CC 2
07/10/07
RSL

LANCASTER CITY COUNCIL REGULAR MEETING MINUTES June 26, 2007

CALL TO ORDER

Mayor Hearns called the regular meeting to order at 6:04 p.m.

ROLL CALL

Present: Council Members: Sileo, Smith, Vice Mayor Visokey,

Mayor Hearns

On a motion by Council Member Sileo and seconded by Council Member Smith, the City Council excused Council Member Jeffra from the meeting and the vote

was unanimous.

Excused: Council Member Jeffra.

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

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, Hearns; 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 June 12, 2007.

CC 3. CHECK AND WIRE REGISTERS Approved the Check and Wire Registers (May 29, 2007 through June 8, 2007) in the amount of \$3,783,776.01.

CC 4.

Accepted and Approved the April 2007 Monthly Report of Investments.

MONTHLY REPORT OF INVESTMENTS

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CC 5.

ORD. NO. 882 RELATED TO STREET

LIGHTS ON THE LS-3 RATE SCHEDULE Adopted **Ordinance No. 882,** an ordinance of the City Council of the City of Lancaster, California establishing development requirements related to Street Lights to be placed on the LS-3 Rate Schedule.

CC 6. APPROVAL OF THE AVTA OPERATING/CAPITAL BUDGET FOR

Approved the Antelope Valley Transit Authority's Operating and Capital Budget for Fiscal Year 2007/2008, including the City of Lancaster's jurisdictional share in the amount of \$1,650,000.00.

ACCEPTANCE OF WORK BY SIERRA CASCADE CONSTRUCTION, INC. FOR PWCP NO. 05-059

FY 2007/2008

Accepted the work constructed by Sierra Cascade Construction, Inc. for **Public Works Construction Project No. 05-059, 65th Street West Storm Drain, Avenue J-8 to J**; 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.

ACCEPTANCE OF WORK FOR DRAINAGE IMPROVEMENTS FOR TRACT NO. 52491

Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District Annexation No. 02-06, installed for Tract No. 52491, located east of 47th Street West at Avenue J-4, Owner: Western Pacific Housing, Inc.

ACCEPTANCE OF WORK FOR DRAINAGE IMPROVEMENTS FOR

TRACT NO. 061247

Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District Annexation No. 05-48, installed for Tract No. 061247, located on the southeast corner of Avenue J-8 and 17th Street East, Owner: CDR V, LLC.

ACCEPTANCE OF INTERIOR STREET TREES FOR MAINTENANCE FOR TRACT NOS. 54207 AND 061247

Accepted the interior street trees for maintenance by the City for Tract No. 54207, located on the southwest corner of Avenue J-4 and 35th Street West, Owner: Cambridge Homes, Inc.; and Tract No. 061247, located on the southeast corner of Avenue J-8 and 17th Street East, Owner: CDR V, LLC.

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CC 11. ACCEPTANCE OF

MAINTENANCE FOR LANDSCAPE IMPROVEMENTS FOR TRACT NO. 060133 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. 270, Tract No. 060133, located on the southwest corner of 30th Street East and Avenue J, Owner: KB Home Greater Los Angeles, Inc.

CC 12.

ACCEPTANCE OF MAINTENANCE FOR LANDSCAPE IMPROVEMENTS FOR TRACT NO. 060044 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. 148, Tract No. 060044, located on the southwest corner of 20th Street East and Avenue I, Owner: KB Home Greater Los Angeles, Inc.

CC 13.

APPROVAL OF MONUMENTATION WORK FOR TRACT NOS. 53445: 54400: 060133 Approved the monumentation work for the following projects: Tract No. 53445, located on the northeast corner of Avenue M-8 and 45th Street West, Owner: K. Hovnanian Forecast Homes, Inc.; Tract No. 54400, located on the southeast corner of Avenue J-8 and 35th Street West, Owner: Trimark Pacific-Lancaster 82, LLC; and Tract No. 060133, located on the southwest corner of 30th Street East and Avenue J, Owner: KB Home Greater Los Angeles, Inc.

CC 14.

APPROVAL OF COMPLETED SEWER SYSTEMS FOR TRACT NOS. 060044; 060512; 060133; 061247 Approved the completed sewer systems installed by the developers of Tract No. 060044, located at the southwest corner of 20th Street East and Avenue I, Owner: KB Home Greater Los Angeles, Inc.; Tract No. 060512, located at the southwest corner of 17th Street East and Avenue J, Owner: KB Home Greater Los Angeles, Inc.; Tract No. 060133, located at the southwest corner of Avenue J and 30th Street East, Owner: KB Home Greater Los Angeles, Inc., and Tract No. 061247, located at the southeast corner of Avenue J-8 and 17th Street East, Owner: CDR V, LLC.

CC 15.

ACCEPTANCE OF STREETS FOR MAINTENANCE FOR TRACT NOS. 061247; 54157; 54207; CUP NO. 03-08; SITE PLAN REVIEW NO. 05-06 Approved the developer constructed streets and accepted the streets for maintenance by the City for Tract No. 061247, located at the southeast corner of Avenue J-8 and 17th Street East, Owner: CDR V, LLC; Tract No. 54157, located at the southwest corner of Avenue K and 32nd Street West, Owner: Fieldstone Lancaster 187 LLC; Tract No. 54207, located at the southwest corner of Avenue J-4 and 35th Street West, Owner: Cambridge Homes, Inc.; Conditional Use Permit No. 03-08, located at 909 West Jackman Street, Owner: Downtown Renual, LP; and Site Plan Review No. 05-06, located on the west side of 6th Street East and approximately 333 feet south of Avenue L-4, Owner: Wharton Carlson Investments, LLC.

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CC 16.

SUB-RECIPIENT AGREEMENT WITH THE HOUSING RIGHTS CENTER Approved Sub-Recipient Agreement with the Housing Rights Center for Fair Housing Services.

CC 17. AGREEMENT WITH BAYSHORE LLC, JJ LAND

BAYSHORE LLC, JJ LAND INVESTMENT, LLC FOR PURCHASE AND TRANSFER OF PROPERTY Approved the agreement between Bayshore LLC, JJ Land Investment LLC and the City of Lancaster for purchase, and transfer of property, located north of Avenue I on the west side of 40th Street East (APN: 3154-011-015), for park site and escrow instructions.

CC 18. ACCEPTANCE OF GRANT AWARD AND APPROPRIATION OF FUNDS

Accepted the Cal South grant award and appropriated \$116,109.00 to Revenue Account No. 315-3333-100 and Expense Account No. 315-4660-770.

FISCAL YEAR 2007/2008 BUDGET AGENCY RESO NOS. 06-07; 07-07; 08-07 COUNCIL RESO NOS.

07-119: 07-120: 07-121:

07-122; 07-123

The Finance Director presented the staff report regarding the consideration of the adoption of the Fiscal Year 2007/2008 Budget.

Addressing the Council on this matter:

Nicole Parson – urged adoption of the budget and development of an ethics program.

Sherry Marquez – concerns regarding an increase in graffiti in her daughter's neighborhood.

Council Member Smith – Stated that the City is readjusting the way that it uses law enforcement. The City added ten extra deputies and six 56 hour posts, an important aspect of this is whether a deputy is sick or on vacation, there would always be deputies on the streets. There are a number of different items within the budget that fit within the broken windows paradigm and this is very important. In review of the numbers, and it shows the average annual weekly sworn hours, none of these are guaranteed 100%, this is a statistical average. The supplemental Detective or TOP Team Deputy is viewed slightly different, as this person goes after the Part One crimes, making sure they are prosecuted properly and thereby keeping them off the streets. He stated that he discussed the issues with Captain Deeley and if crime keeps going up, it is either going to be the fault of the Sheriff's Department or it is going to be the City's fault for not providing enough resources. He stated that he asked the Captain if this will give the Sheriff's Department enough resources to significantly reduce crime and he stated that he believes it is and there will be data by the end of September on how these different positions are working and whether it is affecting the crime rate or not. He stated that he is in support of the way the budget has been presented and that he has confidence in Captain Deeley and we will find out later in the year just how everything is working and whether additional adjustments will need to be made or more deputies will need to be added.

Council Member Sileo – Agreed with the statements made by Council Member Smith and he is pleased to see substantial increases to law enforcement. The changes in the budget were put forth by the law enforcement experts – the Sheriff's Department. They have stated that with the resources that have been given to them, this is how they would like to deploy them; they have fine tuned what has been given to them; looking forward to September and review of the numbers to see if this is working. If readjustments need to be done, the City will do that; if more resources are needed, the City will do that, as public safety is the number one priority. There are hard choices to be made and we want a quality city to live in. This budget is an excellent step in the right direction to accomplish many of our goals.

JCB 1.
FISCAL YEAR
2007/2008 BUDGET
AGENCY RESO NOS.
06-07; 07-07; 08-07
COUNCIL RESO NOS.
07-119; 07-120; 07-121;
07-122; 07-123
(continued)

Mayor Hearns – Stated that an article that was in the Antelope Valley Press recently, showed that the City is making the right changes and going in the right direction. There still is not enough data to make final conclusions, however the data does show that the City is improving and all the information is vital and positive. He thanked the Sheriff's Department and city staff for their hard work on the budget.

The City Manager thanked city staff for their hard work on the budget and stated that he appreciates the input from the Council and review of this proposal.

On a motion by Vice Chairman Visokey and seconded by Chairman Hearns, the Redevelopment Agency adopted the following resolutions by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: Jeffra.

- A) Adopted **Resolution No. 06-07**, adopting the proposed Lancaster Redevelopment Agency Fiscal Year 2007/08 budget as submitted.
- B) Adopted **Resolution No. 07-07**, finding that the acquisition of property or construction of various improvements as approved pursuant to the adoption of the Fiscal Year 2007/08 Budget will be of benefit to the Redevelopment Project.
- C) Adopted **Resolution No. 08-07**, establishing the terms and conditions and authorizing the execution of a promissory note in favor of the City of Lancaster for the distribution of funds to the revolving fund of the Lancaster Redevelopment Agency pursuant to the implementation of the Fiscal Year 2007/08 Budget.

On a motion by Council Member Smith and seconded by Council Member Sileo, the City Council adopted the following resolutions by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: Jeffra

A) Adopted **Resolution No. 07-119**, adopting the proposed City of Lancaster Fiscal Year 2007/08 General Fund Operating Budget, Special Funds Budget, and Capital Improvements Budget, as specified in the staff report and budget document.

JCB 1.

FISCAL YEAR 2007/2008 BUDGET AGENCY RESO NOS. 06-07; 07-07; 08-07 COUNCIL RESO NOS. 07-119; 07-120; 07-121; 07-122; 07-123 (continued)

- B) Adopted **Resolution No. 07-120**, finding that the acquisition of property or construction of various improvements as approved pursuant to the adoption of the Fiscal Year 2007/08 Budget will be of benefit to the Redevelopment Project.
- C) Adopted **Resolution No. 07-121**, establishing the annual Appropriations Limit for Fiscal Year 2007/08.
- D) Adopted **Resolution No. 07-122**, establishing the terms and conditions and authorizing the execution of a promissory note in favor of the City of Lancaster for the distribution of funds to the Revolving Fund of the Lancaster Redevelopment Agency pursuant to the implementation of the Fiscal Year 2007/08 Budget.
- E) Adopted **Resolution No. 07-123**, amending Resolution 06-231 by establishing a compensation schedule for various classifications of employees of the City.

PH 1. LANCASTER SEWER SYSTEM SERVICES **CHARGES AND**

METHOD OF

Mayor Hearns opened the Public Hearing. The Public Works Director presented the staff report regarding Lancaster Sewer System Services Charges and Method of Collection. This Public Hearing was inclusive within Public Hearing 2 as well.

PH 2.

COLLECTION

RESO. NO. 07-124 LEVYING OF LANCASTER SEWER SYSTEM SERVICE **CHARGES**

Mayor Hearns opened the Public Hearing. The Public Works Director presented the staff report regarding consideration of levying the Lancaster Sewer System Service Charges for maintenance and servicing of the Lancaster Sewer System for Fiscal Years 2007/2008, 2008/2009, and 2009/2010. There being no further testimony, Mayor Hearns closed the Public Hearing.

Council requested clarification regarding the numbers and costs to citizens if control remains with Los Angeles County; this will be a cost savings to the citizens, although fees will need to be collected.

PH 2.

RESO. NO. 07-124 LEVYING OF LANCASTER SEWER SYSTEM SERVICE

CHARGES (continued)

Addressing the Council on this matter:

Tom Lacey – In full support of the proposal and the resolution to establish this sewer system. Senior Citizens have the advantage of a rebate that will help with the support of this.

Lynde Williams – requested clarification regarding the system; importance of having a mechanism in place for hardship cases.

On a motion by Vice Mayor Visokey and seconded by Council Member Sileo, the City Council adopted **Resolution No. 07-124**, levying Lancaster Sewer System Service Charges for maintenance and servicing of the Lancaster Sewer System for Fiscal Years 2007/2008, 2008/2009, and 2009/2010, by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: Jeffra

PH 3.

RESO. NO. 07-125 ESTABLISHMENT OF LS-3 STREET LIGHT PLAN REVIEW AND INSPECTION SERVICES FEE Mayor Hearns opened the Public Hearing. The Public Works Director presented the staff report regarding establishment of a LS-3 Street Light Plan Review and Inspection Services Fee schedule to become effective September 1, 2007. There being no further testimony, Mayor Hearns closed the Public Hearing.

On a motion by Council Member Sileo and seconded by Council Member Smith, the City Council adopted **Resolution No. 07-125**, establishing a LS-3 Street Light Plan Review and Inspection Services Fee schedule to become effective September 1, 2007, by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: Jeffra

PH 4.

RESO. NO. 07-126 ANNUAL ASSESSMENT FOR FY 2007/08 FOR LDBAD Mayor Hearns opened the Public Hearing. The Public Works Director presented the staff report regarding the Lancaster Drainage Benefit Assessment District Annual Assessment for Fiscal Year 2007/2008. There being no further testimony, Mayor Hearns closed the Public Hearing.

Vice Mayor Visokey requested clarification regarding the costs of the service.

On a motion by Mayor Hearns and seconded by Council Member Sileo, the City Council adopted **Resolution No. 07-126**, confirming the diagrams and assessments and ordering the levying of an assessment in Lancaster Drainage Benefit Assessment District for Fiscal Year 2007/2008, by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: Jeffra

PH 5. RESO. NO. 07-127 ANNUAL ASSESSMENT FOR FY 2007/08 FOR LLMD

Mayor Hearns opened the Public Hearing. The Public Works Director presented the staff report regarding the Lancaster Lighting Maintenance District Annual Assessment for Fiscal Year 2007/2008. There being no further testimony, Mayor Hearns closed the Public Hearing.

Council Member Smith requested clarification regarding the policy for setting a reserve and an estimated timeline to recoup the reserves.

On a motion by Mayor Hearns and seconded by Vice Mayor Visokey, the City Council adopted **Resolution No. 07-127**, confirming the diagrams and assessments and ordering the levying of an assessment in Lancaster Lighting Maintenance District for Fiscal Year 2007/2008, by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: Jeffra

PH 6. RESO. NO. 07-128 ANNUAL ASSESSMENT FOR FY 2007/08 FOR LMD

Mayor Hearns opened the Public Hearing. The Public Works Director presented the staff report regarding the Lancaster Landscape Maintenance District No. 1 Annual Assessment for Fiscal Year 2007-2008. There being no further testimony, Mayor Hearns closed the Public Hearing.

Vice Mayor Visokey requested clarification regarding funds to pay for the freeway ramp improvements.

On a motion by Council Member Smith and seconded by Council Member Sileo, the City Council adopted **Resolution No. 07-128**, confirming the diagrams and assessments and ordering the levying of an assessment in Lancaster Landscape Maintenance District for Fiscal Year 2007/2008, by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: Jeffra

CITY MANAGER'S ANNOUNCEMENT

None

CITY CLERK'S ANNOUNCEMENT

The City Clerk provided the public with the procedure to address the City Council regarding non-agendized items.

PUBLIC BUSINESS FROM THE FLOOR NON-AGENDIZED ITEMS

Addressing the Council at this time:

Tom Delaney – Requested that Council Member Jeffra consider George and Sharon Runner for his Courage and Dedication award because of their dedicated work regarding Jessica's Law.

Dan DeVere – Appreciates the LAN-CAP Team; Sheriff's Department is doing an outstanding job; do not eliminate funding for LAN-CAP.

The City Manager explained that the LAN-CAP Program is not being eliminated and that funding is coming from another source within the budget.

William Parris – Concerns regarding the resolution opposing the immigration reform bill. Commended the City Council on pushing for this bill and stated that the real issue is amnesty and how to control illegal immigration. The City needs to enforce laws that are on the books now; put code enforcement to work on this.

Ace Carter – Concerns regarding a toxic dump in the area of the Antonovich Courthouse; illegal dumping; Smith and Thompson did not follow proper procedures; area must be cleaned up; chemicals are leaching into the soils; citizens are being exposed; City should test this area and stop the dumping.

Nebo Paul – Submitted a letter regarding traffic concerns and the dangers of fireworks.

COUNCIL COMMENTS

Vice Mayor Visokey – Inquired as to development on the east side of Lancaster and what enhancements can be expected.

The Planning Director stated that the primary commercial area on the east side is centered at the intersection of 20th Street East and Avenue J. Currently, the City has within its process, an application for a project on the southeast corner of this intersection that would include a fairly large home improvement store; a pad that has been designated as a potential grocery store location for a new user that is moving into the Southern California area; a number of pads have been designated as potential restaurant pads on this project also. There is also vacant available commercial space that is part of the Wal-Mart Center on the northwest corner. The owner/developer of that center is in contact with a number of potential tenants for that location to continue that development but has not at this point, committed to any specific names.

COUNCIL COMMENTS (continued)

The Planning Director stated that the northeast corner of this intersection, approximately 9 acres, is vacant and there have been indications there are potential applications that will be filed on this, but nothing has been filed at this point. Other active development on the east side includes the approval recently by the Planning Commission of a Vallarta Market that would complete the commercial development on the northwest corner of Challenger Way and Avenue K. There is also interest potentially for the development of the southwest corner of 30th Street East and Avenue K and this is approximately 12-13 acres that is designated as commercial. As of this time, these are the active commercial projects and the potential ones that the City is aware of generally on the east side.

The City Manager stated that the City is hopeful but at this time there is no evidence to suggest there are any letters of commitment at this point.

Assistant City Manager, Michael Busch, stated that while at the ICSC Conference, there was a significant interest in some of the active projects including Amargosa Creek; L & 60th Street West; and great regard to people who were waiting to see what would happen. There are a number of restaurants that have Lancaster on their radar and there are a few that have the City on their radar for 2008 and 2009. The City recently received a request for discussion on a master-planned community on the east side of town which would include schools, parks and neighborhood commercial areas which would further go into developing the east side as a match to the west side of town.

The Economic Development Director stated that the City also has a new retail recruitment book and one of the specific nodes that have been investigated, in regards to demographics, is the area of 20th Street East and Avenue J; the City understands the interest out there and will keep pushing forward.

Vice Mayor Visokey also inquired as to whether the City is getting any reports about businesses hiring illegal aliens; is Code Enforcement doing anything about it.

The Finance Director explained that on the business license application the owners must designate they only hire workers that are legally able to work. There has only been one call from someone regarding this and there is no evidence of a violation.

COUNCIL COMMENTS (continued)

Vice Mayor Visokey stated that the immigration issues need to be addressed and enhanced and stated that he agreed with a previous speaker in that the Federal Government has failed in this area and unfortunately local governments may have to step up and do the job for them.

Council Member Smith stated that the speaker had some very valid comments. In order for a City to take over from the State or Federal Government, there is a fine line and the City has to follow certain guidelines. Everyone has their jurisdictions and the City Attorney has been working on this. Several avenues have been explored to find out what a City can do without crossing a constitutional line and the City is still pursuing all of this. If every single city in the country adopted a resolution telling the President to do his constitutional job, protect the borders; enforce the laws that are already on the books, this would send a message. If cities don't do this, they are remiss in their jobs.

Mayor Hearns stated that he supports everything that has been said and he feels that the City should talk with the Chambers of Commerce and the businesses in the area and communicate with them and encourage them to help by only hiring U.S. legal workers.

CLOSED SESSION

None

ADJOURNMENT

Mayor Hearns adjourned the meeting at 7:55 p.m. in memory of Mr. John "J.B." Brooks – a Lancaster based Developer, who developed many commercial buildings in the Antelope Valley Economic Region. He was very involved in community charities and raised much of the money for the new Children's Center in downtown Lancaster and his real gift was helping people and never taking any of the credit.

Mayor Hearns also announced the next regular meeting of the City Council would be held on July 10, 2007 at 6:00 p.m.

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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 CITY OF LANCASTER)) ss)
	ON OF MINUTES COUNCIL
copy of the original City Council Mi my office.	by certify that this is a true and correct nutes, for which the original is on file in EAL OF THE CITY OF LANCASTER,