

CC 2A
05/22/07
RSL

**LANCASTER CITY COUNCIL
REGULAR MEETING
MINUTES
May 8, 2007**

CALL TO ORDER	Mayor Hearn called the regular meeting to order at 6:00 p.m.
ROLL CALL	<p>Present: Council Members: Sileo, Smith, Vice Mayor Visokey, Mayor Hearn</p> <p>On a motion by Vice Mayor Visokey and seconded by Council Member Sileo, the City Council excused Council Member Jeffra from the meeting. The vote was unanimous.</p> <p>Excused: Council Member: Jeffra</p> <p>Staff Members: City Manager, Assistant City Managers, City Attorney, City Clerk, Planning Director, Public Works Director, Parks, Recreation & Arts Director, Finance Director, Economic Development Director, Housing Director, Human Resources Director</p>
AGENDA ITEMS TO BE REMOVED	None
APPROVAL OF CONSENT CALENDAR	On a motion by Council Member Sileo and seconded by Vice Mayor Visokey, the City Council approved the Consent Calendar by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: Jeffra.
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 Regular meeting minutes of April 24, 2007.
CC 3. CHECK AND WIRE REGISTERS	Approved the Check and Wire Registers April 9, 2007 through April 18, 2007 in the amount of \$3,533,415.84.

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<p>CC 4. ORD. NO. 875 RELATING TO BUSINESS LICENSES</p>	<p>Adopted Ordinance No. 875, an ordinance of the City Council of the City of Lancaster, California, amending Chapter 5.04 of the Lancaster Municipal Code relating to business licenses.</p>
<p>CC 5. ORD. NO. 876 ESTABLISHING A SEWER SERVICE CHARGE</p>	<p>Adopted Ordinance No. 876, an ordinance of the City Council of the City of Lancaster, California adding Chapter 13.09 to the Lancaster Municipal Code establishing a sewer service charge.</p>
<p>CC 6. ORD. NO. 877 PERTAINING TO RESIDENTIAL LANDSCAPING INSTALLATION AND MAINTENANCE</p>	<p>Adopted Ordinance No. 877, an ordinance of the City Council of the City of Lancaster, California, amending Chapter 8.30 of Title 8 of the Lancaster Municipal Code pertaining to residential landscaping installation and maintenance.</p>
<p>CC 7. LANCASTER FEE WAIVER POLICY</p>	<p>Approved the establishment of the City of Lancaster Fee Waiver Policy for Parks, Recreation and Arts programs.</p>
<p>CC 8. ACCEPTANCE OF MAP AND DEDICATIONS TRACT NO. 060779</p>	<p>Approved the map and accepted the dedications as offered on the map for Tract No. 060779, located at the northwest corner of Avenue J-8 and 32nd Street West; approved and accepted the Undertaking Agreement and Improvement Securities required as a condition of recordation of the map; made findings that this project will not violate any of the provisions of Sections 66473.5, 66474.1, and 66474.6 of the Subdivision Map Act; instructed the City Clerk to endorse on the face of the map the certificate which embodies the approval of said map and the dedications shown thereon.</p>
<p>CC 9. ACCEPTANCE OF MAP AND DEDICATIONS TRACT NO. 062306</p>	<p>Approved the map and accepted the dedications as offered on the map for Tract No. 062306, located at the southeast corner of Avenue J-8 and Bobby Jones Drive; approved and accepted the Undertaking Agreement and Improvement Securities required as a condition of recordation of the map; made findings that this project will not violate any of the provisions of Sections 66473.5, 66474.1, and 66474.6 of the Subdivision Map Act; instructed the City Clerk to endorse on the face of the map the certificate which embodies the approval of said map and the dedications shown thereon.</p>

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<p>CC 10. ACCEPTANCE OF MAINTENANCE FOR DRAINAGE IMPROVEMENTS TRACT NO. 060434</p>	<p>Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District (Annexation No. 04-74) installed for Tract No. 060434, located on the north side of Avenue K, approximately 620 feet east of 50th Street West. Owner: Trimark Pacific-Lancaster 161, LLC.</p>
<p>CC 11. ACCEPTANCE OF MAINTENANCE FOR DRAINAGE IMPROVEMENTS TRACT NO. 060435</p>	<p>Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District (Annexation No. 04-57) installed for Tract No. 060435, located on the north side of Avenue K, approximately 660 feet west of 45th Street West. Owner: Trimark Pacific-Lancaster 161, LLC.</p>
<p>CC 12. ACCEPTANCE OF MAINTENANCE FOR DRAINAGE IMPROVEMENTS FOR PARCEL MAP NO. 061707</p>	<p>Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District (Annexation No. 05-114) installed for Parcel Map No. 061707, located at the northwest corner of 50th Street West and Avenue J-8. Owner: Westside Land Investments, LLC, a California Limited Liability Company.</p>
<p>CC 13. ACCEPTANCE OF MAINTENANCE FOR INTERIOR STREET TREES TRACT NOS. 060236 AND 54202</p>	<p>Accepted the interior street trees for maintenance by the City for Tract No. 060236, located at the northeast corner of Avenue K-8 and 21st Street West, Owner: KB Home Greater Los Angeles, Inc.; and Tract No. 54202, located at the southwest corner of Lancaster Boulevard and 30th Street West, Owner: West Lancaster Development, LLC.</p>
<p>CC 14. ACCEPTANCE OF MAINTENANCE FOR LANDSCAPE IMPROVEMENTS TRACT NO. 060427</p>	<p>Approved and accepted for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, installed by the Developer of Annexation No. 285, Tract No. 060427, located at the northeast corner of 40th Street West and Avenue J-12, Owner: Lancaster Palms, LLC.</p>

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<p>CC 15. APPROVAL OF INSTALLED SEWER AND MAINTENANCE OF SEWER FOR TRACT NOS. 54401; 54275; 060502; 45474; PERMIT NO. 02-00043</p>	<p>Approved the developer installed sewer and accept the sewer for maintenance by the City and for public use for Tract No. 54401 (Private Contract No. 03-21) located on 60th Street West from Avenue J-8 to Avenue J-12, Owner: K. Hovnanian Forecast Homes, Inc.; Tract No. 54401 (Private Contract No 04-10) located on 60th Street West, from Avenue K to Avenue J-12, Owner: K. Hovnanian Forecast Homes, Inc.; Tract No. 54401 (Private Contract No. 03-23) located at the northeast corner of 60th Street West and Avenue K, Owner: K. Hovnanian Forecast Homes, Inc.; Tract No. 54275, located at the southeast corner of Avenue J-8 and 65th Street West, Owner: Standard Pacific Corp.; Tract No. 060502, located at the northwest corner of Avenue K and 62nd Street West, Owner: Beazer Homes Holdings Corp.; Tract No. 45474, located at the northwest corner of 65th Street West and Avenue L-8, Owner: Greystone Homes; and Permit No. 02-00043, located at 421 West Avenue M, Owner: County of Los Angeles.</p>
<p>CC 16. ACCEPTANCE OF STREETS FOR MAINTENANCE TRACT NOS. 54197-02 & 54202</p>	<p>Approved the developer constructed streets and accepted the streets for maintenance by the City for Tract No. 54197-02, located at the southeast corner of 50th Street West and Avenue J, Owner: Stratham Properties, Inc.; and Tract No. 54202, located at the southwest corner of Lancaster Boulevard and 30th Street West, Owner: West Lancaster Development, LLC.</p>
<p>CC 17. APPROVAL OF COMPLETED WATER SYSTEMS FOR TRACT NOS. 54197; 54261; 52491; 52491-01; 52491-02</p>	<p>Approved the completed water systems installed by the developers for Tract No. 54197, located at the northwest corner of 47th Street West and Avenue J-8, Owner: Hearthside Homes, Inc.; Tract No. 54261, located at the southwest corner of Avenue J and 45th Street West, Owner: Western Pacific Housing, Inc.; Tract No. 52491, located east of 47th Street West at Avenue J-4, Owner: Western Pacific Housing, Inc.; Tract No. 52491-01, located at the southeast corner of Avenue J and 47th Street West, Owner: Western Pacific Housing, Inc.; and Tract No. 52491-02, located at the southwest corner of Avenue J-2 and 45th Street West, Owner: Western Pacific Housing, Inc.</p>
<p>CC 18. TAX SHARING RESOLUTION WITH L.A. COUNTY SANITATION DIST. NO. 14</p>	<p>Adopted the Tax Sharing Resolution for proposed Annexation No. 352 into Los Angeles County Sanitation District No. 14.</p>
<p>CC 19. RESO. NO. 07-90 TRANSFER OF OWNERSHIP AND MAINTENANCE OF SEWER LINE</p>	<p>Transferred Ownership and Maintenance of an Existing 18 inch Sewer to the City of Palmdale, and adopted Resolution No. 07-90 transferring the ownership and maintenance of an existing 18 inch sewer to the City of Palmdale.</p>

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<p>CC 20. APPROVAL OF GRANT OF EASEMENT TO SO. CAL. GAS CO. TRACT NO. 060858</p>	<p>Approved a Grant of Easement to Southern California Gas Company for a gas line across a portion of property acquired for drainage channel purposes, identified as Parcel B of Tract No. 060858, and authorized the City Manager to execute all necessary documents to complete the transaction.</p>
<p>PH 1. RESO. NO. 07-91 ESTABLISHING THE CITYWIDE FEE SCHEDULE RELATING TO COST OF SERVICES</p>	<p>Mayor Hearn opened the Public Hearing. The Finance Director presented the staff report regarding the Annual CPI Adjustment of Fee Schedule Relating to Cost of Services. There being no further testimony, Mayor Hearn closed the Public Hearing.</p> <p>Council Member Sileo requested clarification regarding the rental housing business license change.</p> <p>Vice Mayor Visokey requested clarification regarding the CPI and does it reflect the actual cost of the services.</p> <p>Council Member Smith inquired as to if these were the same fees that Council just approved recently.</p> <p>The Finance Director stated that the rental housing business license change was the same as for any license and that the fee schedule was adopted in December which was based on the costs then. Since that time, there has been a cost of living increase; salary adjustments for employees that were effective in January and there will be another cost of living increase effective in July. There have been cost increases in gasoline and other commodities that the City purchases.</p> <p>Vice Mayor Visokey requested that after a certain time period in which to review these matters, that staff brings back data that Council can look at, that will show that there is a need to assess the CPI adjustment.</p> <p>The Finance Director stated that the City's current plan is to conduct annual CPI adjustments that would be effective in July and every three years to conduct a complete cost study again, as was done this past year, to look at all costs and make comparisons to fees and plan for an adjustment accordingly.</p> <p>Council Member Smith requested clarification regarding the increases and salaries.</p>

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PH 1.
RESO. NO. 07-91
ESTABLISHING THE
CITYWIDE FEE
SCHEDULE
RELATING TO COST
OF SERVICES

The Finance Director explained that the adjustment should be fairly small in comparison because changes will be taking place incrementally. The resolution allowed for an annual percentage change and the Council does have to adopt a fee schedule any time there is a change. The non-developmental portion of the fees were effective in January and the development fees were effective in February. These were based on salaries and costs prior to the January increase. Salaries went up 3% in January and in July it will increase another 2.5%, which is the majority of the costs involved in providing services.

The City Manager stated that the study on this was conducted in the summer of 2006, so the data is somewhat aged. Even though it may have been adjusted slightly, projecting increased costs and adopted in December, it is data that is almost a year old. The City will always be in a lag position and the annual CPI adjustment avoids the shock of large adjustments periodically. When this was discussed with the BIA, they stated that they prefer this because they can plan modest adjustments from one year to the next.

Council Member Smith stated that he is in agreement with Vice Mayor Visokey and just wanted to make sure the City is not just doing this because they can, and it does appear that there is an increase of costs that necessitates this adjustment.

On a motion by Council Member Sileo and seconded by Mayor Hearn, the City Council adopted **Resolution No. 07-91**, rescinding Resolution No. 06-242 in its entirety and establishing the citywide fee schedule relating to cost of services, by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: Jeffra.

NB 1.
ORD. NO. 878
EMINENT DOMAIN
POLICY

The City Attorney presented the staff report regarding consideration of an Ordinance Concerning Eminent Domain Policy.

On a motion by Vice Mayor Visokey and seconded by Mayor Hearn, the City Council introduced **Ordinance No. 878**, an ordinance of the City Council of the City of Lancaster, California, describing the Lancaster Redevelopment Agency's program to acquire Real Property by eminent domain as required by Section 33342.7 of the California Health and Safety Code, by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: Jeffra.

LANCASTER CITY COUNCIL REGULAR MEETING
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CA 1.
WESTSIDE
COMMERCIAL
DEVELOPMENT

Council Member Sileo presented a report on commercial development on the west side of Lancaster. He stated that there is a lot of public concern and discussion over a potential development at Avenue L and 60th St. West. He stated that this is not what he would be discussing this evening and it would not be appropriate to discuss that development at this time. He stated that a large portion of the City is still undeveloped and the City has a great opportunity to discuss and decide what the City will look like. This can be accomplished by considering carefully the type and size of commercial and retail developments. He stated that as a Council, they should give some direction to the Planning Commission and City staff about ways to insure having adequate commercial and retail sites in areas that are currently undeveloped and there are several ways to insure this. He stated that specific locations can be looked at, given the road system and the land use designations that would make sense for commercial. Since the City is in the middle of the General Plan update, now is the time to make this a high priority and specifically, make sure staff and the Planning Commission view this as a priority. It can be specific locations; some type of ratio for a given number of residential roof tops; certain amounts of acreage set aside for commercial or retail to make sure growth is balanced. Additionally, careful consideration should be given to placement of residential, commercial or more intensive uses in terms of traffic and noise, adjacent to educational facilities and there is not a single solution that works everywhere. When elementary and high school uses are looked at, certainly there is concern of ease of access of students to commercial and retail, and it becomes somewhat of an attractive nuisance situation. He stated that he would like to see a guiding document or policy as to what developers can expect when they come to City Hall. It deserves special attention from everyone involved and it is a concern and the developer needs to be aware of these concerns.

Addressing the Council on this matter:

George Lane – His property at 60th West and L has been zoned for commercial for years. Requested that this project be allowed to go forward with the normal process and that specific discussion on this property not take place.

Council Member Smith stated that Land Use seems to become the major issue when dealing with the General Plan, when in fact the General Plan encompasses many issues. The City is a very large area and it is important to look at urban clusters so that the City can intelligently plan for the future.

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CA 1.
WESTSIDE
COMMERCIAL
DEVELOPMENT
(continued)

Council Member Smith stated that the General Plan update is at the initial start and there are many issues that must be dealt with regarding developments that are site specific and that is what mitigation and the EIR are for. He stated that he is not ready to begin discussion about one issue in the General Plan when a citizens committee has just been formed. The citizens committee needs to work on this first and this is not the time for Council discussion on the matter. He stated that he agrees with Mr. Lane and the City has several General Plan amendments and he does not want to discuss at this time putting commercial property across from educational facilities until the EIR process is completed and he feels that Council should wait and receive all the data when it is ready.

Vice Mayor Visokey agreed with Council Member Smith in regards to allowing the citizens committee to look at the issues at hand first. He agrees that the issue of the location of public schools and commercial development is very important; however the City must be very careful at looking at properties that have been zoned for many years in specific ways and consider the property owners of those properties. He requested clarification from Council Member Sileo as to what exactly he is looking to achieve.

Council Member Sileo stated that if a majority of the Council agrees, location of commercial and retail projects adjacent to educational facilities raises a concern; that the relationship of an intensive use next to an educational facility is somewhat unique; that staff begin to develop some guidelines for developers when they come and present proposed projects. Importance of having guidance for the Planning Commission as to what the concerns are. Every project is different and depending on the type of educational facility, the age of the students, the solutions could be different for different situations. A commercial development adjacent to an elementary facility would be a higher level of concern than would a development adjacent to a college facility. Obviously, the project must be looked at in totality in terms of roadways, ingress and egress, however it does raise a high enough level of concern from Council, Planning Commission and the community in particular. At least make sure it is addressed in the project; just raise it to a level of extra attention, therefore, ask staff to begin developing those guidelines to give developers some guidance so that they are not blindsided when they approach the City. If the City can define the expectations then the City will receive a higher quality of development as a whole.

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<p>CA 1. WESTSIDE COMMERCIAL DEVELOPMENT (continued)</p>	<p>Vice Mayor Visokey clarified that as he understands this, it is a visionary process, not an ordinance, and therefore he would be in favor of such guidelines. If this process is putting restrictions on the free enterprise system then he would be against it. He understands the concerns; however, the Council as a governing body should not be inhibiting the free enterprise system.</p> <p>Mayor Hearn stated that he understands the concerns of Council Member Sileo; however, built into the EIR process, General Plan amendments, the citizens committee and the Planning staff, he definitely trusts that Council will get all the information that is needed. The City will reach their goal and staff will give the information that is needed.</p> <p>Council Member Sileo stated that this discussion was not brought up regarding any particular project. He intended this discussion to be about development in general. The General Plan update is for future growth and he wanted to make sure his concerns regarding site locations of sensitive uses was a high enough priority when developers come in with proposed projects. Stated the importance of making sure there are adequate commercial sites in retail locations on the west side of the valley, given the number of residential roof tops that are currently being built. This is a major concern and what has already been approved by this Council is already heading toward 90th St. West. There are no retail sites for several miles being built and he would like to see shopping opportunities closer for the people that will be living in those areas, something more neighborhood-oriented.</p>
<p>CITY MANAGER ANNOUNCEMENT</p>	<p>No action was taken.</p>
<p>CITY CLERK ANNOUNCEMENT</p>	<p>None</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

Addressing the Council at this time:

Mike LaRocca – Inquired as to whether the City of Lancaster has an ordinance prohibiting mopeds on the bike paths on Sierra Highway and if not, does the City use the California Vehicle Code as a guide.

The City Attorney stated that the City does not have an ordinance and the Vehicle Code does apply.

Ray Chavira – Protection through ordinance regulations for senior citizens in mobilehome parks.

Sherry Marquez – Concerns regarding Section 8 homes/regulations and potentially dangerous breeds of dogs, such as Pit Bulls.

The City Attorney stated that if the City took over Section 8 requirements that the City would be under the same restrictions that the County is currently under. Section 8 is a Federally mandated controlled program through HUD and they pass the money to operate the program down through various levels. In trying to explore the possibility of taking over the administration of the program, there would not be any money passed through the County to the City to handle the administration.

Council Member Smith stated that he was recently in a meeting with Congressman McKeon and Norm Hickling and the topic of Section 8 came up and the possibility of the City taking over the Section 8 administration. Congressman McKeon is working on a regional cap process and this needs to be done at a congressional level. Council Member Smith stated that he has always asked the question as to how much money does the County have and how much is dedicated to investigators and enforcement and is there a ratio. Congressman McKeon is looking into this aspect as well.

James Shanbron – Stated that on behalf of the Tender Heart Mommies Association, there is a fund raiser on Saturday, May 12, 2007 to raise money for this organization and he invited the Council to attend. The organization helps pregnant women who are homeless and have no where to go. The organization leads these women in the right direction with assistance and education.

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COUNCIL COMMENTS	<p>Mayor Hearn stated that May 15, 2007 at 4:00 p.m. in the EOC will be a City Council Workshop to discuss the Fiscal 07/08 Budget.</p> <p>Vice Mayor Visokey encouraged citizens to attend the March of Dimes Walk on Saturday, May 19, 2007 which begins at Lancaster City Park.</p>		
RECESS	<p>Mayor Hearn recessed the regular meeting at 7:08 p.m. for the purpose of conducting a Closed Session meeting regarding:</p>		
CLOSED SESSION	<p>CONFERENCE WITH LEGAL COUNSEL PENDING LITIGATION – G.C. 54956.9</p> <ul style="list-style-type: none"> • Duarte vs. City of Lancaster Case No. MC 016 631 <p>CONFERENCE WITH LEGAL COUNSEL POTENTIAL LITIGATION (One Case) G.C. 54956.9(c)</p>		
RECONVENE	<p>Mayor Hearn reconvened the regular meeting at 7:25 p.m.</p> <p>The City Attorney announced that the Council met in Closed Session regarding G.C. 54956.9; Council gave settlement direction to legal Counsel regarding Duarte vs. City of Lancaster.</p>		
ADJOURNMENT	<p>Mayor Hearn adjourned the meeting at 7:26 p.m. and announced the next regular meeting of the City Council would be held on Tuesday, May 22, 2007 at 6:00 p.m.</p>		
	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>ATTEST:</p> <p>_____</p> <p>GERI K. BRYAN, CMC City Clerk City of Lancaster</p> </td> <td style="width: 50%; vertical-align: top;"> <p>APPROVED:</p> <p>_____</p> <p>HENRY W. HEARNES Mayor City of Lancaster</p> </td> </tr> </table>	<p>ATTEST:</p> <p>_____</p> <p>GERI K. BRYAN, CMC City Clerk City of Lancaster</p>	<p>APPROVED:</p> <p>_____</p> <p>HENRY W. HEARNES Mayor City of Lancaster</p>
<p>ATTEST:</p> <p>_____</p> <p>GERI K. BRYAN, CMC City Clerk City of Lancaster</p>	<p>APPROVED:</p> <p>_____</p> <p>HENRY W. HEARNES Mayor City of Lancaster</p>		

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)
