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**LANCASTER CITY COUNCIL  
SPECIAL MEETING  
MINUTES  
January 16, 2007**

CALL TO ORDER	Mayor Hearn called the meeting to order at 6:04 p.m.
ROLL CALL	<p>Present: Council Members: Jeffra, Smith, Visokey, Vice Mayor Sileo, Mayor Hearn</p> <p>Absent: None</p> <p>Staff Members: City Manager, Assist. City Manager, City Attorney, City Clerk, Planning Director, Public Works Director, Parks, Recreation &amp; Arts Director</p>
INVOCATION	Council Member Visokey
PLEDGE OF ALLEGIANCE	Council Member Jeffra
<b>PH 1.</b> APPEAL REGARDING CUP NO. 06-06 AND TPM NO. 67571	<p>Mayor Hearn opened the Public Hearing. The Planning Director presented the staff report regarding an Appeal of Planning Commission Decision Approving Conditional Use Permit No. 06-06 and Tentative Parcel Map No. 67571 (9.5 acres located at the northwest corner of 20th Street West and Avenue I.)</p> <p>Addressing the Council on this matter:</p> <p>Ray Chavira – submitted voluntary conditions of operation at 20<sup>th</sup> Street West and Avenue I.</p> <p>Tim May – Representing May Centers; agree with homeowners regarding the changes that are listed; in full compliance; requested that the Public Works Director address one item that remains open.</p> <p>The Public Works Director explained that the northeast corner of Avenue I and 20<sup>th</sup> St. West is Special Condition No. 5 under Streets. The City is requiring that the developer make improvements to this intersection as an increased capacity intersection and this was a condition that was set at the time of the Planning Commission’s review.</p>

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**PH 1.**  
APPEAL  
REGARDING  
CUP NO. 06-06  
AND TPM NO. 67571  
(continued)

The Public Works Director stated that this condition was accepted by the developer, however, the developer has returned to the City with a concern regarding a Southern California Edison electrical cabinet and vault which would have to be relocated as a portion to make this an increased capacity intersection. The need for the increase to this intersection is not immediate but it is projected for the future. In this particular case, after the condition was set; adopted by the Planning Commission; accepted by the developer, the developer had since learned in order to relocate the Edison cabinet and vault, that it would be an expense to the project of approximately \$200,000.00. The developer feels that this would be an unreasonable expenditure for the project. This was a condition that was set, due diligence should have been applied. Staff has agreed that the improvements to make this an increased capacity intersection can be made by the City at a later date, however there will be some requirements imposed upon the developer. The developer will be required to dedicate all required property necessary to make these increased capacity changes. The developer will also be required to put in all the improvements along Avenue I as presently conditioned and extend the line slightly out to the west, approximately six feet and create a turn that leaves a greater clearance around the electrical cabinet. It is recommended that the dedication of the right-of-way be given to the City; extend the curb line; change the radius around the cabinet to make clearance for the cabinet so that it does not need to be relocated. All other conditions stand, and staff recommends that this condition be changed to include all of the right-of-way necessary to complete No. 5 on the addendum. The developer is in concurrence with these changes.

Council Comments:

Vice Mayor Sileo – Clarification, that the City will leave the Edison vault at its current location, at some point in time it will need to be moved; who will handle the expense when it is time to move the vault?

The Public Works Director stated the City would pay for this and the developer is paying approximately \$115,000.00 in traffic impact fees to the City that would be applied against this project in the future.

Additional public comment:

Ray Livingston – Resident of Littlerock; against Vallarta Stores, stating the stores are a magnet for illegal aliens.

There being no further testimony, Mayor Hearn closed the Public Hearing.

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**PH 1.**  
APPEAL  
REGARDING  
CUP NO. 06-06  
AND TPM NO. 67571  
(continued)

On a motion by Vice Mayor Sileo and seconded by Council Member Jeffra, the City Council approved the appeal in part by upholding the Planning Commission's approval of Conditional Use Permit No. 06-06, subject to revised Condition Nos. 17 and 18, and added Conditions No. 27 and 28 to address concerns raised by the appellants and changes to Condition No. 5 as outlined by staff regarding the Edison vault component, by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearn; NOES: None; ABSTAIN: None; ABSENT: None

**PH 2.**  
APPEAL  
REGARDING  
VTTM NO. 60291;  
VTTM NO. 60664;  
CERTIFICATION  
OF FINAL EIR

Mayor Hearn opened the Public Hearing. The Planning Director presented the staff report regarding an appeal of Vesting Tentative Tract Map No. 60291 (20.64 acres south of Avenue K-4 between 30th Street West and 40th Street West); appeal of Vesting Tentative Tract Map No. 60664 (8 acres between Avenue K and Avenue K-4, and between Buena Vista Way and Alep Street); appeal of the Certification of the Final EIR for the Fieldstone Projects.

Addressing the Council in favor of the staff recommendation:

Jackie Fisher, Sr.; Donita Winn; Kevin Sanders; Shawny Barcelona; Dean Henderson; James Shanbron; Ben Hudson.

Addressing the Council in opposition to the staff recommendation:

Michael Wilson; Douglas Carstens; Richard Fine; Patrick Saatzer; David Abber.

There being no further testimony, Mayor Hearn closed the Public Hearing.

Council Comments:

Council Member Smith – clarified with the City Attorney that he would not need to abstain from voting on this matter because of his involvement on the Planning Commission when this project was brought forth.

The City Attorney stated there was no reason for Council Member Smith to abstain.

Council Member Jeffra – stated that he feels the EIR was taken care of and prepared accordingly. Concerns with the proper title and proper transfer of this property; has the City looked at this transfer and is it legal?

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**PH 2.**  
APPEAL  
REGARDING  
VTTM NO. 60291;  
VTTM NO. 60664;  
CERTIFICATION  
OF FINAL EIR  
(continued)

The Parks, Recreation and Arts Director gave a chronological history of the project and stated that the City purchased the parcel (011) in 1998 which is now located in the project site with Measure A funds. There is a stipulation in the Measure that park lands purchased would remain in perpetuity, however there is a provision of the Measure A legislation and in most grants, if there is a circumstance that involves trading a piece of property or purchasing/selling a piece of property, there are allowances made for this on the basis that it still represents that particular park. In 1999 the City traded that piece of property for another piece of property in the Prime Desert Woodlands. That particular transfer is legal and the issue is that it requires an amendment to the contract. In this case, the amendment is a letter to the County asking for their review and approval of this circumstance that would allow the City to trade or discard a piece of property previously acquired with Measure A funds. That particular amendment was an oversight and not completed, however staff has met with the County; the County understands the situation and they are working with the City now to correct this oversight.

The City Attorney stated that the failure to comply 100% with the requirements of Measure A funds does not impact the validity of the title to that property. The property has changed hands a number of times and the title that they have is valid. The County may require the City to reimburse some part of the difference in value. The City has obtained roughly a 5.08 acre site in exchange for a 5.08 acre site. The money that was given to the City as a result of Measure A funds has resulted in the acquisition and incorporation of a 5.08 acre site into the Prime Desert Woodlands. This issue will be resolved and does not impact the title to the property.

Council Member Jeffra – requested clarification as to how many acres the Prime Desert Woodlands have as the park? He stated that his position has always been that this area be enclosed and that would include the Fieldstone Tract. Fieldstone has made a lot of concessions in putting this Tract in place and he feels that until the situation is taken care of through the County, he hesitates to approve anything at this time. He would not like to see the City left open to any scrutiny. In the end, with the final analysis, the EIR will stand, the project will be built and that is the way it should be, however, he stated that he still had concerns regarding the title. The County would most likely approve the oversight; however, “most likely” is not certain.

The Parks, Recreation and Arts Director stated there are approximately 102 acres. The title and trade of the property was handled with legal documents, however the concern is whether the County will support the funding of this. The status of the Measure A funding is the question, not the title for the property.

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<p><b>PH 2.</b> APPEAL REGARDING VTTM NO. 60291; VTTM NO. 60664; CERTIFICATION OF FINAL EIR (continued)</p>	<p>The City Attorney stated that if there is a problem with the title on the property, the property owners are going to go to the Title Company that issued the title policy; the policy will be reviewed to see where the problem might have occurred and the Title Company will look back at the City eventually if that is in fact a problem. The decision that is being made this evening does not impact the title at all.</p> <p>Council Member Smith – Stated that certification of the EIR is at issue and feels that this will not have an impact on the requirements of Measure A. The decision tonight is to determine if Council would like to uphold the certification of the EIR.</p> <p>Mayor Hearn – Very supportive of this; proud of this beautiful area; appropriate questions have been asked; ready to support the certification.</p> <p>Council Member Visokey – Stated that he is very excited about this project; wonderful to have a developer who is responsive and has helped to move this project forward; most of the homes are on 10,000 square foot lots which is a big plus, since a development is usually for 7,000 square foot lots. He stated that the City Attorney and staff have assured Council there is no issue here as far as the transaction is concerned and this will add safety to the schools; safety for children walking to school; a safe environment for everyone and supports this project.</p> <p>The Planning Director requested that Council reference the findings as contained in the Planning Resolution Nos. 06-89 and 06-90, as those particular resolutions contain the environmental findings as required by CEQA.</p> <p>On a motion by Council Member Smith and seconded by Council Member Visokey, the City Council upheld the certification of the Final EIR and the approval of Vesting Tentative Tract Map No. 60291 and Vesting Tentative Tract Map No. 60664 and referenced the findings as contained in Planning Resolution Nos. 06-89 and 06-90, as those particular resolutions contain the environmental findings as required by CEQA, by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearn; NOES: None; ABSTAIN: None; ABSENT: None</p>
<p>CITY MANAGER ANNOUNCEMENT</p>	<p>None</p>
<p>CITY CLERK ANNOUNCEMENT</p>	<p>The City Clerk provided the public with the procedure to address the City Council regarding non-agendized items.</p>

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PUBLIC BUSINESS  
 FROM THE FLOOR  
 NON-AGENDIZED

None

COUNCIL  
 COMMENTS

None

CLOSED SESSION

NONE

ADJOURNMENT

Mayor Hearn's adjourned the meeting at 7:21 p.m. and announced the next regular meeting of the City Council would be held on Tuesday, January 23, 2007 at 6:00 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
 GERI K. BRYAN, CMC  
 City Clerk  
 City of Lancaster

\_\_\_\_\_  
 HENRY W. HEARNS  
 Mayor  
 City of Lancaster

STATE OF CALIFORNIA            )  
 COUNTY OF LOS ANGELES       ) ss  
 CITY OF LANCASTER            )

**CERTIFICATION OF MINUTES**  
**CITY COUNCIL**

I, \_\_\_\_\_, \_\_\_\_\_ of the City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original City Council Minutes, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER,  
 on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

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