

CC 2
12/08/09
MVB

**LANCASTER CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES
November 10, 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

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 Analyst

INVOCATION

Reverend Maxine Shiltz – Revealing Truth Church

PLEDGE OF ALLEGIANCE

Daniel Lozano, USMC (Ret) – in honor of the USMC’s 234th Birthday

PRESENTATIONS

- 1) Student Speaker – Daniel Chirino, West Wind Elementary School presented his speech on “Honoring our Veterans.”
- 2) Presentation in honor of Veteran’s Day by World War II Veteran, Jim Hildreth
- 3) Mayor’s Athlete of the Month – Kyle Brooks, who received a \$1,000.00 Mayor’s Scholarship
- 4) Courage Award to Robert Pearce
- 5) Recognition of the Bark at the Park Committee
- 6) Louis V. Bozigian Gift of the Arts Award to Kathleen Burnett

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AGENDA ITEMS TO BE REMOVED

None

Chairman Parris stated that he would need to recuse himself from Item No. RCC 5, due to the proximity of the project to property that he owns.

Agency Director Mann stated that he would need to recuse himself from Item No. RCC 4, due to the proximity of the project to property that he owns.

APPROVAL OF AGENCY CONSENT CALENDAR

On a motion by Vice Chairman Smith and seconded by Agency Director Sileo, the Redevelopment Agency approved the Agency Consent Calendar, with the exception of Item Nos. RCC 4 and RCC 5, 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 October 27, 2009.

RCC 2. CANCELLATION OF MEETING

Approved the cancellation of the Redevelopment Agency meeting of April 13, 2010 and directed the City Clerk to post the required notice.

RCC 3. ACQUISITION OF REAL PROPERTY

Approved the agreement for acquisition of real property between the Lancaster Redevelopment Agency and The Bank of New York Mellon fka The Bank of New York, as trustee for the Certificate holders CWABS, Inc., Asset-Backed Certificates, Series 2005-16 as part of the approved Neighborhood Foreclosure Preservation Homeownership Program for property located at 45534 Gadsden Avenue, Lancaster, California.

At this time Agency Director Mann recused himself from Item No. RCC 4 and left the dais.

On a motion by Vice Chairman Smith and seconded by Agency Director Marquez, the Redevelopment Agency approved Item No. RCC 4, by the following vote: 4-0-1-0; AYES: Marquez, Sileo, Smith, Parris; NOES: None; RECUSED: Mann; ABSENT: None.

RCC 4. ACQUISITION OF REAL PROPERTY

Approved the agreement for acquisition of real property between the Lancaster Redevelopment Agency and Bruce Pendleberry and May Pendleberry for property located at 44302 Beech Avenue, Lancaster, California.

At this time, Agency Director Mann returned to the dais.

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At this time Chairman Parris recused himself from Item No. RCC 5 and left the dais.

On a motion by Agency Director Marquez and seconded by Agency Director Sileo, the Redevelopment Agency approved Item No. RCC 5, by the following vote: 4-0-1-0; AYES: Mann, Marquez, Sileo, Smith; NOES: None; RECUSED: Parris; ABSENT: None.

RCC 5. LOWTREE MASTER VISION PLAN

Concurred with the proposed revisions to the Lowtree Master Vision Plan and directed staff to implement the modifications made relative to planning, environmental, and redevelopment matters incorporated with the updated Lowtree Master Vision Plan.

At this time, Chairman Parris returned to the dais.

Vice Mayor Smith requested that Item No. CC 9 be pulled for separate discussion and action.

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

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 No. CC 9, 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 October 27, 2009.

CC 3. WARRANT REGISTER

Approved the Check and Wire Registers October 11, 2009 through October 24, 2009 in the amount of \$2,014,989.54.

CC 4. ORDINANCE NO. 935

Adopted **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.

CC 5. CANCELLATION OF MEETING

Approved the cancellation of the City Council meeting of April 13, 2010 and directed the City Clerk to post the required notice.

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CC 6. ACQUISITION OF REAL PROPERTY

Approved the agreement for acquisition of real property between the City of Lancaster and Deutsche Bank Trust Co., as trustee for GSAA Home Equity Trust 2006-2 property located at 1033 Holguin Street, Lancaster, California, as part of the approved Neighborhood Stabilization Program.

CC 7. ACQUISITION OF REAL PROPERTY

Approved the agreement for acquisition of real property between the City of Lancaster and Deutsche Bank National Trust Company, as trustee for GSAA Home Equity Trust 2006-4 property located at 45410 Gadsden Avenue, Lancaster, California, as part of the approved Neighborhood Stabilization Program.

CC 8. ACQUISITION OF REAL PROPERTY

Approved the agreement for acquisition of real property between the City of Lancaster and Federal National Mortgage Association for property located at 45316 6th Street East, Lancaster, California, as part of the approved Neighborhood Stabilization Program.

CC 9. APPOINTMENT TO LPAC FOUNDATION

On a motion by Mayor Parris and seconded by Vice Mayor Smith, the City Council accepted Mayor Parris's nomination of Gina Rogers to the Lancaster Performing Arts Center Foundation Board of Directors, by the following vote: 5-0-0-0: AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

CC 10. ACCEPTANCE OF INTERIOR STREET TREES FOR MAINTENANCE

Accepted the interior street trees for maintenance by the City for: Tract No. 53102-01, located on the southwest corner of Avenue J-8 and 45th Street West, Owner: Avone Home, LLC.; and Tract No. 061680, located on the southwest corner of Avenue K and 60th Street West, Owner: KB Home Greater Los Angeles, Inc.

CC 11. APPROVAL OF COMPLETED SEWER SYSTEMS

Approved the completed sewer system installed by the developer for Tract No. 52655, located between 17th Street West and 18th Street West, approximately 200 feet south of Lancaster Boulevard, Owner: Gibraltar Homes, LLC.

CC 12. ACCEPTANCE OF DEVELOPER CONSTRUCTED STREETS FOR MAINTENANCE

Approved the developer constructed streets and accepted the streets for maintenance by the City for: Site Plan Review No. 07-15, located at 604 East Avenue K, Owner: Yasser Mubarkeh; and Tract No. 061680, located on the southwest corner of Avenue K and 60th Street West, Owner: KB Home Greater Los Angeles, Inc.

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CC 13. APPROVAL OF COMPLETED WATER SYSTEMS

Approved the completed water systems installed by the developer for: Tract No. 060238, located on the northwest corner of Lancaster Boulevard and 30th Street West, Owner: DR Horton, Inc.; and Tract No. 061680, located on the southwest corner of Avenue K and 60th Street West, Owner: KB Home Greater Los Angeles, Inc.

CC 14. RECINDING FINAL MAP APPROVALS

Rescinded approval of final maps for: Tract Map No. 47414, located on the east side of 23rd Street West and 668 feet north of Avenue L, Owner: Dave Bradley; and Tract Map No. 066383, located on the southeast corner of Avenue K and 70th Street West, Owner: WSI Avanti Land, LLC.

CC 15. PWCP NO. 08-048

Accepted the work constructed by C. S. Legacy Construction, Inc., for **Public Works Construction Project No. 08-048**, Tierra Bonita Park Water Conservation Modifications – Phase 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 16. PWCP NO. 08-006

Approved the expansion of the scope of work on **Public Works Construction Project No. 08-006**, Lancaster Boulevard Bikeway and 20th Street East Storm Drain, to include drainage improvements at Challenger Way and Avenue H-8; approve Change Order No. 1 and increased the total amount of the contract with Floyd Johnston Construction for Public Works Construction Project No. 08-006 by \$171,225.00 for a total revised contract amount of \$4,217,009.00.

CC 17. PWCP NO. 09-003

Awarded **Public Works Construction Project No. 09-003**, Traffic Signals at Avenue L-8 and 30th Street West, Avenue L and 35th Street West, and Various Signal Modifications ESPL 5419-(023), to Taft Electric Company, in the amount of \$1,339,980.00 plus a 10% contingency; appropriated \$1,339,980.00 in American Recovery and Reinvestment Act (ARRA) grant funds to Capital Improvements Budget Account No. 383-16ST001-924; increased estimated revenues in Account No. 383-3402702, ARRA Grant Revenues, by the same amount and authorized the City Manager, or his designee, to sign all documents.

CC 18. APPROPRIATION OF GRANT FUNDS

Approved appropriation of \$186,196.00 in new grant funds to Account No. 324-4821-770 for Office of Traffic Safety Grant Number PT1033 for Selective Traffic Enforcement Program (STEP), and increased revenue in Account No. 324-3307-100 in the same amount.

CC 19. This item number not used.

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CC 20. RESOLUTION NO. 09-106

Adopted **Resolution No. 09-106**, a resolution of the City Council of the City of Lancaster, California, ordering judicial foreclosures of delinquent special taxes for Community Facilities District 89-1.

CC 21. RESOLUTION NO. 09-107

Adopted **Resolution No. 09-107**, a resolution of the City Council of the City of Lancaster, California, ordering judicial foreclosures of delinquent special taxes for Community Facilities District 90-1.

CC 22. RESOLUTION NO. 09-108

Adopted **Resolution No. 09-108**, a resolution of the City Council of the City of Lancaster, California, ordering judicial foreclosures of delinquent special taxes for Community Facilities District 91-1.

CC 23. RESOLUTION NO. 09-109

Adopted **Resolution No. 09-109**, a resolution of the City Council of the City of Lancaster, California, ordering judicial foreclosures of delinquent special taxes for Community Facilities District 91-2.

CC 24. RESOLUTION NO. 09-110

Adopted **Resolution No. 09-110**, a resolution of the City Council of the City of Lancaster, California, ordering judicial foreclosures of delinquent special taxes for Community Facilities District 92-101R.

CC 25. RESOLUTION NO. 09-111

Adopted **Resolution No. 09-111**, a resolution of the City Council of the City of Lancaster, California, ordering judicial foreclosures of delinquent special taxes for Community Facilities District 93-3.

It was the consensus of the City Council to take Item No. NB 1 at this time, due to the number of citizens present and requesting to speak.

NB 1. GENERAL MUNICIPAL ELECTION – APRIL 13, 2010

The City Clerk presented the staff report regarding this matter.

The City Attorney reviewed Resolution No. 09-103 regarding proposed measures for the April ballot. He stated that at the last Council meeting there were two key provisions discussed regarding Measure C which pertains to the charter. The first one was the prevailing wage section and the second was the power of the Mayor to make appointments as is currently provided by State law. The current draft of the charter would allow the City to adopt procedures which would exempt public works projects of the City from the prevailing wage statutes. He presented the Council with a proposed change to the charter regarding prevailing wages and reviewed this language.

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NB 1. GENERAL MUNICIPAL ELECTION – APRIL 13, 2010 (continued)

The City Attorney stated that the second issue was in regards to the appointment power of the Mayor and Council Member Sileo had some concerns. The City Attorney reviewed the process and offered some alternative language for the charter.

Mayor Parris stated that he met with Mr. Hunter, representative for the union; listened to the testimony from the last Council meeting and found everything to be very compelling. He stated that Mr. Hunter expressed a desire to bring a training center to the Antelope Valley and this would definitely have a positive impact on the valley.

Council Member Sileo presented a brief history on how the voters of Lancaster changed the position of the Mayor from one that was a rotated position to one that is now elected. Currently the Mayor appoints all boards and commissions and in the past each Council Member brought forth a nomination for the Council to consider. It is important to know and understand the role of the Council and Mayor and whether a City has a strong mayor or a weak mayor and what direction the City will go in regards to a charter.

Further discussion took place regarding the strong mayor/weak mayor form of government.

Addressing the City Council with concerns regarding the prevailing wage section of the charter: Daniel Lozano; Gary Epps; Bill Taylor; Dave Tarango; Abehardo Yearwood; Andy Klein; Randy Monette; Robbie Hunter; Richard Slawson.

Addressing the City Council with concerns regarding the prevailing wage section of the charter; power of the mayor section; salaries of Council Members: David Paul; Amelia Jennings; Paul Jennings; Scott Pelka; Allan Andrews; Velo Wright.

Comments and concerns by City Council included:

Importance of compassion for the workers; bringing quality jobs to Lancaster; in favor of the modifications to Section 300; there are many people in Lancaster who are trying to make a living without being a part of a union; the charter is very important so that the state can do less damage to the City; there needs to be a better argument for the competitive bidding process; prevailing wage section helps a certain group of workers but not everyone; could the City do more with lower costs for projects and still receive quality work; not sure a change to the prevailing wage language is necessary; must look at what is best for the City; the charter was created to gain more self rule and to try to keep the State from doing damage; encouraged the audience to support the charter if the modification language is approved; important to move forward with a training center in Lancaster.

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NB 1. GENERAL MUNICIPAL ELECTION – APRIL 13, 2010 (continued)

On a motion by Council Member Mann and seconded by Vice Mayor Smith, the City Council approved the modification to the charter regarding Section 300 by adding Section 301, by the following vote: 4-1-0-0; AYES: Mann, Marquez, Smith, Parris; NOES: Sileo; ABSTAIN: None; ABSENT: None.

RECESS Mayor Parris requested a brief recess at 6:43 p.m.

RECONVENE Mayor Parris reconvened the meeting at 6:52 p.m.

Council Member Sileo expressed his concerns and clarified his position regarding the section of the charter pertaining to the power of the mayor. He stated that the current process works with the current Council, however he is concerned about future members who hold the mayor and council seats and what direction this could take the City.

Mayor Parris explained his position regarding this matter, stating that the people who take office must work for the benefit of the City; the process did not work in the past; the law requires the Mayor to appoint the boards and commissions. In the past, many times a Council Member would select an appointee based on how they worked on their campaigns; progress was slow; cookie cutter housing tract problems came about; the City has run out of water; this was not a good process, there was not a cohesive force. Voters need to see progress; reminded the Council that with the last three commissions he requested choices from other Council members and received none. The commission members that he selected and the ones that were ratified by the Council know their jobs very well.

Further discussion took place regarding several areas where past councils did not follow the code in regards to an elected mayor; selection process; importance of having a charter in place; the best people have been appointed to the commissions – people who care about this City; preference for Alternative One regarding the Mayor’s power of appointment; all-mail ballot elections; salaries of City Councils; duties are much more complex today than when this City had a population of 20,000; clarification regarding the importance of compliance with the General Plan and zoning.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council approved Section 202 – Alternative One of the charter, by the following vote: 4-1-0-0; AYES: Mann, Marquez, Smith, Parris; NOES: Sileo; ABSTAIN: None; ABSENT: None.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council adopted the following resolutions (with amendments to Attachment “A” of Resolution No. 09-103 in regards to the charter) by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

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NB 1. GENERAL MUNICIPAL ELECTION – APRIL 13, 2010 (continued)

Resolution No. 09-99, a resolution of the City Council of the City of Lancaster, California, calling and giving notice of the holding of a General Municipal election to be held on Tuesday, April 13, 2010, for the election of certain officers as required by the provisions of the laws of the State of California relating to general law cities.

Resolution No. 09-100, a resolution of the City Council of the City of Lancaster, California, requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City related to the conduct of a General Municipal Election to be held on Tuesday, April 13, 2010.

Resolution No. 09-101, a resolution of the City Council of the City of Lancaster, California, adopting regulations for candidates for elective office, pertaining to filing fees and candidate statements submitted to the voters at an election to be held on Tuesday, April 13, 2010.

Resolution No. 09-102, a resolution of the City Council of the City of Lancaster, California, providing for the conduct of a special runoff election for elective offices in the event of a tie vote at the General Municipal Election to be held on Tuesday, April 13, 2010.

Resolution No. 09-103, a resolution of the City Council of the City of Lancaster, California, ordering the submission of Measures to the qualified electors of the City, relating to the General Municipal Election to be held on Tuesday, April 13, 2010 as called for in Resolution No. 09-99.

Resolution No. 09-104, a resolution of the City Council of the City of Lancaster, California, setting priorities for filing written arguments regarding the City Measures and directing the City Attorney to prepare the impartial analysis.

Resolution No. 09-105, a resolution of the City Council of the City of Lancaster, California, providing for the filing of rebuttal arguments for City Measures submitted at Municipal Elections.

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It was the consensus of the City Council to take Item No. PH 1 at this time, due to the number of citizens present and requesting to speak.

PH 1. TOBACCO RETAIL LICENSE FEE

Mayor Parris opened the Public Hearing for PH 1. The Finance Director presented the staff report.

Addressing the City Council on this matter and representing Teen Builders: Joyce Bell; Sue Strom; Ms. Kylie. They work to educate the community regarding the dangers of tobacco; talk to students; advise students against anything negative; very easy for teens to purchase tobacco products; encouraged Council to increase the taxes on tobacco products.

Xavier Flores - Project Coordinator in the Antelope Valley for tobacco prevention; reduce access to tobacco by youth; encouraged Council to adopt the resolution and review the progress in six months.

Manuel Salazar – he has worked with youth his whole life; fee resolution is great and is a step in the right direction.

Ray Chavira – he began with the alcohol and tobacco coalition; importance of considering a companion ordinance to this resolution; tighter restrictions are needed.

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

Comments and concerns by City Council included:

Clarification of compliance; cost allocations; importance of enforcement; review in six months.

On a motion by Council Member Sileo and seconded by Vice Mayor Smith, the City Council adopted **Resolution No. 09-98**, a resolution of the City Council of the City of Lancaster, California, amending Resolution No. 08-31 and Resolution No. 09-91, in part, as it relates to the tobacco retailer permit fee, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

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JPH 1. DISPOSITION STRATEGY FOR PROPERTIES ACQUIRED BY THE LANCASTER REDEVELOPMENT AGENCY UNDER THE TREND MASTER VISION PLAN

Mayor/Chairman Parris opened the Joint Public Hearing for JPH 1. It was the consensus of the City Council to waive the presentation of the staff report.

Hearing no further testimony, Mayor/Chairman Parris closed the Joint Public Hearing.

On a motion by Vice Chairman Smith and seconded by Agency Director Marquez, the Redevelopment Agency adopted **Resolution No. 24-09**, a resolution of the Lancaster Redevelopment Agency, Lancaster, California, approving a disposition strategy for the sale of single-family residences acquired in the Trend Master Vision Plan area, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council adopted **Resolution No. 09-96**, a resolution of the City Council of the City of Lancaster, California, approving a disposition strategy for the sale of single-family residences acquired in the Trend Master Vision Plan area, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

JPH 2. PROPOSED AMENDMENT NO. 2 TO THE REDEVELOPMENT PLAN FOR THE LANCASTER FOX FIELD REDEVELOPMENT PROJECT

Mayor/Chairman Parris opened the Joint Public Hearing for JPH 2. It was the consensus of the City Council to waive the presentation of the staff report.

Hearing no further testimony, Mayor/Chairman Parris closed the Joint Public Hearing.

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

Resolution No. 25-09, a resolution of the Lancaster Redevelopment Agency, approving the report to the City Council for the Proposed Amendment No. 2 to the Redevelopment Plan for the Lancaster Fox Field Redevelopment Project and authorizing transmittal of said report and amendment to the City Council.

Resolution No. 26-09, a resolution of the Lancaster Redevelopment Agency, considering and adopting the Negative Declaration of Environmental Impact for the Proposed Amendment No. 2 to the Redevelopment Plan for the Lancaster Fox Field Redevelopment Project.

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JPH 2. PROPOSED AMENDMENT NO. 2 TO THE REDEVELOPMENT PLAN FOR THE LANCASTER FOX FIELD REDEVELOPMENT PROJECT (continued)
Resolution No. 27-09, a resolution of the Lancaster Redevelopment Agency, approving the Proposed Amendment No. 2 to the Redevelopment Plan for the Lancaster Fox Field Redevelopment Project.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted **Resolution No. 09-97**, a resolution of the City Council of the City of Lancaster, California, considering and adopting the Negative Declaration of Environmental Impact for the Proposed Amendment No. 2 to the Redevelopment Plan for the Lancaster Fox Field Redevelopment Plan, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council introduced **Ordinance No. 937**, an ordinance of the City Council of the City of Lancaster, California, approving and adopting Amendment No. 2 to the Redevelopment Plan for the Lancaster Fox Field Redevelopment Project, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

NB 2. TICKETS PROVIDED BY AGENCY REPORTING POLICY
The City Attorney provided the staff report regarding this matter.

Comments and concerns by City Council included:
Clarification regarding what needs to be reported and on what form; declaring tickets as income; requesting stricter guidelines to prevent Council Members and staff from selling the tickets; clarification regarding behesting the tickets to someone else.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council approved the Tickets Provided by Agency Reporting Policy adding an amendment to prevent Council Members and City staff from reselling the tickets, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

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NB 3. AMENDING AND ADDING CHAPTERS TO THE LANCASTER MUNICIPAL CODE PERTAINING TO ANIMAL CONTROL

The City Attorney presented the staff report regarding this matter.

Comments and concerns by City Council included:

Clarification regarding micro chipping; cost savings in regards to housing dogs/cats at the animal shelter; process by the County is not accurate and the billing methods from the County are unacceptable; it is important to figure out what part of the billing truly belongs to the City of Lancaster.

City staff discussed billing; how data is reviewed; mapping where animals are picked up; difficult to establish error rates and patterns; billing is based on populations; this is a short term process to reduce costs and staff hopes to have a better solution in the next budget year.

On a motion by Vice Mayor Smith and seconded by Council Member Sileo, the City Council introduced **Ordinance No. 938**, an ordinance of the City Council of the City of Lancaster, California, amending Chapter 6.04 of Title 6 and adding Chapter 6.08 to Title 6 of the Lancaster Municipal Code relating to animal control, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

NB 4. ESTABLISHMENT OF A LOCAL VENDOR PREFERENCE POLICY

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

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council approved the establishment of an administrative policy that encourages and supports the procurement of goods and services from local businesses by establishing a procedure by which local businesses are given a preference in the procurement process, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

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

Addressing the Council on this matter:

Scott Pelka – stated that he is opposed to the appointment of Mr. Crist to the commission due to past discretions by Mr. Crist and because Mayor Parris places ads on a website that is owned and operated by Mr. Crist.

RECESS Mayor Parris requested a brief recess at 8:00 p.m.

RECONVENE Mayor Parris reconvened the meeting at 8:06 p.m.

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

Mayor Parris stated that he would recuse himself from this matter due to a potential conflict and left the dais.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council approved the appointments of Marvin Crist as Chairman and David Vierra as Vice Chairman of the Criminal Justice Commission, 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.

CA 2. CONSIDER APPOINTING TIM STURTEVANT AS CHAIRMAN AND RE-APPOINTING LARRY GROOMS AS VICE CHAIRMAN OF THE LANCASTER NEIGHBORHOOD VITALIZATION COMMISSION

On a motion by Mayor Parris and seconded by Vice Mayor Smith, the City Council approved the appointment of Tim Sturtevant as Chairman and the re-appointment of Larry Grooms as Vice Chairman of the Lancaster Neighborhood Vitalization Commission, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

CA 3. CONSIDERATION OF APPOINTMENT NOMINATION TO THE CRIMINAL JUSTICE COMMISSION

On a motion by Mayor Parris and seconded by Vice Mayor Smith, the City Council accepted Mayor Parris's nomination and appointment of James Gaupel to the Criminal Justice Commission, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

CA 4. DISCUSSION OF HOME BASED BUSINESSES

On behalf of Mayor Parris, the Finance Director presented the following information:

- The City of Lancaster's new partnership with Wells Fargo Bank, the Small Business Development Center and the AV Board of Trade offers small business workshops and counseling to existing and prospective entrepreneurs.
- With home-based businesses making up about 20% of all businesses in Lancaster, the City recognizes an opportunity to not only capitalize on the new partnership with the SBDC but also to provide assistance to a vital yet often overlooked business sector.
- The City of Lancaster is pleased to announce that in order to stimulate the continuing development of the home-based business sector, the City will, for a limited time, pay for the cost of SBDC workshops for all of those who would like to participate and also will, in addition, waive all home-based licensing and permitting fees for one year, up to a total program cost of \$40,000, for all participants who successfully complete the SBDC workshops.

The City Council gave staff direction to implement the program.

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CA 5. FURTHER ACTION ON A CITIZEN COMPLAINT OF ETHICAL VIOLATION BY A COUNCIL MEMBER

The City Attorney gave the background on a complaint from citizen, Diana Reeves stating that she felt that special consideration was given to Council Member Mann regarding allowing and the placement of Camille's Restaurant trailer at a recent downtown event.

Council Member Mann stated that the report from Mr. McEwen is accurate. He has discussed this situation with the City Attorney and the City Manager and unfortunately he was told that he took advantage of staff regarding this event and that was not the case. He wrote a letter explaining his actions; did not take advantage.

Vice Mayor Smith stated that this is a situation of an actual complaint from a citizen; Mayor Parris asked for an investigation; consider having a third party who is unbiased to review this matter and present their findings; give direction to the City Attorney for a clear cut policy.

Council Member Marquez agreed that this should be given to a third party for review.

Council Member Sileo questioned if Mr. Mann or Camille's was treated any differently than other vendors and if not, this matter needs no further discussion; was there a significant financial impact to the other vendors by the placement of this trailer; stricter guidelines make sense but this does not rise to the level of having outside counsel review this.

Addressing the City Council on this matter:

Johnathon Ervin – stated that he has looked at the evidence; no need for independent investigation; this issue reminded him of accusations that were pointed at him; matter should be dealt with in Closed Session, not the public.

Further discussion took place between Mayor Parris and Mr. Ervin.

Mayor Parris clarified that this is not a matter for Closed Session because Mr. Mann is not an employee; issue does not fall into closed session regulations and it would be a Brown Act violation to do so.

Scott Pelka – discussed election hit mailers; feels this is a non-issue.

**LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY
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CA 5. FURTHER ACTION ON A CITIZEN COMPLAINT OF ETHICAL VIOLATION BY A COUNCIL MEMBER (continued)

Comments and concerns by City Council included:

This is sufficiently serious; City Attorney does not like to be placed in this position; this is uncomfortable for staff; important to have distinct policies; consider independent counsel; important to follow policies; ethics violations in the past have taken place but rather than follow a procedure, those violations were brought before the City Council as political fodder; support for doing the right thing and bringing complaints to the Council; are there enough facts to support the complaint; important to define the roles between Council Members and staff so that nothing like this happens; this should not be debated at the dais and can become political; having this looked at by independent counsel is the right way to do this.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council requested that the City Attorney provide the names of some individuals that are experienced in these matters for the Mayor to choose from and have the City Attorney bring a report back to the Mayor, by the following vote: 3-1-1-0; AYES: Marquez, Smith, Parris; NOES: Sileo; ABSTAIN: Mann; ABSENT: None.

CITY MANAGER'S / EXECUTIVE DIRECTOR'S ANNOUNCEMENT

The City Manager announced that City Hall would be closed on Veteran's Day, November 11, 2009; several events will be taking place in Lancaster to honor veterans and the dedication of the new Veteran's Home will take place on November 20, 2009.

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:

David Paul – discussed the potential for a Deputy Mayor; important to have a stronger City Manager than Palmdale.

Paul Jennings – discussed the potential for a Deputy Mayor; encourage the Mayor to give added duties to the Vice Mayor and the other Council Members.

Jason Zink – concerns regarding the lack of sidewalks where there are public facilities; new elementary school does not have adequate sidewalks; witnessed a man with a walker crossing railroad tracks, again no sidewalks.

The City Manager stated that he would have staff look into this.

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

Ray Chavira – on behalf of the Mobilehome Park tenants at Sherwood Mobilehome Park, improvements are needed; concerns regarding sewers; continue the good service for the parks; help prevent liability problems.

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

Vice Mayor Smith reported the following:

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

- The Board approved several commuter service route and fare increases. After many months of taking public comment, assessing the fiscal impact, analyzing ridership and fare collection systems and processes and undertaking field surveys, staff presented several fare structure scenarios for the Board's consideration. After a long discussion regarding AVTA's charter to provide commuter bus services, the Board voted to increase fares to achieve 100% fare box recovery.
- The Board approved a contract with Gary Little Construction, Lancaster, CA, not to exceed \$328,000 for construction of perimeter fencing and gates around the AVTA facility on 10th Street West. The project will be funded using capital grants specifically earmarked for security and Federal Transit Administration 5307 funds obtained for the Facility Phase II Project.
- The Board approved the implementation of a Mobility Management Program. The program will have a current year fiscal impact of \$13,000, which will require a mid-year budget adjustment. A total of \$75,690 is required to fund the program over the three year pilot period. The benefits of this type of program often include providing greater access to funding, creating a more cost-effective use of resources, including reduced duplication and overlap in human service agency transportation services; filling service gaps in a community or geographic area; serving additional individuals within existing budgets; and providing more centralized management of existing resources.

COUNCIL / AGENCY COMMENTS

Council Member Marquez stated that she likes the ideas presented by Darlene Peterson at the last meeting regarding space shuttle signs on Challenger Way and has asked the City Manager to contact NASA and see if this can be done. She stated that she was honored to have Mr. Hildreth at the meeting this evening; God bless our troops; encouraged citizens to honor the all veterans on November 11, 2009.

Mayor Parris stated that the City has been meeting with the Chinese; potential for a huge number of jobs coming to Lancaster; City is pursuing the possibility of a Sister City in China.

CLOSED SESSION

None

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ADJOURNMENT (Agency and Council)

Mayor Parris stated that pursuant to action taken by the City Council / Redevelopment Agency on August 11, 2009, there will not be a City Council / Redevelopment Agency meeting on November 24, 2009.

A 3-minute video was presented in honor of all American Soldiers.

Mayor Parris adjourned the meeting at 9:19 p.m. and announced that the next regular meeting of the City Council/Redevelopment Agency would take place on Tuesday, December 8, 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

**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)
