COMMENT

1. PUBLIC COMMENT ON ITEMS OF INTEREST TO THE PUBLIC

CONTINUED APPEAL HEARING

2. AN APPEAL HEARING TO HEAR ARGUMENTS FOR OR AGAINST THE
ADOPTION OF RESOLUTION NO. 06-162 – VERSION A GRANTING APPEAL OR
VERSION B DENYING APPEAL
 - A. RESOLUTION NO. 06-162 – GRANTING APPEAL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE
GRANTING THE APPEAL OF THE APPROVAL OF PLANNING CONDITION
NUMBER SEVEN ON SITE PLAN SP-06-033 ON PROPERTY LOCATED NORTH
OF RANCHO ROAD AND NORTHWEST OF STODDARD WELLS ROAD – DENNIS
LEE – ASSOCIATED READY MIX CONCRETE

B. RESOLUTION NO. 06-162 – DENYING APPEAL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE DENYING THE APPEAL OF PLANNING CONDITION NUMBER SEVEN OF SITE PLAN SP-06-033 ON PROPERTY LOCATED NORTH OF RANCHO ROAD AND NORTHWEST OF STODDARD WELLS ROAD – DENNIS LEE – ASSOCIATED READY MIX CONCRETE

PUBLIC HEARINGS

- 3. PRESENTATION OF REQUEST TO CONTINUE THE PUBLIC HEARING INTRODUCING ORDINANCE NO. 2181 – ADDING CHAPTER 7.05 – REGULATIONS FOR BREEDING OF DOGS AND CATS - TO THE NOVEMBER 21, 2006 CITY COUNCIL MEETING**

- 4. A PUBLIC HEARING CALLED TO HEAR ARGUMENTS OR AGAINST THE ADOPTION OF RESOLUTION NOS. 06-154 AND 06-155**

A. RESOLUTION NO. 06-154 ENTITLED

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE APPROVING THE ENGINEER’S REPORT FILED IN SUPPORT OF THE FORMATION OF THE CITY WIDE DRAINAGE FACILITIES ASSESSMENT DISTRICT NO. 1, AN ASSESSMENT DISTRICT PROPOSED TO BE FORMED UNDER THE LANDSCAPING AND LIGHTING ACT OF 1972

B. RESOLUTION NO. 06-155 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE ORDERING FORMATION OF THE CITY WIDE DRAINAGE FACILITIES ASSESSMENT DISTRICT NO. 1, UNDER THE ASSESSMENT DISTRICT PROPOSED TO BE FORMED UNDER THE LANDSCAPING AND LIGHTING ACT OF 1972 AND AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FROM SAID DISTRICT IN ORDER TO FUND THE ONGOING MAINTENANCE OF THE CITY WIDE DRAINAGE FACILITIES ASSESSMENT DISTRICT NO. 1 REQUIRED BY THE CITY TO BE INSTALLED BY THE DEVELOPER AS A CONDITION OF APPROVAL OF TRACT 14623

- 5. A PUBLIC HEARING CALLED TO HEAR ARGUMENTS FOR OR AGAINST THE ADOPTION OF RESOLUTION NOS. 06-152 AND 06-153**

A. RESOLUTION NO. 06-152 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE APPROVING THE ENGINEER’S REPORTS FILED IN SUPPORT OF THE

FORMATION OF THE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 6, AN ASSESSMENT DISTRICT PROPOSED TO BE FORMED UNDER THE LANDSCAPING AND LIGHTING ACT OF 1972

B. RESOLUTION NO. 06-153 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE ORDERING FORMATION OF THE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 6, UNDER THE ASSESSMENT DISTRICT PROPOSED TO BE FORMED UNDER THE LANDSCAPING AND LIGHTING ACT OF 1972 AND AUTHORIZING THE LEVY AND COLLECTION OF ASSESSMENTS FROM SAID DISTRICT IN ORDER TO FUND THE ONGOING MAINTENANCE OF LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 6 REQUIRED BY THE CITY TO BE INSTALLED BY THE DEVELOPER AS A CONDITION OF APPROVAL OF TRACT 14623

CONSENT CALENDAR

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

- A. PRESENTATION OF REQUEST FOR APPROVAL OF COMMERCIAL DEMAND SCHEDULE NO. 8 IN THE AMOUNT OF \$6,754,818.83 COVERING WARRANT NOS. 577949, 577768, 578106, 578868, 579292, 579410, 579791, 580063 AND 577949 THROUGH 580555 INCLUSIVE**
- B. PRESENTATION OF REQUEST FOR APPROVAL OF PAYROLL DEMAND SCHEDULE NO. 4A FOR PAYROLL PERIOD SEPTEMBER 23, 2006 THROUGH OCTOBER 6, 2006, IN THE AMOUNT OF \$1,218,894.35 COVERING WARRANT NOS. 20808 THROUGH 20870 AND ADVICE NOS. 105524 THROUGH 106074 INCLUSIVE**
- C. PRESENTATION OF REQUEST TO APPROVE THE FOLLOWING MINUTES:**
 - 1. ADJOURNED REGULAR MEETING HELD AUGUST 8, 2006**
 - 2. REGULAR MEETING HELD AUGUST 15, 2006**
- D. PRESENTATION OF REQUEST TO APPROVE THE STAFF REPORTS FROM THE FOLLOWING DEPARTMENTS:**
 - 1. FINANCE DEPARTMENT – QUARTERLY TREASURER’S REPORT**
 - 2. VICTORVILLE POLICE DEPARTMENT – SEPTEMBER 2006**
 - 3. PUBLIC WORKS DEPARTMENT – SEPTEMBER 2006**

- E.** PRESENTATION OF ORDINANCE NOS. 2179 AND 2180 FOR A SECOND READING AND ADOPTION BY THE CITY COUNCIL

 - 1.** ORDINANCE NO. 2179 ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE, CALIFORNIA, ADDING CHAPTER 13.80 TO THE VICTORVILLE MUNICIPAL CODE ESTABLISHING RESIDENCY RESTRICTIONS FOR REGISTERED SEX OFFENDERS
 - 2.** ORDINANCE NO. 2180 ENTITLED:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE AMENDING SECTION 2.16.020 OF THE VICTORVILLE MUNICIPAL CODE PERTAINING TO THE COMPENSATION OF MEMBERS OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE AND ENTITLED "SALARIES – AMOUNT"
- F.** PRESENTATION OF REQUEST TO RATIFY THE EXPENDITURE PLAN FOR THE SLESF (SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND) ALLOCATION – FUND 44100 FOR 2006/2007 AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO PROCESS ALL DOCUMENTS REQUIRED FOR THE PROGRAM ADMINISTRATION
- G.** PRESENTATION OF REQUEST TO RELEASE 80% OF THE FAITHFUL PERFORMANCE BOND AND 50% OF THE LABOR AND MATERIALS BOND FOR THE LMAD FOR TRACT 14183 – FRONTIER HOMES
- H.** PRESENTATION OF REQUEST TO RELEASE 80% OF THE FAITHFUL PERFORMANCE BOND FOR THE LMAD FOR TRACT 16247 PHASE III – COVENANT DEVELOPMENT, INC.
- I.** PRESENTATION OF REQUEST TO RELEASE 80% OF THE FAITHFUL PERFORMANCE BOND FOR THE LMAD FOR TRACT 16936 – FRONTIER HOMES
- J.** PRESENTATION OF REQUEST TO RELEASE 80% OF THE LETTER OF CREDIT FOR THE LMAD FOR TRACT 14336 – CNC REAL ESTATE DEV. & CONST. CO., INC.
- K.** PRESENTATION OF REQUEST TO RELEASE THE REMAINING 30% OF THE FAITHFUL PERFORMANCE BOND FOR THE LMAD FOR TRACT 16713 – CENTURY CROWELL-SANTA ROSA, LLC

- L. PRESENTATION OF REQUEST TO RELEASE THE REMAINING 30% OF THE FAITHFUL PERFORMANCE BOND FOR THE LMAD FOR TRACT 15186 – CENTURY CROWELL-SANTA ROSA, LLC
- M. PRESENTATION OF REQUEST FOR A FULL RELEASE OF BOTH THE FAITHFUL PERFORMANCE AND LABOR AND MATERIALS BONDS FOR THE LMAD FOR TRACT 16063-1 – MCCUNE CONSTRUCTION, INC.
- N. PRESENTATION OF REQUEST TO APPROVE THE COOPERATIVE AGREEMENT FOR ROUTE 18 AT AMETHYST ROAD TO WIDEN ROADWAY AND INSTALL A TRAFFIC SIGNAL AND SAFETY LIGHTING
- O. PRESENTATION OF REQUEST TO RELEASE THE REMAINING 80% OF THE FAITHFUL PERFORMANCE BOND FOR STREETS AND THE ASSOCIATED LABOR AND MATERIALS BONDS FOR TRACT 16122 – FRONTIER HOMES
- P. PRESENTATION OF REQUEST TO RELEASE THE MONUMENTATION BOND FOR TRACT 16860 – FRONTIER HOMES
- Q. PRESENTATION OF REQUEST TO RELEASE THE REMAINING 20% OF THE FAITHFUL PERFORMANCE BOND FOR STREET AND SEWERS AND THE ASSOCIATED LABOR AND MATERIALS BONDS FOR TRACT 16280-2 – JD PIERCE
- R. PRESENTATION OF REQUEST TO RELEASE THE LABOR AND MATERIALS PORTION OF THE STREET AND SEWER BONDS FOR TRACT 16446 – JD PIERCE COMPANY
- S. PRESENTATION OF REQUEST TO RELEASE THE LABOR AND MATERIALS PORTION OF THE SEWER BONDS FOR TRACT 16247, PHASES 3, 4, 5 & 6 – COVENANT GROUP
- T. PRESENTATION OF REQUEST TO APPROVE THE NOTICE OF COMPLETION FOR THE DORIS DAVIES PARK PARKING & SECURITY LIGHTING PROJECT
- U. PRESENTATION OF REQUEST TO APPROVE FINAL TRACT 17426 – SKYLAND INVESTMENTS

WRITTEN COMMUNICATIONS

- 7. PRESENTATION OF REQUEST TO AUTHORIZE THE MAYOR TO EXECUTE THE AMENDMENT TO THE JOINT POWERS AGREEMENT (JPA) WITH THE VICTOR

VALLEY TRANSIT AUTHORITY (VVTA) ON BEHALF OF THE CITY OF VICTORVILLE

8. PRESENTATION OF REQUEST TO ADOPT RESOLUTION NO. 06-144 ENTITLED:

A RESOLUTION OF THE CITY OF VICTORVILLE, CALIFORNIA APPROVING THE VICTORVILLE COMMUNITY SERVICES DEPARTMENT TO APPLY FOR THE TIRE-DERIVED PRODUCT GRANT PROGRAM TO BE APPLIED TO HEALTH TRACK AT HOOK PARK AND PATHWAY NEXT TO XERISCAPE AT VICTORVILLE LIBRARY
9. PRESENTATION OF REQUEST TO ADOPT RESOLUTION NO. 06-185 ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE ESTABLISHING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2006-2007
10. PRESENTATION OF REQUEST TO APPROPRIATE ADDITIONAL FUNDS OF \$50,000.00 FROM DEVELOPMENT IMPACT FEES FOR ROADS AND AWARD A CONTRACT TO COOLEY CONSTRUCTION, INC. FOR THE LOW BID PRICE OF \$169,982.76
11. PRESENTATION OF REQUEST TO APPROVE THE FINANCING AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORPORATION FOR THREE (3) FIRE APPARATUS WITH A BI-ANNUAL LEASE/PURCHASE OF PAYMENTS IN THE AMOUNT OF \$145,103.25 FOR FIVE (5) YEARS
12. PRESENTATION OF REQUEST TO AWARD ADDITIONAL APPROPRIATIONS AND A CONTRACT TO AWINDROW LLC IN THE AMOUNT OF \$28,500.00 FOR TIDEMARK CONSULTING SERVICES PLUS REIMBURSABLE COSTS FOR PROJECT NOT TO EXCEED \$35,000.00
13. PRESENTATION OF REQUEST TO APPROVE AN ADDITIONAL APPROPRIATION OF \$1,059,430 AND AUTHORIZE STAFF TO PROCEED WITH REQUEST FOR BID FOR THE GREEN TREE CLUB HOUSE
14. PRESENTATION OF REQUEST TO ADOPT RESOLUTION NO. 06-183 ENTITLED:

RESOLUTION OF THE BOARD OF DIRECTORS OF THE VICTORVILLE SANITARY DISTRICT APPROVING JOINT COMMUNITY FACILITIES AGREEMENT
15. PRESENTATION OF REQUEST TO ADOPT RESOLUTION NO. 06-184 ENTITLED

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VICTORVILLE APPROVING JOINT COMMUNITY FACILITIES AGREEMENT

16. PRESENTATION OF REQUEST TO DESIGNATE THE CITY MANAGER AS ALTERNATE REPRESENTATIVE TO THE VICTOR VALLEY WASTEWATER RECLAMATION AUTHORITY

COUNCIL REPORTS

17. PRESENTATION OF REPORTS FROM COUNCIL MEMBERS

CLOSED SESSION

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

PROPERTY LOCATION: Southern California Logistics Airport Area

CITY/AGENCY NEGOTIATOR: Green de Bortnowsky & Quintanilla / Inland Energy

NEGOTIATING PARTIES: Property Owner, see below

| <u>Property Owner</u> | <u>APN</u> | <u>Property Address</u> |
|--------------------------------|-------------|-------------------------|
| Jose Serna | 0460-242-09 | No street address |
| Massey, Christopher & Jennifer | 0460-242-21 | No street address |

19. CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (B)

CONFERENCE WITH LEGAL COUNSEL: THREATENED LITIGATION -
ONE POTENTIAL CASE

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

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

PROPERTY LOCATION: Adjacent to east side of SCLA

NEGOTIATING PARTIES: City Manager and BNSF

****ADJOURNMENT OF THE CITY COUNCIL MEETING TO 5:00 P.M.,
TUESDAY, NOVEMBER 14TH FOR A WORKSHOP TO DISCUSS THE
ECONOMIC OUTLOOK FOR THE CITY