

**CITY COUNCIL/REDEVELOPMENT AGENCY/  
FINANCING AUTHORITY  
MINUTES  
May 24, 2011**

**CALL TO ORDER**

Mayor Parris called the regular meeting of the City Council/Redevelopment Agency/Financing Authority meeting to order at 5:03 p.m.

**ROLL CALL**

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

**Staff**

Members: Deputy City Manager/Deputy Executive Director; City Attorney/Agency/Authority Counsel; City Clerk/Agency/Authority Secretary; Principal Planner; Public Works Director; Senior Operations Manager; Assistant Finance Director; Sr. Redevelopment Project Coordinator; Housing Director; Human Resources Director

**INVOCATION**

Pastor Shane Idleman, Westside Christian Fellowship

**PLEDGE OF ALLEGIANCE**

Council Member/Agency Director Mann

**PRESENTATIONS**

- 1) S.O.A.R. (Students On Academic Rise) High School Student of the Month:  
Christina Marie Getshall. Additionally, Ms. Getshall received a \$1,000.00 Mayor's Scholarship.  
Presenter: Vice Mayor Smith
  
- 2) Investigator of the Quarter; Street Cops of the Quarter; Employee of the Quarter  
Presenter: Los Angeles County Sheriff Captain, Bob Jonsen

**AGENDA ITEMS TO BE REMOVED**

None

**AGENCY ACTIONS**

See **M1** for approval of the Lancaster Redevelopment Agency Regular Meeting minutes.

**APPROVAL OF MINUTES**

On a motion by Vice Mayor/Vice Chairman Smith and seconded by Council Member/Agency Director Crist, the City Council/Redevelopment Agency/Authority approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of May 10, 2011, by the following vote: 4-0-1-0; AYES: Crist, Marquez, Smith, Parris; NOES: None; ABSTAIN: Mann; ABSENT: None

**LANCASTER CITY COUNCIL/  
REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
MINUTES  
MAY 24, 2011**

**M 1. MINUTES**

Approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of May 10, 2011.

**APPROVAL OF CITY COUNCIL CONSENT CALENDAR**

On a motion by Vice Mayor Smith and seconded by Council Member Crist, the City Council approved the Council Consent Calendar, 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 2. WARRANT REGISTER**

Approved the Check and Wire Registers for April 24, 2011 through May 7, 2011 in the amount of \$1,958,242.18.

**CC 3. ORDINANCE NO. 964**

Adopted **Ordinance No. 964**, an ordinance of the City Council of the City of Lancaster, California, adding Sections 17.08.050.A.3.a.3, 17.10.040.G, 17.12.050.A.1.c, 17.12.590.D, and 17.12.740.A.1.a.3 to Title 17 of the Lancaster Municipal Code, to allow the use of cargo containers for the storage of public emergency supplies in various residential and commercial zones, and the hospital zone, subject to a Director's review.

**CC 4. ACCEPTANCE OF DRAINAGE IMPROVEMENTS FOR MAINTENANCE**

Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District Annexation No. 07-19, installed for Director's Review No. 09-24, located on the southeast corner of Kettering Street and 17<sup>th</sup> Street East. Appropriated \$320.00 from the first year's maintenance cost, that has been paid by the developer, to cover the remaining two months of the fiscal year into Drainage Maintenance Operating Account No. 484-4743-404.

**CC 5. COMPLETED SEWER SYSTEMS**

Approved the completed sewer systems installed by the developer of Tract No. 062075, located on southwest corner of 22<sup>nd</sup> Street East and Donatello Street, Owner: KB HOME Coastal Inc.

**CC 6. PWCP NO. 11-012**

Awarded **Public Works Construction Project No. 11-012, Downtown Alley Waterline**, to Tejon Constructors, Inc., in the amount of \$208,549.00, plus a 15% contingency, for waterline and hydrant improvements in the alley north of the BLVD between Fern Avenue and Ehrlich Avenue and authorized the City Manager, or his designee, to sign all documents.

**LANCASTER CITY COUNCIL/  
REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
MINUTES  
MAY 24, 2011**

**CPH 1. INTRODUCTION OF HORSE-DRAWN VEHICLES ORDINANCE**

Mayor Parris stated that this hearing was continued from the meeting of May 10, 2011.

The Assistant to the City Manager presented the staff report on this matter.

Addressing the City Council on this matter:

Monica Whitmer – thanked staff for all the adjustments to the ordinance; fair compromise has been agreed upon; suggested that the City also require driver testing.

Carole Sax – Urged Council to not pass this ordinance; feels that it is an inhumane practice.

Carole Davis – Opposed to this ordinance; inhumane practice; horses should not be allowed to be carriage horses; animals should not be used as beasts of burden in a civilized society.

Nan Dillinger – Opposed to this ordinance; disputed the temperature of the asphalt and shared concerns regarding the inhalation of car fumes; dehydration of the horses.

Marina Crockett – Opposed to this ordinance; ordinance shows cruelty to animals; concerned about exhaust fumes; carriages are dangerous; air temperatures.

Cameron O’Steen – Opposed to this ordinance; horse drawn carriages will not add to the attraction of the BLVD; concerned about the temperatures of Lancaster, this would be inhumane.

Jay Weiner – Opposed to this ordinance; animals will suffer; he has seen the worst-case scenarios; stated that the age of horses’ decreases substantially with this kind of burden; this is exploitation of animals.

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

Vice Mayor Smith stated that he understands the concerns; people have very strong beliefs; animal cruelty is a crime; horse drawn carriages are not a crime; if there is cruelty, law enforcement will be out there to handle the situation. His concern is how the City is going to decide the business license process; how will it be managed.

Council Member Crist stated that he agreed with the Vice Mayor’s comments. He has looked at the traffic on the BLVD; it is 15 mph; does not feel the BLVD is the right place for this type of business; citizens are going to be very upset being behind a carriage; the carriage will take up parking spaces for loading and unloading and he does not feel this business is necessary at this time.

**LANCASTER CITY COUNCIL/  
REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
MINUTES  
MAY 24, 2011**

**CPH 1. INTRODUCTION OF HORSE-DRAWN VEHICLES ORDINANCE  
(continued)**

Council Member Mann stated that this started as a unique idea to enhance the BLVD; he is not sure of the applicability of when the owner would use the carriage for any of the City's events; from a pedestrian standpoint, during the events now, it's difficult to get around, can't imagine a horse-drawn carriage being able to maneuver through this; suggested a modification to the ordinance, test it for six months. The City may find out it is just not compatible with the BLVD. The parameters are well within the guidelines but believes this should be tested as long term this may not work out.

Council Member Marquez stated that the City will not tolerate any abuse of the horses; she has no problem with this concept; has thought about the route; handlers will move over for traffic and she envisions that they will also go around American Heroes Park. This might be a good thing to have and it would be excellent for children who would not normally have the opportunity to be around horses. There are challenges with anything that is new; she is not opposed to bringing this back in three to six months for an update.

Council Member Marquez made a motion to introduce Ordinance No. 965. Further discussion took place about amending the motion to bring this back in three to six months.

The City Attorney explained the process for the effectiveness of the ordinance. He explained that there are a couple of ways to handle this. Council could introduce the ordinance this evening; adopt it at the next meeting and it would become effective in the second week of July. At that time, Council could ask staff to bring back a review in three to six months/sometime in the fall. At that time, Council could decide to leave the ordinance in place or repeal it at that point in time. Another option would be for Council to add language this evening for a termination provision, stating that unless the ordinance is re-adopted, it terminates in six months, giving it time to work.

Council Member Mann stated that this may be the option and the City should closely monitor this and if any issues surface, it would happen in the six month period. It may end up being that the owners of the carriage business will find that it just is not lucrative to have this type of business on the BLVD.

Mayor Parris requested clarification regarding the introduction and adoption of the ordinance and stated that he would like to watch the DVD called Blinders before this is adopted.

Vice Mayor Smith stated that when the ordinance is brought back for adoption, then at that time Council could decide not to adopt it or amend the ordinance and re-introduce it or make changes to it.

**LANCASTER CITY COUNCIL/  
REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
MINUTES  
MAY 24, 2011**

**CPH 1. INTRODUCTION OF HORSE-DRAWN VEHICLES ORDINANCE  
(continued)**

The City Attorney clarified that if Council chooses to amend the ordinance then it would have to be re-introduced, then it would require another five days before it could be adopted; there is flexibility to this.

Mayor Parris requested that staff research the amount of heat that is absorbed by the hooves of those horses on a full summer day and if there isn't a requirement that there be some insulation between the shoe and hoof itself. He would also like to know if there are any studies that have been done to determine exactly what the horse feels. Is it painful? Is there a natural insulation in the hooves of the horses that protects them?

Additionally, Mayor Parris requested that Mr. Weiner get him the statistics on the longevity of horses that pull carriages compared to pasture horses.

On a motion by Council Member Marquez and seconded by Vice Mayor Smith, the City Council introduced **Ordinance No. 965**, adopting Chapter 5.54 of the Lancaster Municipal Code relating to Horse-Drawn Vehicles and directed staff to bring this back to Council three months after it becomes effective, for further review, by the following vote: 3-1-1-0; AYES: Mann, Marquez, Smith; NOES: Crist; ABSTAIN: Parris; ABSENT: None

On a motion by Council Member Marquez and seconded by Council Member Mann, the City Council adopted **Resolution No. 11-23**, adopting Horse-Drawn Vehicles permit fees, by the following vote: 3-1-1-0; AYES: Mann, Marquez, Smith; NOES: Crist; ABSTAIN: Parris; ABSENT: None

**CA 1. CONSIDER A RECOMMENDATION FROM THE LANCASTER MUSEUM/ART GALLERY ASSOCIATES THAT THE CITY COUNCIL CONSIDER CHANGING THE NAME OF THE "CITY OF LANCASTER MUSEUM/ART GALLERY" TO THE "LANCASTER MUSEUM OF ART AND HISTORY."**

A representative from the Lancaster Museum/Art Gallery Associates presented this matter to the City Council.

On a motion by Council Member Crist and seconded by Council Member Marquez, the City Council approved the name change by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

**LANCASTER CITY COUNCIL/  
REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
MINUTES  
MAY 24, 2011**

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

Council Member Crist presented the following information:

- The Board voted unanimously to execute the Executive Director Employment agreement with Julie Austin effective May 2, 2011. The contract term is through July 1, 2014, at a starting salary of \$165,000.00 annually. The agreement stipulates an annual merit increase or bonus of up to ten percent (10%) of the base salary, at the sole discretion of the Board. AVTA will pay 100% of the employee share of CalPERS plus a supplemental retirement plan at 6% of the base salary.
- The Board authorized a six-month extension of the current operating contract with Veolia Transportation Services, Inc. A request for proposal (RFP) is in development for a new contractor and staff expects the RFP to come to the Board for approval in May, 2011. "A six-month extension to the Veolia contract will allow time to finalize the RFP and facilitate a smooth transition." The total cost of this contract amendment is estimated at \$4.33 million depending on actual service levels. This amount is budgeted for fiscal year 2011-2012.
- The Board found a bus manufacturer, DesignLine in default of contracts with AVTA for the manufacture and delivery of fifteen hybrid buses and authorized the Executive Director to terminate the contracts and demand a full refund of AVTA's \$2.23 million deposit. Staff believes it is in AVTA's best interest to terminate given significant delivery delays, the lack of communication, and the potential financial instability of DesignLine.
- Coupled with that contract termination, the Board approved the purchase of eleven 40-foot diesel hybrid buses with an option to purchase four additional buses when funds become available. The cost for eleven buses will be approximately \$7.0 million. The purchase is 80% funded with grants (Federal 5307 and ARRA). The local match is provided with Proposition A Discretionary Funding.
- Additionally, Council Member Crist stated that of the three people that resigned, two of them filed claims against AVTA, which the Board denied. The investigation was completed and it is expected that there will be criminal prosecution of two of the members.
- There was a meeting today in which some of the out of area contracts were allowed to be re-bid, to allow local contractors to bid.
- The new Executive Director is riding the buses to observe the complaints that some of the ridership has.

**LANCASTER CITY COUNCIL/  
REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
MINUTES  
MAY 24, 2011**

**LANCASTER FINANCING AUTHORITY**

No action required at this time.

**CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS**

None

**CITY CLERK / AGENCY / AUTHORITY 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:

Maria Gutierrez – Requested a hoe-down at the fair to bring attention to the Farmers Market; presented information on different attractions that bring attention to this. Encouraged Council to use veterans for assistance; discussed HUD issues; does not feel that Los Angeles County provides the needed services to the Antelope Valley; encouraged Council to consider a camp ground for the homeless veterans.

David Grajeda – Voiced his concerns for a friend who is sitting in County jail for several charges; discussed the history of this matter; upset by the treatment of this friend from the Sheriff's Department; feels it was undue harassment.

Bob Trentham – Concerned with speeding traffic in his neighborhood; this is an interior neighborhood street with no sidewalks; hoping the City can help with this issue; no results have happened; area of Eastside High School/Shiloh Lane.

Further discussion took place regarding this matter and Mayor Parris requested that staff look into this; possible flashing stop signs; stepping up enforcement; something needs to be done.

David Paul – Stated that he understands the concerns of Mr. Trentham; he has had similar concerns in his own neighborhood; read several quotes from the paper and stated that he is reading the book "Flourish" and finds it to be very interesting book. Trying to get people to change the way they look at things is the hardest part; discussed the tax revenue that is generated from medicinal marijuana.

**COUNCIL / AGENCY COMMENTS**

Council Member Mann stated that he attended the awards banquet on May 19, 2011 for Desert Haven; he was proud and honored to represent the City and receive the Contractor of the Year award. Dan Munz, one of the supervisors was a key employee in representing the City and was very instrumental in getting the City this award. He stated that he is very touched that the City in these economic times is able to give work to help adults that are mentally handicapped and Mr. Munz is to be commended.

**LANCASTER CITY COUNCIL/  
REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
MINUTES  
MAY 24, 2011**

**COUNCIL / AGENCY COMMENTS (continued)**

Mayor Parris requested that the City Attorney research and present an amended ordinance to make landlords responsible for any attacks by pit bulls that are housed on their property.

**CLOSED SESSION**

None

**ADJOURNMENT**

Mayor Parris adjourned the meeting at 6:17 p.m. and stated that the next meeting of the City Council/Redevelopment Agency/Financing Authority would take place on Tuesday, June 14, 2011 at 5:00 p.m.

PASSED, APPROVED and ADOPTED this 14<sup>th</sup> day of June, 2011, by the following vote:

AYES: Council Members: Crist, Mann, Marquez, Vice Mayor Smith

NOES: None

ABSTAIN: None

ABSENT: Mayor Parris

**ATTEST:**

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

**APPROVED:**

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R. REX PARRIS  
MAYOR/CHAIRMAN  
Lancaster, CA



**LANCASTER CITY COUNCIL/  
REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
MINUTES  
MAY 24, 2011**

**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)