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06/28/11
MVB

**CITY COUNCIL/REDEVELOPMENT AGENCY/
FINANCING AUTHORITY
MINUTES
June 14, 2011**

CALL TO ORDER

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

ROLL CALL

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

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

Excused: Mayor/Chairman Parris

Staff

Members: City Manager/Executive Director; City Attorney/Agency/Authority Counsel; Assistant City Clerk/Agency/Authority Secretary; Principal Planner; Public Works Director; Parks, Recreation and Arts Operations Manager; Finance Director; Economic Development Director; Housing Director; Human Resources Director

INVOCATION

Pastor Ryan Parish, New Hope Community Church

PLEDGE OF ALLEGIANCE

Council Member Marquez

PRESENTATIONS

April Fuller read a letter on behalf of Mayor Emeritus Bishop Henry Hearn thanking the City for the presentation and dedication of the Plaza at Lancaster City Hall

Recognition of the 2010/2011 Youth Commission

Presenter: Vice Mayor Smith

School Dance Program Presentation - USA Dance Antelope Valley

Presenter: Vice Mayor Smith

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AGENDA ITEMS TO BE REMOVED

The Vice Mayor requested that Item No. CC 4 be removed from the agenda and by consensus of the City Council it was removed.

APPROVAL OF AGENCY CONSENT CALENDAR

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

RCC 1. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the Lancaster Redevelopment Agency and Samuel Madumere for property located at 1309 West Avenue I. Funds will be expended from the budgeted Housing Bond Proceeds.

RCC 2. GRANT OF EASEMENT

Approved the Grant of Easement for above ground communication systems, appurtenant fixtures and other equipment necessary including ingress/egress purposes, to Southern California Edison Company (SCE), across the property identified as the southwest corner of 4th Street East and Avenue H-14 and authorized the Executive Director to execute all documents necessary to complete the transaction.

APPROVAL OF MINUTES

On a motion by Council Member Crist and seconded by Council Member Marquez, the City Council/Redevelopment Agency/Authority approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of May 24, 2011, by the following vote: 4-0-0-1; AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

M 1. MINUTES

Approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of May 24, 2011.

At this time the Vice Mayor stated the items on the Consent Calendar will be moved to the end of the meeting.

JPH 1. PROPOSED FISCAL YEAR 2011-12 BUDGET

Vice Mayor/Vice Chairman Smith opened the Joint Public Hearing. The City Manager/Executive Director and the Finance Director presented the staff report regarding this matter.

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

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JPH 1. PROPOSED FISCAL YEAR 2011-12 BUDGET (continued)

Comments and concerns from the City Council included:

If City Hall will be closed on Fridays, if public safety will be jeopardized with the proposed budget, clarification of communication between the City and the businesses impacted with the traffic circle on The BLVD; the City Council requested the Public Works Director educate the public and communicate with the businesses on The BLVD for their input and assistance to address any traffic/traffic circle issues.

On a motion by Council Member Crist and seconded by Council Member Mann, the Redevelopment Agency directed staff to schedule the budget adoption for the meeting of June 28, 2011 by the following vote: 4-0-0-1; AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

On a motion by Council Member Crist and seconded by Council Member Marquez, the City Council directed staff to schedule the budget adoption for the meeting of June 28, 2011 by the following vote: 4-0-0-1; AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

PH 1. SERVICING OF THE LANCASTER SEWER SYSTEM FOR FISCAL YEAR 2011-2012

Vice Mayor Smith opened the Public Hearing. The Public Works Director presented the staff report regarding this matter.

Hearing no further testimony, Vice Mayor Smith closed the Public Hearing.

On a motion by Council Member Crist and seconded by Council Member Mann, the City Council adopted **Resolution No. 11-32**, levying Lancaster Sewer System Service Charges for maintenance and servicing of the Lancaster Sewer System for Fiscal Year 2011-2012. No increase is recommended from 2010-2011 fees, by the following vote: 4-0-0-1; AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

NB 1. PROPOSED AMENDMENT TO THE LANCASTER MUNICIPAL CODE ADDRESSING STREET PERFORMERS

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

Comments and concerns from the City Council and staff included:

Clarification regarding fees for taking pictures, clarification that only recordings made prior to the performance by the street performer can be sold; the ordinance exempts street performers from having a business license as long as they are only selling previously made recordings; Council Member Marquez stated she wants all acts on the Blvd to remain family friendly.

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**NB 1. PROPOSED AMENDMENT TO THE LANCASTER MUNICIPAL CODE
ADDRESSING STREET PERFORMERS (continued)**

Addressing the City Council on this matter:

David Grajeda – stated he has concerns regarding how this ordinance applies to certain activities on The BLVD.

Andrew Nieto – stated he has concerns on how tips factor into the ordinance, concerns about what constitutes a street performer, concerns about public safety for certain acts that may create a crowd or acts that may be dangerous to the public such as juggling; in favor of this ordinance.

On a motion by Council Member Crist and seconded by Council Member Mann, the City Council introduced **Ordinance No. 966**, establishing Chapter 5.52 of the Lancaster Municipal Code regarding street performers, by the following vote:

4-0-0-1; AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

On a motion by Council Member Marquez and seconded by Council Member Crist, the City Council adopted **Resolution No. 11-33**, establishing street performers permit fees, by the following vote: 4-0-0-1; AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

**CA 1. DISCUSS AND CONSIDER APPOINTING THE MAYOR AS AN
ALTERNATE FOR THE ANTELOPE VALLEY AIR QUALITY
MANAGEMENT DISTRICT BOARD**

Council Member Marquez requested consideration of appointing Mayor Parris as the alternate for the AVAQMD Board.

On a motion by Council Member Marquez and seconded by Council Member Crist, the City Council appointed Mayor Parris as the alternate for the AVAQMD Board and requested the item be put on the June 28, 2011 City Council agenda for consideration of appointing Vice Mayor Smith as the second alternate and Council Member Mann as the third alternate to this board, by the following vote: 4-0-0-1; AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

On a motion by Council Member Crist and seconded by Council Member Mann, the City Council approved the Council Consent Calendar with the exception of item No. CC 4 by the following vote: 4-0-0-1; AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

CC 1. ORDINANCE WAIVER

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

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CC 1. ORDINANCE WAIVER (continued)

Addressing the City Council at this time:

David Grajeda – stated he believes Council should read everything and wants the Council to vote no on this item.

CC 2. WARRANT REGISTER

Approved the Check and Wire Registers for May 8, 2011 through May 28, 2011 in the amount of \$12,112,872.43.

Addressing the City Council at this time:

David Grajeda – stated concerns for expenditures made.

CC 3. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the April 30, 2011, Monthly Report of Investments as submitted.

CC 4. ORDINANCE NO. 965

By consensus of the City Council, this item was removed from the agenda. Vice Mayor Smith requested that this item be moved to the June 28, 2011 agenda to allow the Mayor the opportunity to discuss this item.

CC 5. ACCEPTANCE OF MAINTENANCE FOR LANDSCAPE IMPROVEMENTS

Approved and accepted for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, installed by KB Home Coastal, Inc., for Tract No. 060614, located on the northwest corner of Avenue K-8 and 20th Street East. Appropriated \$875.00 from the first year's maintenance cost, that has been paid by the developer, to cover the remaining month of the fiscal year into the Landscape Maintenance Operating Account No. 482-4747-402.

CC 6. MONUMENTATION WORK

Approved the monumentation work for Tract No. 060147, located on the northwest corner of 25th East and Avenue J, Owner: Richmond American Homes; and Tract No. 060238, located on the northwest corner of Lancaster Boulevard and 30th Street West, Owner: D.R. Horton, Inc.

Addressing the City Council at this time:

David Grajeda – requested the Council discuss this item.

CC 7. EXTENSION OF STREET SWEEPING CONTRACT

Approved the extension of the Street Sweeping Contract, as outlined in the original agreement, on a month-to-month basis, for an additional year. No increase to the current contract rates has been requested or considered.

Addressing the City Council at this time:

David Grajeda – stated concerns about the issuance of street sweeping tickets.

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CC 8. EXTENSION OF LANDSCAPE MAINTENANCE CONTRACT

Approved the extension of the Landscape Maintenance Contract, as outlined in the original agreement, for a period of six (6) months. No increase to the current contract rates have been requested or considered.

Addressing the City Council at this time:

Nicole Parsons – expressed concerns about use of non-potable waste-water near a business in the City.

David Grajeda – requested the Council discuss this item.

CC 9. LANCASTER DRAINAGE BENEFIT ASSEMENT DISTRICT; LANCASTER LANDSCAPTE MAINTENANCE DISTRICT; LANCASTER LIGHTING MAINTENANCE DISTRICT

A. Adopted **Resolution No. 11-25**, 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. 11-26**, 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**.

C. Adopted **Resolution No. 11-27**, 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.

D. Adopted **Resolution No. 11-28**, 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.

E. Adopted **Resolution No. 11-29**, 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.

F. Adopted **Resolution No. 11-30**, 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 9. LANCASTER DRAINAGE BENEFIT ASSEMENT DISTRICT; LANCASTER LANDSCAPE MAINTENANCE DISTRICT; LANCASTER LIGHTING MAINTENANCE DISTRICT (continued)

Addressing the City Council at this time:

Nicole Parsons – stated drainage water needs to be synchronized for industrial projects.

CC 10. ANNUAL ASSESSMENT OF THE PARKING AND BUSINESS IMPROVEMENT DISTRICT (PBID) LEVY IN THE BLVD ASSOCIATION BOUNDARY

A. Adopted **Resolution No. 11-31**, declaring the intention to continue a Parking and Business Improvement District (PBID) also known as the Downtown Lancaster Business Improvement Area, and set a public hearing to consider the continuation of the District.

B. Approved the District's FY 2010-2011 Administrative Report and Financial Statements.

LANCASTER FINANCING AUTHORITY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

The City Manager stated a Community Calendar will soon be placed on the City's website and stated City Staff raised more than \$24,000 in the recent United Way campaign.

The Parks, Recreation and Arts Operations Manager stated the Lancaster Performing Arts Center recently held a Grand Auction and Inaugural Gala and \$78,000 was raised for the Arts for Youth program; Lou Bozigian was given a Lifetime Achievement Award for his 20 years of dedication to the Lancaster Performing Arts Center and to the many arts programs in the community, and the Operations Manager invited the community to the Sierra Toyota Concert Series taking place on Thursdays at the Bex bandstand.

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:

Deborah Hess – provided the Council with a printed version of a PowerPoint presentation which contained information on the State of the Utility System for the City of Lancaster.

David Paul – thanked the Vice Mayor for recognizing Flag Day, expressed his thoughts of Mayor Emeritus Henry Hearn's strong character.

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Michael Rives – requested the Council consider revising Ordinance 914 as it relates to the handling of Pit Bulls.

Cesar Almeraz - thanked the Council and City staff for their hard work, complimented women in government, commended Council Member Marquez' courage to stand up for freedom of speech, expressed concerns about a tree in front of the Western Hotel, thanked the Mayor for the bird sounds on The BLVD.

David Grajeda – stated he will question the Council and staff on everything.

Dan Selmsler – expressed concerns about a recent event during a softball game at Lancaster City Park and the need for first-aid kits during softball games.

Andrew Nieto –stated his appreciation for traffic flow, traffic signals and street markings in Lancaster.

Monica Whitmer – read a statement about how the horses she has working in her carriage business will be cared for and treated.

RECESS

Vice Mayor Smith recessed the City Council meeting at 6:45 p.m., for the purpose of conducting a Closed Session regarding the following matter:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

Government Code Section 54956.9(a)

The Community Action League v. City of Lancaster - United States District Court Case No. CV 11 04817 ODW VBKx

RECONVENE

Vice Mayor Smith reconvened the City Council meeting at 7:01 p.m.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney stated that the City Council met in Closed Session regarding the aforementioned matter; received a status report on this case, gave direction and no further action was taken.

COUNCIL / AGENCY COMMENTS

Council Member Marquez stated June 14th is a great day in American history, reminded everyone June 19th in addition to being Father's Day is Freedom Day and suggested a bowling competition should be held in lieu of the potato race on July 4th.

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ADJOURNMENT

Vice Mayor Smith adjourned the meeting at 7:05 and stated that a Special Meeting of the Lancaster City Council along with Supervisor Antonovich would take place on June 22, 2011 at the Lemon Leaf Restaurant at 8:00 a.m.

Vice Mayor Smith stated that the next regular meeting of the Lancaster City Council/Redevelopment Agency would take place on June 28, 2011 at 5:00 p.m.

PASSED, APPROVED and ADOPTED this _____day of _____, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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

R. REX PARRIS
MAYOR/CHAIRMAN
Lancaster, CA

**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)