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| CC 2 |
| 06/08/10 |
| MVB |

**LANCASTER CITY COUNCIL
REDEVELOPMENT AGENCY/FINANCING AUTHORITY
MINUTES
May 25, 2010**

CALL TO ORDER

Mayor/Chairman Parris called the regular meeting of the City Council/Redevelopment Agency/Financing Authority meeting to order at 5:00 p.m.

ROLL CALL

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

Staff

Members: City Manager/Executive Director; Deputy City Manager/Deputy Executive Director; City Attorney/Agency/Authority Counsel; Deputy City Clerk/Agency/Authority Secretary; Assistant to the City Manager; Associate Planner; Public Works Director; Parks, Recreation & Arts Director; Finance Director; Redevelopment Projects Coordinator; Housing Director; Human Resources Director

INVOCATION

The invocation was not given.

PLEDGE OF ALLEGIANCE

Little Miss Lancaster - Lily Zuniga

PRESENTATIONS

Recognition of Little Miss Lancaster – Lily Zuniga

Presenter: Mayor Parris

Recognition to the City of Lancaster from Los Angeles County Fire Department

AGENDA ITEMS TO BE REMOVED

None

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APPROVAL OF AGENCY CONSENT CALENDAR

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.

On a motion by Vice Chairman Smith and seconded by Agency Director Crist, the Redevelopment Agency approved the Agency Consent Calendar with the exception of Item No. RCC 4, by the following vote: 5-0-0-0: AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

RCC 1. MINUTES

See CC 2A for the approval of the Special Joint Meeting minutes of May 7, 2010.

RCC 2. MINUTES

See CC 2B for the approval of the Regular Redevelopment Agency Meeting minutes of May 11, 2010.

RCC 3. ACQUISITION OF REAL PROPERTY

Approved the agreement for the acquisition of real property between the Lancaster Redevelopment Agency and Deutsche Bank National Trust Company, as trustee for Morgan Stanley Loan Trust 2006-NC2 for property located at 45333 10th Street West, Lancaster, California. Funds will be expended from budgeted Housing Bond Proceeds.

At this time, Agency Director Mann recused himself and left the dais.

RCC 4. ACQUISITION OF REAL PROPERTY

On a motion by Vice Chairman Smith and seconded by Agency Director Marquez, the Redevelopment Agency approved the agreement for the acquisition of real property between the Lancaster Redevelopment Agency and Margaret Lynne Howard for property located at 44338 Beech Avenue, Lancaster, California. Funds will be expended from budgeted Housing Bond Proceeds, by the following vote: 4-0-1-0: AYES: Crist, Marquez, Smith, Parris; NOES: None; RECUSED: Mann; ABSENT: None.

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

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APPROVAL OF CITY COUNCIL CONSENT CALENDAR

Item No. CC 10 was pulled for separate discussion and action.

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 10, by the following vote: 5-0-0-0: AYES: Crist, Mann, Marquez, 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 2A. MINUTES

Approved the Special Joint Meeting minutes of May 7, 2010.

CC 2 B. MINUTES

Approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of May 11, 2010.

CC 3. WARRANT REGISTER

Approved the Check and Wire Registers April 25, 2010 through May 8, 2010 in the amount of \$1,583,762.54.

CC 4. ORDINANCE NO. 943

Adopted **Ordinance No. 943**, an ordinance of the City Council of the City of Lancaster, California, amending Chapters 2.34 and 2.30 of the Lancaster Municipal Code to extend the Sunset Provisions regarding the Criminal Justice Commission and the Architectural/Design Planning Commission.

CC 5. ACCEPTANCE OF MAINTENANCE FOR LDBAD

Approved and accepted for maintenance the work and materials for the drainage improvements for Lancaster Drainage Benefit Assessment District, Annexation No. 04-95, installed for: Tract No. 60889, located on the northeast corner of Avenue L and 60th Street West, Owner: Richmond American Homes of CA, Inc. Appropriated \$710.00 from the first year's maintenance cost, that have been paid by the developer, to cover the remaining two (2) months of the fiscal year into Drainage Maintenance Operating Account No. 484-4743-404.

CC 6. ACCEPTANCE OF INTERIOR STREET TREES FOR MAINTENANCE

Accepted the interior street trees for maintenance by the City for Tract No. 60427, located on the northeast corner of 40th Street West and Avenue J-12, Owner: Lancaster Palms, LLC.

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CC 7. MONUMENTATION WORK

Approved the monumentation work for Tract No. 60427, located on the northeast corner of 40th Street West and Avenue J-12, Owner: Lancaster Palms, LLC.

CC 8. ACCEPTANCE OF STREETS FOR MAINTENANCE

Approved the developer constructed streets and accepted the streets for maintenance by the City for Director's Review No. 99-04, located at 43847 North Division Street, Owner: Sang Bok Kim; and Tract No. 60889, located on the northeast corner of Avenue L and 60th Street West, Owner: Richmond American Homes of CA, Inc.

CC 9. PWCP NO. 08-006

Accepted the work constructed by Floyd Johnston Construction Company, Inc., for **Public Works Construction Project No. 08-006**, Lancaster Boulevard Bikeway and 20th Street East Storm Drain Improvements; 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 10. PWCP NO. 09-026

Public Works Construction Project No. 09-026, Avenue I Resurfacing STPL 5419-(019).

Addressing the City Council on this matter:

Gary Spinetti, Local Manager for Granite Construction Co.; concerned with inadequacies with the low bidder - Vance Construction's efforts to include Disadvantaged Business Enterprises (DBE's) in the project, provided letter to the City, City's response states City determined the irregularities are minor; suggests the City confirms the action by low bidder will stand the test for Cal Trans and will not jeopardize reimbursement from Cal Trans.

Mayor Parris requested clarification and Mr. Spinetti stated that specifications require a certain percentage of a contract must be subcontracted to disadvantaged businesses; low bidder for this project did not list a DBE contractor.

Mayor Parris requested clarification regarding the previous history with Vance Construction and Granite Construction. The City Attorney and City staff worked with Cal Trans and it was determined that requirements were satisfied; the low bidder's failure to include a DBE is only unreasonable in hindsight. Cal Trans believes it would have been unreasonable to include the DBE as it may have made the difference of a contractor being the low bidder; staff is satisfied with the requirements and the good faith effort and the City Council is required to award to lowest responsible bidder. Staff level at Cal Trans are satisfied with the bid, Granite Construction cautioned the City to be sure requirements are adequate with Cal Trans.

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CC 10. PWCP NO. 09-026 (continued)

On a motion by Vice Mayor Smith and seconded by Council Member Crist, the City Council approved the continuation of Item No. CC 10 to the Council Meeting of June 8, 2010, by the following vote: 5-0-0-0: AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

CC 11. LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT – ANNUAL ASSESSMENT FOR FISCAL YEAR 2010-2011

A. Adopted **Resolution No. 10-26**, generally describing any proposed improvements or substantial changes in existing improvements and ordering the City Engineer to prepare and file a report for Lancaster Drainage Benefit Assessment District.

B. Adopted **Resolution No. 10-27**, preliminarily approving the Engineer's Report, fixing time and place for public hearing on the levy of the proposed assessment and declaring its intention to levy and collect assessments within Lancaster Drainage Benefit Assessment District.

CC 12. LANCASTER LANDSCAPE MAINTENANCE DISTRICT NO. 1 – ANNUAL ASSESSMENT FOR FISCAL YEAR 2010-2011

A. Adopted **Resolution No. 10-28**, generally describing any proposed improvements or substantial changes in existing improvements and ordering the City Engineer to prepare and file a report for Lancaster Landscape Maintenance District No. 1, pursuant to provisions of the Landscaping and Lighting Act of 1972 of the Streets and Highways Code of the State of California.

B. Adopted **Resolution No. 10-29**, preliminarily approving the Engineer's Report, fixing time and place for public hearing on the levy of the proposed assessment and declaring its intention to levy and collect assessments within Lancaster Landscape Maintenance District No. 1, pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California.

CC 13. LANCASTER LIGHTING MAINTENANCE DISTRICT – ANNUAL ASSESSMENT FOR FISCAL YEAR 2010-2011

A. Adopted **Resolution No. 10-30**, generally describing any proposed improvements or substantial changes in existing improvements and ordering the City Engineer to prepare and file a report for Lancaster Lighting Maintenance District, pursuant to provisions of the Landscaping and Lighting Act of 1972 of the Streets and Highways Code of the State of California.

B. Adopted **Resolution No. 10-31**, preliminarily approving the Engineer's Report, fixing time and place for public hearing on the levy of the proposed assessment and declaring its intention to levy and collect assessments within Lancaster Lighting Maintenance District, pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California.

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CC 14. ACQUISITION OF REAL PROPERTY

Approved an agreement for acquisition of real property between the City of Lancaster and Federal National Mortgage for property located at 717 East Oldfield Street as part of the approved Neighborhood Stabilization Program.

CC 15. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the City of Lancaster and Wells Fargo Bank, N.A. as Trustee for the MLMI Trust Series 2005-FM-1 for property located at 45425 Date Avenue as part of the approved Neighborhood Stabilization Program.

CC 16. JOINT USE AGREEMENT

Approved the Joint Use Agreement with the Lancaster School District for the Piute Linear Pedestrian Park.

CC 17. ACQUISITION OF REAL PROPERTY

Approved an agreement for acquisition of real property between the City of Lancaster and Geraldine M. Baxter for property located at 1020 West Avenue J-6 as part of the approved Neighborhood Stabilization Program (NSP).

CC 18. ACQUISITION OF REAL PROPERTY

Approved an agreement for acquisition of real property between the City of Lancaster and Wachovia Bank, N.A. as Trustee, for Wachovia Bank, National Association for property located at 43016 Guyman Avenue as part of the approved Neighborhood Stabilization Program (NSP).

CC 19. ACQUISITION OF REAL PROPERTY

Approved an agreement for acquisition of real property between the City of Lancaster and Julian Gomez, a single man for property located at 44505 Watford Avenue as part of the approved Neighborhood Stabilization Program (NSP).

CC 20. ACQUISITION OF REAL PROPERTY

Approved an agreement for acquisition of real property between the City of Lancaster and Geraldine M. Baxter for property located at 45451 Foxton Avenue as part of the approved Neighborhood Stabilization Program (NSP).

CC 21. ACQUISITION OF REAL PROPERTY

Approved an agreement for acquisition of real property between City of Lancaster and Donna Sproul for property located at 1144 W. Avenue J-7, as part of the approved Neighborhood Stabilization Program (NSP).

CC 22. ACQUISITION OF REAL PROPERTY

Approved an agreement for acquisition of real property between City of Lancaster and Wells Fargo Bank for property located at 44414 Stanridge Avenue, as part of the approved Neighborhood Stabilization Program (NSP).

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CC 23. ACQUISITION OF REAL PROPERTY

Approved an agreement for acquisition of real property between City of Lancaster and Alvaro Martinez for property located at 44220 4th Street East, as part of the approved Neighborhood Stabilization Program (NSP).

CC 24. ACQUISITION OF REAL PROPERTY

Approved an agreement for acquisition of real property between City of Lancaster and Alicia Martinez for property located at 1035 West Avenue H-2, as part of the approved Neighborhood Stabilization Program (NSP).

CC 25. ACQUISITION OF REAL PROPERTY

Approved an agreement for acquisition of real property between City of Lancaster and Julio Cesar Castillo for property located at 45300 Century Circle, as part of the approved Neighborhood Stabilization Program (NSP).

CC 26. ACQUISITION OF REAL PROPERTY

Approved an agreement for acquisition of real property between City of Lancaster and U.S. Bank National Association for property located at 1124 West Avenue J-11, as part of the approved Neighborhood Stabilization Program (NSP).

CC 27. ACQUISITION OF REAL PROPERTY

Approved an agreement for acquisition of real property between City of Lancaster and Anthony H. Torres and Anthony J. Torres, Jr. for property located at 45542 Andale Avenue, as part of the approved Neighborhood Stabilization Program (NSP).

PH 1. SERVICE RATES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS

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

Council discussion included:

Council Member Marquez requested clarification regarding free dumping days, and the Public Works Superintendent Richard Long clarified that customers receive two free vouchers to the landfill each fiscal year and collection of up to four bulk item items per year for free as part of contract.

Council Member Marquez stated that she was concerned with the amount of illegal dumping that occurs in the City and would like Waste Management to offer something every six months, to address the issue.

The Public Works Superintendent stated that the Deputy City Manager has organized a task force to address illegal dumping.

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PH 1. SERVICE RATES FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS (continued)

Council Member Marquez requested clarification from Ms. Pursley, representing Waste Management as to whose property it is when trash is placed at the curb.

Ms. Pursley stated that Waste Management is proud to serve the City of Lancaster; they are reintroducing a waste watch program to address anti-scavenging; they will be training drivers to be aware of and report scavenging. Waste Management has researched other city's anti-scavenging ordinances; they want to meet with the City to discuss the idea.

Council Member Crist clarified reduction for last year was 1.9% and requested clarification regarding community involvement.

Ms. Pursley stated that Waste Management contributed approximately \$850,000 in 2009 in free services; in-kind services and monetary donations.

Council Member Crist stated that he would like to see more community involvement and donations and would like to meet with Ms. Pursley regarding future partnerships.

Council Member Mann would like to join Council Member Crist in meeting with Ms. Pursley to discuss community involvement.

RECESS Vice Mayor Smith requested a brief recess at 5:38 p.m.

RECONVENE Mayor Parris reconvened the meeting at 5:42 p.m.

Addressing the City Council at this time:

Lyle Talbot – stated that in 1992 when Waste Management's contract changed from 5 years to 15 years, several citizens requested a \$2 senior citizen discount, a \$2 composting discount, and a 5% discount if customer's pay their annual bill in advance. He would like the City to request a raise in the senior and composting discounts to \$4 each, and the advance payment of the bill to a 10% discount and he would like the City to make seniors aware of the discounts available.

On a motion by Council Member Marquez and seconded by Council Member Mann, the City Council approved the continuation of Item No. PH 1, to the Council Meeting of June 8, 2010, by the following vote: 4-0-1-0: AYES: Crist, Mann, Marquez, Parris; NOES: None; ABSTAIN: Smith; ABSENT: None.

**LANCASTER CITY COUNCIL/
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CA 1. APPROVAL OF THE APPOINTMENTS TO CITY COMMISSIONS

- Planning Commission
- Criminal Justice Commission
- Architectural/Design Commission
- Lancaster Neighborhood Vitalization Commission

On a motion by Council Member Marquez and seconded by Vice Mayor Smith, the City Council appointed the following people to the City Commissions, by the following vote: 5-0-0-0: AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

The Deputy City Clerk administered the oath of office to the newly appointed members that were present.

Planning Commission:

- James Vose
- Raj Malhi
- Daniel Jacobs
- Cassandra Harvey
- Randy Hall
- Fabian Terracciano
- Alex Wheeler

Architectural/Design Planning Commission:

- April Bartlett (Chair)
- Matthew Buchanan (Vice Chair)
- Timothy Wiley
- Andrew Mercy
- Diana Cook
- Courtney Stallworth

Criminal Justice Commission:

- David Vierra (Chair)
- Sandy Smith (Vice Chair)
- Mark Brown
- Jim Gaupel
- Concepción Harris
- Tim Fuller

Lancaster Neighborhood Vitalization Commission:

- Tim Sturtevant (Chair)
- Steven Derryberry (Vice Chair)
- Bret Banks
- Risa Shepler
- Larry Grooms
- Lew Stults
- David Sinclair

CITY MANAGER'S / EXECUTIVE DIRECTOR'S ANNOUNCEMENT

None

CITY CLERK / AGENCY / AUTHORITY SECRETARY ANNOUNCEMENT

The Deputy 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:

Jason Zink – concerns regarding lack of sidewalks near schools; would like the Mayor to propose a youth job program to plant trees and shrubs. Discussed pipes with turbines; oil spill in Gulf of Mexico - perfect opportunity to highlight the Antelope Valley as the future in alternative energy.

David Abber – discussed his removal from a press conference a few months ago; feels he is being harassed by the Sheriff's Department.

Emile Holmes – stated that he works with youth; has many ideas including a program called Reentry to Life which offers work to those individuals that have two strikes against them.

Ray Chavira – speaking on behalf of residents of Sherwood Mobile Home Park regarding the senior's only ordinance; must be 55 years of age in each space; encouraged Council to enforce the ordinance.

The City Manager and Council Member Marquez clarified that they have spoken with Mr. Chavira and told him the Housing Director would be getting back to him; the Code Enforcement Attorney prepared a report and City Attorney will complete his report.

Barbara Mayzels – Stated that Section 8 Board of Supervisors now want to know what prescriptions she is taking or they will revoke Section 8 benefits; money is going to benefit aliens, wants to know why the Board of Supervisors is handing out money for welfare for aliens and children who are not American citizens.

CR 1. REPORT ON THE ACTIVITIES OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT

Council Member Marquez presented the following information:

- The Board unanimously elected Ms. Sherry Marquez as Vice-Chair. Mike Dispenza of Palmdale as the newly elected Chair. Mr. Marvin Crist was sworn in as an AVAQMD Board Member representing the City of Lancaster.
- The Board voted to divide \$60,000.00 in available FY2009-10 AB2766 (motor vehicle registration) funds into two equal portions, and establish a one-time allocation of \$30,000 each to the Cities of Lancaster and Palmdale.
- The Board conducted a public hearing to consider amendments to Rule 301 (*Permit Fees*). The amendments focus on two specific issues: (1) A 2% fee adjustment to account for increases in the regional Consumer Price Index since 2009; and (2) updating dispensing facility nozzle permits to conform to a per-product fee structure following the requirement for Enhanced Vapor Recovery (EVR) systems in 2003.

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**CR 1. REPORT ON THE ACTIVITIES OF THE ANTELOPE VALLEY AIR
QUALITY MANAGEMENT DISTRICT (continued)**

Addressing the City Council at this time:

Lyle Talbot – Expressed his concerns regarding the Palmdale Power Plant.

Mayor Parris stated that he would like to receive a presentation regarding the proposed Palmdale power plant.

Council Member Crist clarified the local AQMD has done everything possible to make the plant as clean as possible.

Addressing the City Council further on this matter:

Lyle Talbot – Stated that a new power plant will provide most of the pollution in the Valley; he wrote a letter to the Commanding General at Patterson Air Force Base in Ohio regarding problems with Plant 42 and the 145” cooling stacks from the power plant that will sit near the north side of runway.

Further discussion took place between Council and Mr. Talbot regarding this matter.

COUNCIL / AGENCY COMMENTS

Council Member Marquez stated that she supports the State of Arizona and Arizona’s Governor.

LANCASTER FINANCING AUTHORITY

No action required at this time.

CLOSED SESSION

None

ADJOURNMENT

Mayor Parris adjourned the meeting at 6:20 p.m. and announced that the next meeting of the City Council/Redevelopment Agency/Financing Authority would take place on Tuesday, June 8, 2010 at 5:00 p.m.

ATTEST:

APPROVED:

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

R. REX PARRIS
MAYOR/CHAIRMAN
Lancaster, CA

**LANCASTER CITY COUNCIL/
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**CERTIFICATION OF MINUTES
CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY**

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/Financing Authority 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)
