

CC 2
10/27/09
MVB

**LANCASTER CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES  
October 13, 2009**

**CALL TO ORDER**

Mayor/Chairman Parris called the regular meeting of the City Council/Redevelopment Agency meeting to order at 5:02 p.m.

**ROLL CALL**

Present: Council Members/Agency Directors: Mann, Marquez, Sileo; Vice Mayor/Vice Chairman Smith; Mayor/Chairman Parris

Absent: None

**Staff**

Members: City Manager/Executive Director; Deputy City Manager/Deputy Executive Director; City Attorney/Agency Counsel; City Clerk/Agency Secretary; Assistant to the City Manager; Planning Director; Public Works Director; Parks, Recreation & Arts Director; Finance Director; Economic Development Director; Housing Director; Human Resources Director

**INVOCATION**

Elder Davis – New Life Community Church of the Apostolic Faith

**PLEDGE OF ALLEGIANCE**

Council Member/Agency Director Sileo

**PRESENTATIONS**

Mayor Parris presented the Neighborhood Courage Award to Mr. Don Whitt. Mr. Whitt witnessed his neighbors being burglarized and immediately called the Sheriff's Station. He continued to observe the activities of the suspects while waiting for the Sheriff's Department arrived. The suspects fled the scene and Mr. Whitt courageously followed them. He was able to supply deputies with an excellent description of the vehicle and license plate number which helped in the apprehension of the suspects. Mr. Whitt's testimony helped in the arrest and conviction of the three suspects and recovery of nearly all of the victim's property.

Vice Mayor Smith presented the inaugural Award for Community Contributions to the Arts to Lou Bozigian. This award was created for people who contribute to the arts and the name of the award is the *Louis V. Bozigian Gift of the Arts Award*. Mr. Bozigian has dedicated his life to getting the arts recognized. One of his main programs has been the Children's Youth Program which began in 1989 and he is dedicated to the Lancaster Performing Arts Center.

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**AGENDA ITEMS TO BE REMOVED**

None

**APPROVAL OF AGENCY CONSENT CALENDAR**

On a motion by Vice Chairman Smith and seconded by Agency Director Marquez, the Redevelopment Agency approved the Agency Consent Calendar, by the following vote: 5-0-0-0: AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**RCC 1. MINUTES**

See CC 2 for the approval of the Regular Redevelopment Agency Meeting minutes of September 22, 2009.

**RCC 2. ACQUISITION OF PROPERTY**

Approved the agreement for the acquisition of real property between the Lancaster Redevelopment Agency and Federal Home Loan Mortgage Corporation for property located at 1008 – 1010 West Avenue H-14, Lancaster, California. Funds will be appropriated from the Housing Bond proceeds.

**RCC 3. ACQUISITION OF PROPERTY**

Approved the agreement for the acquisition of real property between the Lancaster Redevelopment Agency and Federal Home Loan Mortgage Corporation for property located at 1102 – 1104 West Avenue H-14, Lancaster, California.

**APPROVAL OF CITY COUNCIL CONSENT CALENDAR**

Mayor Parris stated that he would need to recuse himself from Item No. CC 7, due to the proximity of the project to property that he owns.

Item No. CC 6 was pulled for separate action per the request of a citizen.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council approved the Council Consent Calendar, with the exception of Item Nos. CC 6 and CC 7, by the following vote: 5-0-0-0: AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**CC 1. ORDINANCE WAIVER**

Waived further reading of any proposed ordinances. (This permits reading the title only in lieu of reciting the entire text.)

**CC 2. MINUTES**

Approved the Redevelopment Agency/City Council Regular Meeting minutes of August 11, 2009.

**CC 3. WARRANT REGISTER**

Approved the Check and Wire Registers September 6, 2009 through September 26, 2009 in the amount of \$4,177,756.79.

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**CC 4. MONTHLY REPORT OF INVESTMENTS**

Accepted and approved the August 31, 2009 Monthly Report of Investments as submitted.

**CC 5. RESOLUTION NO. 09-87**

Adopted **Resolution No. 09-87**, a resolution of the City Council of the City of Lancaster, California, authorizing the destruction of certain records (Accounts Payable, Accounts Receivable, Banking Records, Business License Files, Financial Reports, Parking Citations, Payroll, Payroll Registers, Payroll – Federal and State Income Tax, Purchasing, Purchase Orders).

**CC 6. ORDINANCE NO. 933**

Addressing the City Council on this matter:

Teresa Malone – encouraged the City Council to adopt this ordinance.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted **Ordinance No. 933**, an ordinance of the City Council of the City of Lancaster, California, amending Title 17 of the Municipal Code, modifying the wind energy requirements with the addition of Section 17.08.332 to regulate a vertical axis wind turbine system in residential zones, by the following vote: 5-0-0-0: AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

At this time Mayor Parris recused himself from Item No. CC 7 and left the dais.

**CC 7. AWARD OF BID**

On a motion by Council Member Sileo and seconded by Council Member Mann, the City Council awarded the bid for **Lowtree Neighborhood Pedestrian Project No. 09-HNRD012** to BMC Construction in the amount of \$87,734.00 (plus a 10% contingency) and authorized the City Manager, or his designee, to sign all documents, by the following vote: 4-0-1-0: AYES: Mann, Marquez, Sileo, Smith; NOES: None; RECUSED: Parris; ABSENT: None.

At this time, Mayor Parris returned to the dais.

**CC 8. ACQUISITION OF PROPERTY**

Approved the agreement for the acquisition of real property between the City of Lancaster and Bank of America, National Association, as successor by merger to LaSalle Bank N.A. as trustee for Washington Mutual Asset-Backed Certificates WMABS Series 2006-HE5 for property located at 43054 36<sup>th</sup> Street West as part of the approved Neighborhood Stabilization Program.

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**CC 9. ACCEPTANCE FOR MAINTENANCE OF DRAINAGE IMPROVEMENTS**

Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District Annexation No. 06-13, installed for Tract No. 061680, located on the southwest corner of Avenue K and 60<sup>th</sup> Street West, Owner: KB Home Greater Los Angeles, Inc; appropriated \$2,997.23 from the first year's maintenance cost, that have been paid by the developer, to cover the remaining 9 months of the fiscal year into the Drainage Maintenance Operating Account No. 484-4743-404.

**CC 10. ACCEPTANCE OF INTERIOR STREET TREES FOR MAINTENANCE**

Accepted the interior street trees for maintenance by the City for Tract No. 52655, Phase 1 (Lots 1-9, 39-43, 48-50, and 53-54), located between 17<sup>th</sup> Street West and 18<sup>th</sup> Street West, approximately 200 feet south of Lancaster Boulevard, Owner: Gibraltar Homes, LLC.

**CC 11. MONUMENTATION WORK**

Approved the monumentation work for Parcel Map No. 063169, located on the northeast corner of 20<sup>th</sup> Street West and Avenue J-12, Owner: Meyer Crest LTD, a Nevada Corporation.

**CC 12. APPROVAL OF COMPLETED WATER SYSTEM**

Approved the completed water system installed by the developer for Tract No. 061064, located on the northeast corner of Avenue K and 30<sup>th</sup> Street East, Owner: Western Pacific Housing Inc. DBA D.R. Horton 'America's Builder'.

**CC 13. APPROVAL OF DONATION**

Approved the request to donate a 1988 Amida Light Plant, EQ1106, to the Los Angeles County Sheriff Department for their Search and Rescue program.

**CC 14. APPROVAL OF STREET CLOSURE**

Approved the closure of Avenue H, between 60<sup>th</sup> Street West and 80<sup>th</sup> Street West, for a period not to exceed four weeks to facilitate the construction of a 48" waterline.

**CC 15. APPROVAL OF UTILIZATION OF FUNDS**

Approved the utilization of funds granted by the U.S. Department of Energy (DOE), Energy Efficiency and Conservation Block Grant (EECBG) and authorized the City Manager or his designee to execute the agreement; accept the terms, conditions and certifications of Grant Award No. DE-SC0001339.

**CC 16. RESOLUTION NO. 09-88**

Adopted **Resolution No. 09-88**, directing and authorizing the change of name of Countrywide Way, located in the Lancaster Business Park and shown on Parcel Map No. 26467, to Holston Drive.

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**CC 17. JOINT TAX TRANSFER RESOLUTION**

Adopted the Joint Tax Transfer resolution for proposed Annexation No. 2008-10 into the Los Angeles County Mosquito and Vector Control District, Antelope Valley.

**CC 18. RESOLUTION NO. 09-89**

Adopted **Resolution No. 09-89**, rescinding Resolution No. 09-09 in its entirety, and establishing a policy for the investment of public funds for the City of Lancaster.

**CC 19. AGREEMENT WITH SANTANA ANNE ADVERTISING**

Approved the agreement between the City of Lancaster and Santana Anne Advertising, for the purpose of developing partnerships and sponsorships between the City and private entities.

**CC 20. RESOLUTION NO. 09-90**

Adopted **Resolution 09-90**, amending Resolution 06-231 establishing a compensation and salary schedule for the various classifications.

**CC 21. RENEWAL OF MUNICIPAL LAW ENFORCEMENT AGREEMENT**

Approved the renewal of the Municipal Law Enforcement Services Agreement between the City of Lancaster and the County of Los Angeles for Law Enforcement Services provided by the Los Angeles County Sheriff's Department.

**PH 1. ANNUAL CPI ADJUSTMENT OF FEE SCHEDULE RELATING TO COST OF SERVICES AND ANNUAL CCI ADJUSTMENT OF DEVELOPMENT IMPACT FEES**

Mayor Parris opened the Public Hearing and the Finance Director presented the staff report regarding this matter.

Addressing the City Council on this matter:

Arnold Rodio – stated that special consideration should be given regarding movie productions. Other cities are streamlining their fees for movie productions in their area; it is important to assist movie production in Lancaster; requested that the fee be reduced or remain the same but not increased.

The Mayor inquired as to where the City stands regarding comparable fees.

The Finance Director explained the process for examining and determining fees. Fees are not necessarily compared to other cities, as they may have different services, different salary schedules. The fee that is proposed is for special filming and an encroachment permit and it is based on staff involvement time and other factors.

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**PH 1. ANNUAL CPI ADJUSTMENT OF FEE SCHEDULE RELATING TO COST OF SERVICES AND ANNUAL CCI ADJUSTMENT OF DEVELOPMENT IMPACT FEES (continued)**

The City Manager stated that the City has not met with any resistance and Lancaster is one of the few areas where filming is increasing. The City of Lancaster has its own film office, streamlines everything for the film crews and the industry is very pleased.

The Parks, Recreation and Arts Director stated that the film office handles quite a lot; the industry is pleased and there have been no indications that the industry plans to push back from filming in this area.

Vice Mayor Smith inquired as to whether any of the funds from the economic stimulus package can help toward filming of special projects.

The City Manager stated that filming is not part of the stimulus package. However, if something came up, the City would certainly work with the industry regarding funding.

The Economic Development Director stated that the fee that is set allows for providing a service and isn't envisioned as an incentive. However, an incentive is certainly something that could be considered in the future.

Vice Mayor Smith stated that if the City does not get the money from a set fee to provide a service, then it comes out of the citizen's tax dollars; general fund money; money that is used for public safety and to help pay for law enforcement. In order to get these businesses in Lancaster, it is better to use redevelopment funds/restricted funds that cannot be used for public safety.

Council Member Mann stated that it was his understanding that historically, Lancaster is still behind in relation to the fee structures.

The Finance Director stated that the City recently did a study that they are not proposing to implement at this time, but right now the cost for providing most services exceeds the fee that is being charged.

Hearing no further testimony, Mayor Parris closed the Public Hearing.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted the following resolutions by the following vote: 5-0-0-0: AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

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**PH 1. ANNUAL CPI ADJUSTMENT OF FEE SCHEDULE RELATING TO COST OF SERVICES AND ANNUAL CCI ADJUSTMENT OF DEVELOPMENT IMPACT FEES (continued)**

Adopted **Resolution No. 09-91**, rescinding Resolution No. 08-31 in its entirety and establishing fee schedules relating to cost of services.

Adopted **Resolution No. 09-92**, rescinding Resolution No. 08-32 in its entirety and establishing new development impact fee schedules for the installation and upgrade of traffic signals, traffic impact, planned drainage facilities and urban structure program – parks.

**PH 2. VACATION OF A PORTION OF ALLEY – SOUTH OF AVENUE J**

Mayor Parris opened the Public Hearing and the Public Works Director presented the staff report regarding this matter.

Hearing no further testimony, Mayor Parris closed the Public Hearing.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council adopted **Resolution No. 09-93**, ordering the vacation of a portion of the existing alley lying south of Avenue J from Fig Avenue to 153.24 feet east of Fig Avenue, by the following vote: 5-0-0-0: AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**NB 1. APPROVAL OF DESTINATION LANCASTER, THE NEW VISITOR'S BUREAU OF LANCASTER**

The Economic Development Director presented the staff report regarding this matter.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council approved the letter of understanding for the formation of the Visitors Bureau of Lancaster (the "Visitors Bureau" or "Destination Lancaster") by and between the City of Lancaster (the "City") and the 50<sup>th</sup> District Agricultural Association (the "Antelope Valley Fairgrounds" or the "Antelope Valley Fair") and authorized the City Manager to execute all documents related thereto and in furtherance thereof, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**NB 2. EMPLOYMENT OF UNDOCUMENTED WORKERS**

The City Attorney presented the staff report regarding this matter. He explained what the ordinance allows and the process regarding the e-verify program.

Addressing the City Council on this matter:

Stephen Gornick – requested clarification regarding portions of the ordinance; specifically, portions regarding violations and definitions.

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**NB 2. EMPLOYMENT OF UNDOCUMENTED WORKERS (continued)**

The City Attorney stated that perhaps there is some ambiguity in the way it is written and the City could add some wording to make it clear.

Mayor Parris stated that employers of Lancaster need to understand e-verify and the requirements that the City is putting in place. If employers have not run e-verify and they have undocumented workers, the consequences could be severe.

Arnold Rodio – currently, anyone with a federal contract must use e-verify. Requested clarification regarding the provision to maintain records and have them immediately available for the City to inspect; concerns regarding confidential information within the records; notice requirements.

The City Manager stated that once the ordinance is adopted, staff would come up with protocols, procedures to implement the ordinance, including educating the employers on what they can and cannot do. The City only hires reputable audit firms who would only be looking for what they are auditing. The reason this goes into effect on December 31, 2009 is so the City can get up to speed on all the requirements.

The City Attorney stated that the requirement for maintaining records, are only the records that are subject to the e-verify requirement. Employers do not have to produce the complete employment record of that person.

Further discussion took place by the City Council regarding written notification that is given by the State and at the Federal level in advance; this will actually be doing employers a favor; by using e-verify, employers will not have as many headaches and will avoid severe fines; this is not another restraint; employers hiring undocumented workers in Lancaster will not be given any favors; there is an undocumented worker problem which is causing problems for everyone; local agencies have not been enforcing this; employers should not be given notice in advance; this ordinance goes a long way in solving some of the problems; this has been worked on and discussed for approximately 2 ½ to 3 years; the State of California handles this a certain way and it has not been effective, so the City should do the opposite. American citizens should get the jobs first, including teenagers; this ordinance will be a big plus.

The City Attorney stated that the ordinance should be amended under Section 5.50.040 (A) – sentence should read: ...undocumented workers in the city **hired in violation of this ordinance...**

On a motion by Council Member Sileo and seconded by Vice Mayor Smith, the City Council introduced **Ordinance No. 934, as amended**, adding Chapter 5.50 to the Lancaster Municipal Code relating to the employment of undocumented workers, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

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**RECESS** Mayor Parris requested a brief recess at 5:47 p.m.

**RECONVENE** Mayor Parris reconvened the meeting at 5:56 p.m.

Mayor Parris presented a card to the City Manager and to the City staff on behalf of the City Council regarding the success of several events that have taken place in Lancaster. He stated that this past weekend, the “Streets of Lancaster” was a remarkable event following on the heels of Metamorphosis and thanked the City Manager and staff for all their incredible work.

**NB 3. REGULATING MEDICAL MARIJUANA**

The City Attorney presented the staff report regarding this matter. He presented the background regarding the discussion that took place at the Criminal Justice Commission; possibility of organizing a committee made up of two Criminal Justice Commission members; two City Council members and the City Attorney to write an ordinance regarding this matter if the Council decides to go forward with this.

Concerns and comments from the City Council included: clarification regarding identification cards; Federal Act; fair amount of lead way; different case laws; clarification regarding collectives and cooperatives; who exactly is a primary care giver; designating a care giver does not make them a primary care giver.

Mayor Parris stated that this matter would be limited to one hour; cautioned everyone to be courteous and treat each other with respect or they will be asked to leave.

Addressing the City Council on this matter:

Clifford Schaffer – stated that this is illegal at the Federal level; compared this to the sale of alcohol and the only difference is, everyone knows who is selling the alcohol.

Melanie Coker – Director of Holistically Yours; everything is very discrete; important to have safe access; there are no signs; no advertisements; wants to be very protective of clients; Los Angeles has set a bad example; please set regulations that are acceptable to help many who are in pain or dying.

Brian Namm – the debate should be over; everyone knows the possibilities of marijuana and how it can help; he is a member of a cooperative; will continue to go forward regardless of the decisions by the Council.

Zach Hummell – he is a member of a co-op; State law supersedes City law; according to the laws, citizens can open up right now.

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**NB 3. REGULATING MEDICAL MARIJUANA (continued)**

Stacey Hummell – member of a nonprofit co-op; marijuana is grown by the members only; runs a legal co-op; hope that the City votes yes to cooperatives; recognizes the issues; problems; work on subsequent regulations. Give co-ops the proper channels; tired of fighting for something that is already legal.

Eric Muravez – has compassion for all who are suffering from ailments; against opening co-ops; his younger sister is severely disabled and in a great deal of pain. His sister is opposed and there is no way to regulate this and prevent fraud; concerned with dosage and potency amounts.

Andy Villanobos – he is in favor of the legalization; he is a patient; it is important to have regulations; vote on a good regulation and help the patients that need this.

Lenny Fisher – he is a cancer patient; medical marijuana has made a difference in his life; he uses a cane but was told he would not walk; get solid regulations in place; get others to sit on the panel; he would be happy to help in writing the ordinance.

Lynde Williams – she is injured; believes in regulations; wants people to have safe access; do the right thing; it's not a joke, marijuana works.

Anthony Gordon – adapt to changing law; cooperatives will work with the community; patients will cultivate the medicine; wants to help the City avoid the mistakes of Los Angeles; this is a movement he strongly believes in; believes in running a successful community endeavor.

Richard Peralta – he became injured; he has seen much come and go; has been on many prescription drugs; he's clean and sober, but he is a medical marijuana carrier; was attacked for his drugs; if there was a safe place to go, this would not happen; his care is regulated; wants an undisclosed safe place.

January Ohelo – speaking on behalf of a friend who has cancer; he has gone through many treatments; has endured a lifetime of radiation; he would have no problem paying a tax but has a problem in the fact that he can't find reputable places to get help; important to have safe access.

Jacque Poitevint – fell sick with stomach problems; uses marijuana strictly for medicinal purposes.

Melissa Wilk – she has cancer; she is dying; allergic to every kind of medication on the market; marijuana makes it easy for her to function; it is the only thing that takes the pain away.

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**NB 3. REGULATING MEDICAL MARIJUANA (continued)**

Beth Russell – she needs medical marijuana; she has MS; many back problems with arthritis; there are days when she cannot get comfortable for more than 10 minutes at a time; medical marijuana reduces her pain and allows her to do daily activities.

Victoria Zavala – Director of a nonprofit that is a collective; the City Council are the law makers; she has been to events; advocated at events; she suffers from two debilitating diseases; protected under laws; not doing anything illegal; she want to help patients.

Georgia Young – she feels that the City Council knows very little about the laws; addressed the sale of marijuana; if the City passes a law that will not allow dispensaries, she will file a lawsuit.

Peter Moscheni – he has health problems; there is no harm in approving marijuana cooperatives; this will not harm anyone; discussed the dosage concerns and compared them to prescription drugs and liquor.

John Jezzin – commended the City Council and the City Manager’s office, as they have taken time to research this; there needs to be a way to balance everything; represents a company that tracks where and who marijuana is going to; offers tracking from seed to final sell.

Concerns and comments from the City Council:

Vice Mayor Smith requested clarification from the representative for the New Leaf Family regarding cooperatives and helping members who are unable to cultivate marijuana for themselves; doctor recommendations for Los Angeles County cards; seller’s permits.

Council Member Sileo discussed collectives/cooperatives; small group of people are growing and selling marijuana to generate profit; marijuana is illegal at the Federal level; the Attorney General is well aware of the process to change Federal laws and has not chosen to do that; some of the speakers have stated that they have patients; they are not your patients, physicians have patients; he is not in favor of any form of a store front; open to discussion about regulating a cooperative which may have a benefit to the City; dispensing of marijuana should be taxed; tight regulations which would probably cause it not to be profitable at a store front level; does not understand a collective or a cooperative that has hundreds of members.

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**NB 3. REGULATING MEDICAL MARIJUANA (continued)**

Council Member Marquez stated that she wished the City was not at this point; to be frank, she feels this is a ruse to continue on the road to legalization which she is against; she knows someone who is dying from cancer; this person is a registered nurse and has stated that she would not use marijuana. She stated that she herself suffers from migraines and Imitrex works for her. People have mentioned all the tax money this would bring to the City. The lottery was supposed to solve a lot of problems for the State and that has not worked. Some people mentioned alcohol and if it was up to her that would not be legal either. She is very leery of nonprofits and she very reluctantly will ask that this be worked on and brought back. It would have to be very stringent and very regulated.

Council Member Mann stated that he feels very frustrated this evening; truly believes people here are sincere in getting rid of pain that they suffer from; his frustration stems in part from the lack of direction from the Federal government to the State government, to the City. We all know that many are finding relief from the use of marijuana; unfortunately, we all know there is an underground group that operates around the United States and other countries and they do not use marijuana for medicinal purposes. He is a firm believer that we need to solve the problem and it should not have been thrust on a City Council when it should have been resolved at a federal level. Until he has more evidence to establish a clear cut use from government entities on what is legal and what is not, he will not be a proponent tonight to move forward with this.

Vice Mayor Smith clarified that Council will not be making a decision tonight on cooperatives or collectives; the Council is making a decision tonight on whether or not to form a committee to draft an ordinance. That ordinance will come back to Council at a future date and at that time a decision will be made. He quoted sections of the health and safety code relating to collectives/cooperatives. Someone mentioned that all they need is a conditional use permit and that is not correct. A business license is required; seller's permit; there is sales tax. When it comes to business licensing, this City controls that, not the State. To some extent this is like alcohol. Alcohol is out there, it can be manufactured and someone can make a still, but the government regulates this because there is a lot of abuse. Anyone who says cooperatives/collectives/dispensaries are not being abused is not being truthful as they are being abused in Los Angeles. He is in favor of moving forward with forming a committee and drafting an ordinance and it probably will not make many happy but it will allow – very strictly, for those that really need it. It has been abused everywhere.

Mayor Parris stated that he does not want the Federal or State government to do anything because they continue to fail. Drugs are the most horrible thing that has happened to America; this has been handled abysmally by the Federal and State government. This is an opportunity to figure out new ways to do things and most of the problems facing the neighborhoods are local problems and if we just had the courage to do something about them that was different from what everyone else does, maybe we might succeed.

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**NB 3. REGULATING MEDICAL MARIJUANA (continued)**

Mayor Parris stated that it is not within his capacity to deny people that suffer, anything that might help them and there is no one here that would deny this either. He would like the City to not bury their heads in the sand; let's recognize that in most neighborhoods there is someone selling this stuff in an unregulated fashion. Let's work on this, comply with the laws and protect our children at the same time. He requested that Council authorize him to put together a committee in conjunction with the City Attorney to draft an ordinance that will comply with the laws.

Council Member Sileo stated that he is not in support of moving forward; recognizes that there is a segment of the population that is in pain and they use marijuana to relieve their pain. He feels that these people have not been treated fairly by the medical system and have not been made aware of what is available out there. He states this with twenty-five years of experience in the medical field; he states this with having more than one cancer patient being cared for in his home and going to the hospital to die. He knows what is available and believes it takes finding the right person to work with people to relieve their pain and there are legal ways to do this.

Mayor Parris disagreed with statements made by Council Member Sileo and stated that the reality is - there are many chronic pain sufferers out there; it is not just doctors that have patients. Nurses have patients; Chiropractors have patients and concluded that Council Member Sileo has patients as well. He stated that he cannot bear telling these people to go find a medical doctor and requested support from the Council.

Vice Mayor Smith made it clear regarding his position. He stated that if there are ten people out there that have cooperatives or collectives, this ordinance will give the City the power to probably shut nine of these collectives down and some may even go to jail. We do much better at regulating rather than prohibition and he wants something that is strict, something that will put the illegal ones out of business and as long as the State has given this narrow definition of what they are allowing, he does not want to get into the same situation as Los Angeles.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council approved having the Mayor move forward with putting together a committee with two Council Members; two Criminal Justice Commission members; the City Attorney and any other Commission Members from the other commissions, to work on drafting an ordinance to bring back at a future date, by the following vote: 3-2-0-0: AYES: Marquez, Smith, Parris; NOES: Mann, Sileo; ABSTAIN: None; ABSENT: None

Council Member Marquez made it very clear that she is not voting for marijuana or medical marijuana. The Federal and State government have put cities in this situation and she is only agreeing to move forward to put a committee together to write this ordinance and she does not want to be a part of the committee.

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**RECESS** Mayor Parris requested a brief recess at 7:35 p.m.

**RECONVENE** Mayor Parris reconvened the meeting at 7:47 p.m.

**NB 4. CHANGING THE MAYORAL TERM OF OFFICE TO A FOUR-YEAR TERM**

The City Attorney presented the staff report regarding this matter.

Addressing the City Council on this matter:

Richard Cook – stated that he is not opposed; wants to see a mayor’s race go to four years; a mayor needs time to get his programs in place; cannot see how a mayor can have a two-year term and accomplish what he wants.

Arnold Rodio – stated that if you are a good mayor, there will be no need to campaign; if you are doing a good job, people are going to vote for you; a four year term does not give rotation of the Council because it will change the staggering of the Council race.

Robert Teller – stated that he is opposed; only twenty percent of the people vote; there is a large contingency that didn’t vote; things are going good now but concerned if a bad mayor gets elected, then the citizens are stuck with him for four years; everyone has seen what happens when a Council does not get along; work as a team, that is what is good for Lancaster; leave it as it is.

Eric Muravez – stated that he is in favor of a four year term; hopes this goes to the vote of the people as soon as possible; the mayor is the spearhead; sets the tone for where we want to go; does not happen over night; compared a mayor to a president; staggered terms; important to look at the collective group.

Concerns and comments from the City Council:

Council Member Sileo stated that he can see the argument on both sides; four year term allows programs to get through; a four year term is more responsible to the people who elected him; the position is different; in terms of clarity – if it is a four year term, have it become effective in 2012; this will avoid confusion of someone running for mayor in 2010; delay implementation to make it nice and clean.

Council Member Mann – stated that looking back in history, he has all the confidence in the world that if the City took a poll, the current mayor would do better than our president. If a four year term is decided upon, make it clear as far as when this would happen.

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**NB 4. CHANGING THE MAYORAL TERM OF OFFICE TO A FOUR-YEAR TERM (continued)**

Council Member Marquez stated that she wishes this had been brought up sooner; she is not opposed to having it on the ballot for 2010; not opposed to an effective date of 2012.

Vice Mayor Smith stated that silly season is right around the corner; in looking at different branches of government, there is a four-year term for president; a four-year term for governor; some cities rotate the mayor's position; this should have been a four-year term the first time it was voted on; agrees with an effective date of 2012.

Mayor Parris stated that there is a risk every two years for a total regime change; in being realistic, the City would not be where it is today, the City would not have Mr. Bozigian; there has been incredible progress; a mayor cannot be a good leader if he is constantly worried about who is in the tent. This City is reinventing how cities are managed; sometimes people think leadership is a popularity contest – it is not. In two weeks this Council will be considering the topic of a Charter City; it is important to be transparent and it is important to have leadership that takes huge risks for huge gains. He stated that he enjoys this job very much and he is in favor of an effective date of 2012.

On a motion by Council Member Marquez and seconded by Council Member Sileo, the City Council approved having an initiative on the ballot to change the mayoral term of office from two years to four years with an effective date of 2012, by the following vote: 5-0-0-0: AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

The City Attorney stated that a formal resolution would come back to the City Council for adoption at the meeting of November 10, 2009.

**CA 1. DISCUSS AND GIVE DIRECTION CONCERNING PLACING A MEASURE RELATING TO THE INVOCATION POLICY ON THE BALLOT FOR THE APRIL 13, 2010 GENERAL MUNICIPAL ELECTION**

Vice Mayor Smith stated that recently the ACLU did some fund raising in the City, as they usually do when trying to get a lawsuit going. This City implemented a policy that has had little controversy and mostly support. He believes that this measure will pass; he knows this community and it is a community with people of faith. He purposed that the following measure be placed on the ballot in April, 2010:

In response to a recent complaint, with respect to the invocations that contained reference to Jesus Christ, shall the City Council continue its invocation policy in randomly selecting local clergy of different faiths to deliver the invocation without restricting the content based on their beliefs, including references to Jesus Christ?

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**CA 1. DISCUSS AND GIVE DIRECTION CONCERNING PLACING A MEASURE RELATING TO THE INVOCATION POLICY ON THE BALLOT FOR THE APRIL 13, 2010 GENERAL MUNICIPAL ELECTION (continued)**

Addressing the City Council on this matter:

Arnold Rodio – encouraged the Council to do the will of the people, do not make this an advisory vote; regardless, a commitment from the City Council is needed.

Yul Gevargis – stated that he is not a community activist; he was born in Iraq and saw the atrocities in his country; does not want anyone telling him he cannot pray in the name of Jesus Christ; this country is Christian; do not allow the ACLU to deny prayer in the name of Jesus Christ.

Darleen Peterson – stated that the citizenry is divided; if it is to be on the ballot, do not play games with an advisory vote; either the Council wants the opinions of the citizens or not; if it is advisory she will not vote.

Kenneth Jones – stated that he is a retired Senior Master Sergeant in the Air Force; feels like he was defending people's rights; there is freedom of religion; he served to defend the rights of the United States citizens; shouldn't be necessary to put this to a vote; he prays in the name of Jesus Christ; everyone is free to pray in their own beliefs; believes in opening and closing a meeting in the name of Jesus Christ.

Jennifer Williams – stated that she is extremely proud of the City Council to take on this fight; does not like anyone like the ACLU telling us what we should do; does not see them representing Christians; they are taking a bully stance on this; concerned for her children's future; concerned with our liberties being taken away from us.

Concerns and comments from the City Council:

Council Member Sileo requested that the name of ACLU not be used in the measure – it is free advertising.

Mayor Parris stated that the ACLU likes to give the impression that they are a majority but they are an infinitesimal minority. He likes this initiative and believes Lancaster is a godly city. Make no mistake about it, most of the hard working families in this community, when times are tough, work harder and pray.

Vice Mayor Smith stated that this would be a binding referendum.

Council Member Sileo asked if this will help or hinder the City in a court case with the ACLU; does it strengthen the City's position.

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**CA 1. DISCUSS AND GIVE DIRECTION CONCERNING PLACING A MEASURE RELATING TO THE INVOCATION POLICY ON THE BALLOT FOR THE APRIL 13, 2010 GENERAL MUNICIPAL ELECTION (continued)**

The City Attorney stated that he is not sure it strengthens the position but it certainly doesn't hurt the position.

Council Member Marquez stated that Americans are tired of seeing the ACLU called in by one person or a few just to shut down the freedom of speech; prayer is very sacred and holy; this is very serious and she hopes having this on the ballot will be helpful.

It was the consensus of the City Council that the City Attorney bring a formal resolution to the Council for adoption regarding this matter.

The City Attorney stated that a formal resolution would come back to the City Council for adoption at the meeting of November 10, 2009.

**CITY MANAGER'S / EXECUTIVE DIRECTOR'S ANNOUNCEMENT**

The City Manager thanked the City Council for all their support for a busy month.

**CITY CLERK / AGENCY SECRETARY ANNOUNCEMENT**

The City Clerk provided the public with the procedure to address the City Council/Redevelopment Agency regarding non-agendized items.

**PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS**

Addressing the City Council at this time:

Jim Barletta – discussed the issue of water; not the quantity but the quality; concerned about chloramines; Los Angeles County will be making a decision next month; if nothing is done to speak out against this, it will get approved. This will affect everyone in this valley if it goes through; encouraged the Council to place this matter on the agenda as soon as possible and take a position; this is their biggest area.

Council Member Marquez requested clarification from the Public Works Director regarding this matter.

The Public Works Director stated that Los Angeles County Waterworks will be holding a meeting in the chambers in December. There will be a series of public meetings and then it will go back to the Board of Supervisors; there are arguments on both sides of this matter

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**PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS (continued)**

Council Member Marquez stated that she spoke with Randy Williams at length in the past; a meeting was held over a year ago; she contacted Children's Hospital and they said it would not be harmful; hearing this was very important to her as she was donating a portion of her liver to her granddaughter; she feels that the County has not communicated with this City regarding this matter.

Mayor Parris stated that ultimately, this is a Board of Supervisor decision; it is a hard decision that the Board must make.

**CR 1. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR THE ANTELOPE VALLEY TRANSIT AUTHORITY**

Vice Mayor Smith presented the report, which included the following information:

The following significant items took place during the September Board meeting:

- The Board did not approve the Employee Ancillary Benefits Contract with Guardian. After learning that staff received informal quotes from four insurance brokers, two local and two outside the Antelope Valley, the Board did not approve the recommendation to accept Guardian's proposal and redirected staff. AVTA will now open a full bid process and consult with the JPA member agency human resources departments.
- The Executive Director provided a brief oral update on the AVTA takeover of parts management. Randy Floyd explained they are finding problems with vendors, the software program AssetWorks, and the mechanics. Mr. Floyd reported that with the changes, morale has improved and mechanics are signing up for certification training.

**COUNCIL / AGENCY COMMENTS**

Vice Mayor Smith stated that he and a staff member recently attended the California Downtown Association event in Ventura; brought back some amazing information; ideas for Destination Lancaster and the boulevard; branding; new technologies; some great ideas.

Council Member Marquez stated that it seems like every day, something different is going on in downtown Lancaster; exciting events; restaurants are open; excited about what will happen in the next year; she is meeting people who are coming into Lancaster to shop and we are bragging on this; the Grand Prix was fun and amazing.

Vice Mayor Smith stated that the calendar of events for the Mayor and Council is incredible; there is so much going on in the community and it is important to constantly grasp what is going on. He proposed that the City consider having a Deputy Mayor that the Mayor appoints, and is confirmed by the Council. This person would attend important meetings, events when the Mayor is not available; this would not take the place of any elected official and would help the Mayor, who is extremely busy. He requested that this matter be placed on the next City Council meeting for discussion and a possible vote.

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**COUNCIL / AGENCY COMMENTS (continued)**

Council Member Marquez inquired as to whether this position would be paid or not.

Mayor Parris stated that as long as he is Mayor, he will pay him, himself. It is certainly within the Councils purview to make this a paid position sometime down the road. There is so much going on and he needs someone who would be able to attend and represent City.

Mayor Parris requested that the City Council bring back any ideas regarding what they would like to see in the charter for a Charter City; he does not want to see Lancaster at a disadvantage or in a weak position.

**CLOSED SESSION**

None

**ADJOURNMENT**

Mayor Parris adjourned the meeting at 8:54 p.m. in memory of JoElla Wilson. Ms. Wilson's contributions to the Antelope Valley included, but were not limited to - working as a teacher for the Lancaster School District for 22 years; a guidance counselor at Antelope Valley High School for 14 years; a volunteer mentor and substitute at the Guidance Office and she was the recipient of the 1997 Lifetime Distinguished Service Award.

Mayor Parris announced that the next regular meeting of the City Council/Redevelopment Agency would take place on Tuesday, October 27, 2009 at **5:00 p.m.**

**ATTEST:**

**APPROVED:**

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GERI K. BRYAN, CMC  
CITY CLERK/AGENCY SECRETARY  
Lancaster, CA

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R. REX PARRIS  
MAYOR/CHAIRMAN  
Lancaster, CA

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**CERTIFICATION OF MINUTES  
CITY COUNCIL/REDEVELOPMENT AGENCY**

I, \_\_\_\_\_, \_\_\_\_\_ of the City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original City Council/Redevelopment Agency minutes, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, CA on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

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