

CC 2
11/10/09
MVB

**LANCASTER CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES
October 27, 2009**

CALL TO ORDER

Vice Mayor/Vice Chairman Smith called the regular meeting of the City Council/Redevelopment Agency meeting to order at 5:01 p.m.

ROLL CALL

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

On a motion by Vice Mayor/Vice Chairman Smith and seconded by Council Member/Agency Director Mann, the City Council excused Mayor/Chairman Parris from the meeting by the following vote: 4-0-0-1; AYES: Mann, Marquez, Sileo, Smith; NOES: None; ABSTAIN: None; EXCUSED: Parris

Excused: Mayor/Chairman Parris

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; Sr. Redevelopment Projects Coordinator; Housing Director; Human Resources Analyst

INVOCATION

Pastor Sean Appleton, Quartz Hill Foursquare Church

PLEDGE OF ALLEGIANCE

Lilly Zuniga – Little Miss Lancaster/Little Miss Antelope Valley

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PRESENTATIONS

- 1) Student Speaker – Chloe Soliz, Lancaster High School
- 2) Mayor’s Athlete of the Month - Kyle Steffes, Paraclete High School
Presenter: Vice-Mayor Smith
- 3) Recognition of Ricky Clutter and Ed Kawulak of Lancaster Honda for their contributions to the Streets of Lancaster event
Presenter: Vice-Mayor Smith
- 4) Streets of Lancaster Community Member Recognition
Presenter: Vice-Mayor Smith
- 5) California On Location Award (COLA)
Presenters: Pauline East, AV Film Office; Ray Hunt, Capital Engineering Manager and Michelle Cantrell, City Traffic Engineer

AGENDA ITEMS TO BE REMOVED

The City Manager stated that Item No. NB 3 should be removed from the agenda and CA 1 continued to a future meeting.

APPROVAL OF AGENCY CONSENT CALENDAR

On a motion by Agency Director Marquez and seconded by Agency Director Mann, the Redevelopment Agency approved the Agency Consent Calendar, by the following vote: 4-0-0-1: AYES: Mann, Marquez, Sileo, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

RCC 1. MINUTES

See CC 2 for the approval of the Regular Redevelopment Agency Meeting minutes of October 13, 2009.

RCC 2. LIST OF QUALIFIED CONTRACTORS/SUB-CONTRACTORS

Approved the expanded “List of Qualified Contractors and Sub-contractors” for Housing & Neighborhood Revitalization Programs.

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

Item Nos. CC 5 and CC 20 were pulled for separate action.

Council Member Marquez stated that she would need to recuse herself from Item No. CC 20 due to the fact that she is a part-time employee for Lancaster Baptist Church.

On a motion by Council Member Sileo and seconded by Council Member Mann, the City Council approved the Council Consent Calendar, with the exception of Item Nos. CC 5 and CC 20, by the following vote: 4-0-0-1: AYES: Mann, Marquez, Sileo, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

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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 October 13, 2009.

CC 3. WARRANT REGISTER

Approved the Check and Wire Registers September 27, 2009 through October 10, 2009 in the amount of \$5,453,627.08.

CC 4. ORDINANCE NO. 934

Adopted **Ordinance No. 934**, an ordinance of the City Council of the City of Lancaster, California, adding Chapter 5.50 to the Lancaster Municipal Code relating to the employment of undocumented workers.

CC 5. APPOINTMENTS OF THE 2009/2010 YOUTH COMMISSION

On a motion by Vice Mayor Smith and seconded by Council Member Sileo, the City Council appointed Andrew Sincuir, Amini Rodriguez, Jon Salazar, Brittanie Massey, Jaime Castellon, Emily Clark, Shineece Owens, and Maya Pocker to the 2009-2010 Lancaster Youth Commission, by the following vote: 4-0-0-1: AYES: Mann, Marquez, Sileo, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

At this time, the City Clerk administered the Oath of Office to the new Youth Commissioners.

CC 6. RESOLUTION NO. 09-94

Adopted **Resolution No. 09-94**, approving the application for grant funds from the Los Angeles County Regional Park and Open Space District for Fifth Supervisorial District Excess Funding for the Amargosa Creek Pathway Phase II, Rest Area & Access Improvements.

CC 7. PROFESSIONAL SERVICES AGREEMENT WITH STUART & GRAHAM

Approved the Professional Services Agreement with Stuart & Graham to perform the Long-Term Monitoring of the HOME Investment Partnership Program for 2009 in an amount not to exceed \$50,000.00. The Long-Term Monitoring of the HOME Investment Partnership Program is required by the U.S. Department of Housing and Urban Development (HUD) pursuant to Title 24 of the Codified Federal Regulations, Part 92 for the HOME Investment Partnership Program Final Rule.

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CC 8. ACQUISITION OF REAL PROPERTY

Approved an agreement for the Acquisition of Real Property between the City of Lancaster and Federal National Mortgage Association, for property located at 45445 Gingham Avenue as part of the approved Neighborhood Stabilization Program.

CC 9. ACQUISITION OF REAL PROPERTY

Approved an agreement for the Acquisition of Real Property between the City of Lancaster and Elizabeth Cortez, Inc., dba The Loan Place, for property located at 45408 Genoa Avenue as part of the approved Neighborhood Stabilization Program.

CC 10. ACQUISITION OF REAL PROPERTY

Approved an agreement for the Acquisition of Real Property between the City of Lancaster and Federal National Mortgage Association, for property located at 1304 West Avenue H-15 as part of the approved Neighborhood Stabilization Program.

CC 11. ACCEPTANCE OF INTERIOR STREET TREES FOR MAINTENANCE

Accepted the interior street trees for maintenance by the City for Tract No. 060238, located on the northwest corner of 30th Street West and Lancaster Boulevard, Owner: D.R. Horton, Inc.

CC 12. ACCEPTANCE OF LANDSCAPE IMPROVEMENTS FOR MAINTENANCE

Approved and accepted for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, Annexation No. 304, installed for Tract No. 060238, located on the northwest corner of 30th Street West and Lancaster Boulevard, Owner: D.R. Horton, Inc. Appropriated \$2,214.00 from the first year's maintenance cost, which has been paid by the developer, to cover the remaining 9 months of the fiscal year into the Landscape Maintenance Operating Account No. 482-4747-402.

CC 13. ACCEPTANCE OF DEVELOPER CONSTRUCTED STREETS FOR MAINTENANCE

Approved the developer constructed streets and accepted the streets for maintenance by the City for: Tract No. 060905, located on the northeast corner of 35th Street West and Kildare Street, Owner: Pulte Homes Corporation; and Tract No. 54201, located on the northeast corner of 35th Street West and Lancaster Boulevard, Owner: Pulte Homes Corporation.

CC 14. PWCP NO. 08-011

Accepted the work constructed by C.S. Legacy Construction, Inc. for **Public Works Construction Project No. 08-011**, Whit Carter Park, Phase 1; directed the City Clerk to file the Notice of Completion for the project; authorized payment of the 10 percent retention 35 days after recordation, provided no stop notices, as provided by law, have been filed.

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CC 15. PWCP NO. 08-031

Accepted the work constructed by ANM Construction & Engineering for **Public Works Construction Project No. 08-031**, 45th Street West and Avenue K Traffic Signal; directed the City Clerk to file the Notice of Completion for the project; authorized payment of the 10 percent retention 35 days after recordation, provided no stop notices, as provided by law, have been filed.

CC 16. PWCP NO. 08-040

Accepted the work constructed by C.S. Legacy Construction, Inc. for **Public Works Construction Project No. 08-040**, Prime Desert Woodland Pavilion, Phase 2; directed the City Clerk to file the Notice of Completion for the project; authorized payment of the 10 percent retention 35 days after recordation, provided no stop notices, as provided by law, have been filed.

CC 17. PWCP NO. 09-017

Accepted the work constructed by Vizion's West, Inc. for **Public Works Construction Project No. 09-017**, NGCP Demo – West of Sierra Highway, north of Avenue I; directed the City Clerk to file the Notice of Completion for the project; authorized payment of the 10 percent retention 35 days after recordation, provided no stop notices, as provided by law, have been filed.

CC 18. APPROVAL OF TEMPORARY ROAD CLOSURE

Approved the closure of Avenue G between Sierra Highway and approximately 50 feet east of the railroad tracks, for a period not to exceed 5 days to facilitate the construction of the Avenue G Street improvements related to the eSolar project.

CC 19. INSTALLATION OF CLASS II BIKE LANES

Approved the use of \$190,760.00 in California Bicycle Transportation Account (BTA) funding and the creation of two new Capital Improvement Projects for the installation of Class II bike lanes on Sierra Highway between Avenue J and Avenue I (15BW003) and on Avenue J-8 from Challenger Way to 20th Street East (15BW004).

At this time Council Member Marquez recused herself from Item No. CC 20 and left the dais.

CC 20. RESOLUTION NO. 09-95

Addressing the City Council on this matter:

Scott Pelka – against the adoption of the resolution and the intention to vacate.

On a motion by Council Member Mann and seconded by Council Member Sileo, the City Council adopted **Resolution No. 09-95**, declaring its intention to vacate a portion of road right-of-way on 40th Street East, located north of Avenue J and south of Lancaster Boulevard, by the following vote: 3-0-1-1: AYES: Mann, Sileo, Smith; NOES: None; RECUSED: Marquez; ABSENT: Parris

At this time, Council Member Marquez returned to the dais.

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CC 21. AUTHORIZATION TO PREPARE AND SUBMIT JOINT APPLICATION REGARDING THE ENTERPRISE ZONE DESIGNATION

Authorized City staff to work with representatives from the County of Los Angeles and the City of Palmdale to prepare and submit a joint application to obtain a new state Enterprise Zone designation and authorized the City Manager or his designee to execute all documents related thereto.

NB 1. AMENDMENT TO TITLE 10 OF THE LANCASTER MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC

It was the consensus of the City Council to waive the reading of the staff report.

On a motion by Council Member Sileo and seconded by Council Member Mann, the City Council introduced **Ordinance No. 935**, an ordinance of the City Council of the City of Lancaster, California, amending Section 10.04.070 of the Lancaster Municipal Code relating to closing roads and highways, by the following vote: 4-0-0-1: AYES: Mann, Marquez, Sileo, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

NB 2. CONVERTING TO A CHARTER CITY

Vice Mayor Smith stated that a thirty minute time limit would be placed on this matter.

The City Attorney presented the staff report regarding this matter.

Addressing the City Council on this matter:

In opposition, with concerns regarding prevailing wages and using due diligence when it comes to this matter: Richard Slawson; Bill Taylor; Steve Ward; Jason Lewis; Randy Monette; Arnold Rodio; Bill Mangum; Darren Parker.

Speaking with a neutral position on this matter: Mark Norris; Doug Williams; Danny Walters; Arnie Rodio.

Speaking in favor on this matter: Dan Billy

Further discussion took place with the City Council regarding Section 102 of the Charter in regards to all-mail ballot elections; definition of meeting and conferring with the mayor on Department Head selections; Section 202 of the Charter regarding directly elected mayor; consideration of reverting back to a Council that makes a nomination of a mayor and nominations of the Planning Commission selections; this Charter has as few changes as possible and keeps very close to the process for General Law cities.

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NB 2. CONVERTING TO A CHARTER CITY (continued)

Further discussion from the City Council included: appreciation of people who are well trained in the trades; appreciation that the Mayor wants to meet with the different groups regarding this matter; clarified that this matter will be brought back to the next meeting for consideration of placing it on the ballot in April, 2010; consider placing on the ballot with and without prevailing wage wording; acquiring jobs in Lancaster and the quality of life in this City is very important; ninety percent of what the City does in the future would be mandated by prevailing wage laws; concerns regarding loss of jobs, specifically in Lancaster; the Enterprise Zone is very important and people need to be involved in this; the Charter is not the implementing document; the ordinances of the City are the implementing documents.

It was the consensus of the City Council to authorize the City Attorney to finalize the draft of the proposed Charter and to present it to the City Council at the November 10, 2009 meeting together with necessary resolutions to place the issue on the ballot at the April 13, 2010 General Municipal Election.

NB 3. AMENDMENT TO TITLE 2 OF THE LANCASTER MUNICIPAL CODE RELATING TO ADMINISTRATION AND PERSONNEL PERTAINING TO THE POSITION OF DEPUTY MAYOR

This item was removed from the agenda.

CA 1. CONSIDER APPOINTING MARVIN CRIST AS CHAIRMAN AND DAVID VIERRA AS VICE CHAIRMAN OF THE CRIMINAL JUSTICE COMMISSION

This item was continued to the City Council meeting of November 10, 2009.

CA 2. CALIFORNIA HIGH SPEED RAIL - ANTELOPE VALLEY STATION

Vice Mayor Smith stated there is a High Desert Corridor which is around Palmdale airport and going all the way through Victorville. This is a multiphase project with Caltrans and the State; some of it has been funded; some of the points have been completed. He sits on the Joint Powers Authority with Mayor Ledford, Michael Antonovich, the Supervisor from San Bernardino, people from Victorville, and the upper valley – this is a large group of people working toward getting this corridor completed. There is also a private company called the Desert Express and they will be building a high speed rail from Victorville to Las Vegas. The High Speed Rail Authority for the State is looking at where they are placing their routes. One of the routes that they are considering and elected officials in the valley have been lobbying for is to have the route come through the Antelope Valley and it is important to be unified. The Desert Express has joined forces with the JPA to get this spur coming from the City of Victorville to the City of Palmdale. This will spark more interest from High Desert Rail in coming to California and coming through the Antelope Valley.

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**CA 2. CALIFORNIA HIGH SPEED RAIL - ANTELOPE VALLEY STATION
(continued)**

Vice Mayor Smith stated that it makes sense having this come to the City of Palmdale, this will benefit the valley; it will take California Rail through the Antelope Valley, connect and help with the High Desert Express; the High Desert Corridor. He stated that he believes this is the direction that Supervisor Antonovich is leaning towards and requested consensus from the City Council to write a letter supporting the beliefs of Supervisor Antonovich, that the best place to put this is Palmdale.

Council Member Sileo stated that he concurs that when dealing with State Agencies and much bigger entities, it is important to have a unified front and it is important that they see the local government, local community involvement in a broad spectrum of support. With all the ground work that has been done, it is important to support this being placed in the City of Palmdale and this will benefit the entire Antelope Valley.

It was the consensus of the City Council to direct staff to write a letter of support regarding this matter.

RECESS Vice Mayor Smith requested a brief recess at 6:40 p.m.

RECONVENE Vice Mayor Smith reconvened the meeting at 6:45 p.m.

CA 101. DISCUSSION REGARDING CHLORAMINES

Vice Mayor Smith stated that Mayor Parris had mentioned this subject at a press briefing. Vice Mayor Smith stated that the County of Los Angeles which is Water District 40 – the issue of chloramines was brought up to them and the City requested that they hold some public meetings and receive public input. He feels that the Council should not take a position on this until the County has gone through their meetings. He does not feel it is appropriate for the City to chime in at this time and they should be allowed to conduct their hearings. When the County has finished their hearings, that will be the time for the City to comment and the City Council concurred that it is important that the County conduct their meetings before cities weigh in on this matter.

CITY MANAGER’S / EXECUTIVE DIRECTOR’S ANNOUNCEMENT

None

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.

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PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Addressing the City Council at this time:

Darleen Peterson – Presented sample illustrations regarding signs for Challenger Way recognizing the history of the space shuttle.

Eric Muravez – Expressed his thanks and appreciation to City staff; everyone has been very professional and helpful as he works toward his business venture.

Gary Burgess – Expressed his concerns that not everyone was allowed to express their feelings during the matter regarding the Charter City. Inquired as to where it is written that a time limit can be placed on an item; encouraged Council not to restrict the time on such important matters.

Vice Mayor Smith stated that there is case law that has allowed for limits on matters before a governing body to allow for an orderly process of different matters; it is allowed and it works. He requested that the City Attorney give Mr. Burgess the case laws and citations so that he can look this up and see that it is legal to conduct meetings in this fashion.

RECESS Vice Mayor Smith recessed the meeting at 6:59 p.m. for the purpose of conducting a Closed Session regarding:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Gov Code 54956.9(a))

ANTELOPE VALLEY GROUNDWATER CASES

Included Actions:

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.
Superior Court of California, County of
Los Angeles, Case No. BC325201;

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v. Palmdale
Water Dist., Superior Court of California
County of Riverside, consolidated actions; Case
Nos. RIC 353 840, RIC 344 436, RIC 344 668.

Santa Clara Case No. 1-05-CV 049053

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RECONVENE Vice Mayor Smith reconvened the meeting at 7:13 p.m.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney announced that the City Council met in Closed Session regarding the aforementioned matter; gave direction to Special Counsel concerning settlement negotiations that have taken place.

COUNCIL COMMENTS

Council Member Marquez stated that it is cause for celebration that the crime rate has dropped twenty one percent again for the fourth consecutive quarter and we have our citizens to thank because they are getting more and more involved.

Council Member Marquez stated that as she was reviewing the Warrant Register she realized how much reimbursement was going back to local businesses and how great that stimulus package was, therefore kudos again to the City and staff.

Council Member Marquez discussed preserving some of the history of Lancaster and that it is important to preserve the Woolworth logo in the sidewalk next to the Lemon Leaf Café and there is a lot of history there.

Council Member Marquez stated that this meeting would be adjourned in memory of a World War II veteran and that the country is losing its World War II veterans at a rate of 1500 per day and this is the greatest generation that we are losing.

ADJOURNMENT

Vice Mayor Smith adjourned the meeting at 7:16 p.m. in memory of Charles “Cece” Ellison - a World War II Veteran who served on the USS Montauk, which took part in the April 1945 invasion of Okinawa and announced that the next regular meeting of the City Council/Redevelopment Agency would take place on Tuesday, November 10, 2009 at 5:00 p.m.

ATTEST:

APPROVED:

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

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)
