



**CITY COUNCIL/SUCCESSOR AGENCY/
FINANCING/POWER/
AUTHORITY
REGULAR MEETING
AGENDA**

Tuesday

December 8, 2015

Regular Meeting – **5:00 p.m.**

Council Chambers – Lancaster City Hall

The City Clerk/Agency/Authority Secretary hereby declares the agenda was posted

by 5:00 p.m. on Friday, December 4, 2015

at the entrance to the Lancaster City Hall Council Chambers.

44933 Fern Avenue, Lancaster, CA 93534

LEGISLATIVE BODY

City Council/Successor Agency/Financing/Power Authority

Mayor/Chair R. Rex Parris

Vice Mayor/Vice Chair Marvin Crist

Council Member/Agency Director/Authority Member Raj Malhi

Council Member/Agency Director/Authority Member Ken Mann

Council Member/Agency Director/Authority Member Angela Underwood-Jacobs

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AGENDA ITEMS TO BE REMOVED

Sometimes it is necessary to remove items from the agenda. We apologize for any inconvenience this may cause you.

PUBLIC BUSINESS FROM THE FLOOR - AGENDIZED ITEMS

Any person who would like to address the City Council, Successor Agency, and Power/Financing Authorities on any agendized item is requested to complete a speaker card for the City Clerk/Agency/Authority Secretary and identify the agenda item you would like to discuss. Each person will be given an opportunity to address the Legislative Body at the time such item is discussed. Speaker cards are available at the rear of the Council Chambers and your speaker card must be filled out *prior* to the agenda item being called. We respectfully request that you fill the cards out completely and print as clearly as possible. Following this procedure will allow for a smooth and timely process for the meeting and we appreciate your cooperation. *Individual speakers are limited to three (3) minutes each.*

Consent Calendar items under the Legislative Body may be acted upon with one motion, a second and the vote. If you desire to speak on an item or items on the Consent Calendar, you may fill out one speaker card for the Consent Calendar. You will be given three minutes to address your concerns before the Legislative Body takes action on the Consent Calendar.

CALL TO ORDER

City Council/Successor Agency/Financing/Power Authority

ROLL CALL

City Council Members /Agency Directors /Authority Members: Malhi, Mann, Underwood-Jacobs;
Vice Mayor/Vice Chair Crist, Mayor/Chair Parris

INVOCATION

Pastor David Jackson, Grace Chapel

PLEDGE OF ALLEGIANCE

PRESENTATION

1. Recognition of outgoing BLVD Association Board Members
Presenter: Mayor Parris

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COUNCIL ACTIONS

MINUTES

M 1. Approve the City Council/Successor Agency/Financing/ Power Authority Regular Meeting Minutes of November 10, 2015.

CONSENT CALENDAR

CC 1. Waive further reading of any proposed ordinances. (This permits reading the title only in lieu of reciting the entire text.)

CC 2. Approve the Check and Wire Registers for October 25, 2015 through November 21, 2015 in the amount of \$6,470,892.42.

CC 3. Accept and approve the October 2015, Monthly Report of Investments as submitted.

Each month, the Finance Department prepares a report listing the investments for all separate entities under the jurisdiction of the City as identified in the City's Comprehensive Annual Financial Report.

CC 4. Adopt **Ordinance No. 1010**, amending Title 5 of the Lancaster Municipal Code by repealing Articles I and V of Chapter 5.04 and adding a new Article I of Chapter 5.04, relating to business licenses.

Article I of Chapter 5.04 of the Lancaster Municipal Code sets forth the provisions regulating the application, issuance, denial, renewal and revocation of general business licenses. As currently written, the provisions concerning the City's review of an application and the grounds for denial or revocation of a license are vague and ambiguous and do not authorize an adequate level of review before a license is issued. Staff has discovered that some licenses are issued to persons who have previously conducted their business in a manner that violates local or state law or that otherwise poses a threat to public health and safety.

CC 5. Adopt **Resolution No. 15-66**, amending Resolution 14-64 establishing a compensation schedule for various classifications of employees of the City.

In order to continue to provide a high level of service delivery within the Administration Department, staff recommends establishing the classifications of Assistant to the City Manager and Human Resources Manager. These classifications will be placed under the Mid-Management class. Additionally, the Claims Specialist classification is also established as part of the General Class.

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CC 6. Adopt **Resolution No. 15-67**, repealing Resolution No. 14-44 and establishing the meeting day and time of the Lancaster City Council.

Staff recommends adopting this Resolution to change the meeting day and time to avoid placing items before Council each year to cancel specific meetings. A special meeting of the City Council may be called at any time by the Mayor, or by three members of the City Council, as established in the Ralph M. Brown Act.

CC 7. Funding Agreement with Los Angeles County Metropolitan Transportation Authority for Design, Project Development, Right-of-Way, and Construction of Traffic Signal System Modernization

- a. Approve the plan for use of Los Angeles County Metropolitan Transportation Authority – Call for Project Proposition C Funding, which includes:
 1. Increase estimated revenues in Account No. 321-3350-102 by \$675,600.00 for Fiscal Year 2015-2016.
 2. Appropriate \$675,600.00 in Proposition C funds to Capital Improvement Account No. 321-16TS028-924, Traffic Signal System Modernization.
 3. Appropriate \$675,600.00 in Signal Impact funds to Capital Improvement Account No. 217-16TS028-924, Traffic Signal System Modernization.
- b. Approve the Proposition C Funding Agreement with Los Angeles County Metropolitan Transportation Authority for Design, Project Development, Right-of-Way, and Construction of Traffic Signal System Modernization. Authorize the City Manager, or his designee, to sign all documents.

The Traffic Signal System Modernization project will replace twenty-eight (28) miles of copper cable with fiber optic cable in the existing conduits, install new Ethernet switches in existing controller cabinets at one hundred forty-seven (147) signalized intersections, update existing fiber backbone equipment, install equipment to view images remotely through existing video detection at fifty-four (54) signalized intersections, and install wireless communication to eighteen (18) remote signalized intersections. The project boundaries are from Avenue H to Avenue N and 70th Street West to 30th Street East. The project will reduce travel times and increase level of service by providing real-time data allowing for reduced cycle lengths at signalized intersections.

CC 8. Approve and accept for maintenance the developer constructed streets for Tract No. 060943 Phase 2, lots 30-33 and 40, located on the south side of Avenue K-8 approximately 660 feet east of Challenger Way, Owned by: KB HOME Greater Los Angeles Inc.; Tract No. 060779 located on the northwest corner of Avenue J-8 and 32nd Street West, Owned by: AVTHREE Homes, LLC; and Permit No. 15-00612, located on 15th Street East north of Avenue H-12, Developer: The Caritas Corporation.

The streets have been constructed and completed by the developers according to the approved plans and specifications. The work has been inspected and found to be satisfactory to the Planning Director.

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CC 9. Approve a professional services agreement with Michael Baker International, Inc. (formerly RBF Consulting, a Company of Michael Baker International), of Irvine, California, in the amount of \$845,999.00 with a 5% contingency, to develop the Project Approval and Environmental Document (PA&ED) for PWCP No. 13-020, SR-138 (SR-14) and Avenue G Interchange. Authorize the City Manager, or his designee, to sign all documents. The consultant selection process was made in accordance with Government Codes 4526 and 53060.

On December 9, 2014, City Council approved a professional services agreement with RBF Consulting, a Company of Michael Baker International, to develop, review and approve the planning phase project initiation documents (PID) for PWCP No. 13-020, SR-138 (SR-14) and Avenue G Interchange project. The Project Study Report that consolidates the PID is currently circulating for signatures and final approval. This professional services agreement for Project Approval and Environmental Document is for the Environmental Phase of the project. Professional services for the remaining design phase for plans, specifications and estimates (PS&E), will be awarded separately.

CC 10. Award **Public Works Construction Project No. 15-011, Maintenance Yard Storage Building, Phase II**, to Medallion Contracting, Inc. of Palmdale, California, in the amount of \$367,175.00, plus a 10% contingency, for a 50' by 100' steel storage building. Authorize the City Manager, or his designee, to sign all documents. This contract is awarded to the lowest responsible bidder per California Public Contract Code Section 22038 (b).

The project will construct a five (5) bay, 50' by 100' storage building at the City's Maintenance Yard. This new storage building will be used to store some of the City's larger maintenance equipment. This project also includes the extension of electrical appurtenances for the Hazardous Waste Building south of the proposed Maintenance Yard Storage Building.

CC 11. Adopt **Resolution No. 15-68**, a resolution of the City Council of the City of Lancaster, California, confirming the continued existence of a local emergency in the City of Lancaster, California, and confirming the continuing need for emergency repair and redesign of certain City drainage systems.

City staff and contractors have cleared a substantial amount of debris and mud from City roads and drainage channels, emergency mitigation work is continuing in the form of upgrading drainage swales and outlets along with repairing block walls. While much progress has been made, the emergency repairs are not fully completed. Until such time as the work is finished, conditions of extreme peril to the safety of persons and property will continue to exist in the event of further storms and the accompanying substantial water and mud flow

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PUBLIC HEARINGS

PH 1. Appeal of Planning Commission’s Denial of One-Year Extension to Tentative Tract Map No. 62121 (Proposed Subdivision of 115 Lots on 30.3 Acres Located at the Northwest Corner of 40th Street West and Avenue K)

Recommendation:

Adopt **Resolution No. 15-69**, upholding the Planning Commission’s decision by denying the appeal for a one-year extension for Tentative Tract Map No. 62121 (a request for 115 single family lots on 30.3 acres located at the northwest corner of 40th Street West and Avenue K).

The State Subdivision Map Act (Section 66452.6(e)) provides a great deal of discretion to the City in determining whether to grant an extension request, simply stating that the City “may” grant one. The City’s Subdivision Ordinance (Section 16.08.170) establishes findings that are to be made in order to grant a map extension request. In considering the request, the Planning Commission evaluated, in accordance with certain of the findings, whether the existing approved map is consistent with the City’s General Plan and whether the original findings approving the map remain valid. The Commission’s determination was that, given the changes approved to the General Plan in 2009, the current map is not consistent with the General Plan and the original approval findings are no longer valid. Based on this determination, the Commission (by a 5-0-1 vote) denied the extension request on October 19, 2015. Subsequently, the applicant appealed the denial on November 2, 2015.

PH 2. Amendment to Lancaster Choice Energy Customer Power Rates and City of Lancaster Fee Schedule

Recommendations:

a. Adopt **Resolution No. 15-70**, rescinding Resolution No. 15-06, and adjusting customer power generation rates for Lancaster Choice Energy (LCE).

b. Adopt **Resolution No. 15-71**, amending Resolution No. 15-29 and establishing a Citywide Fee Schedule.

LCE began providing service to a small portion of our customers in May 2015, with the balance of the city launching in October 2015. We are pleased to report that the opt-out rates were much lower than the assumed 20%. That, coupled with lower than anticipated power costs, results in the ability to review current rates and recommended a reduction in current rates.

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COUNCIL AGENDA

CA 1. Consideration of re-appointment of Marvin Crist and Rob Parris to the Antelope Valley Fairgrounds Joint Powers Authority Board of Directors
Presenter: Mayor Parris

COUNCIL REPORTS

CR 1. Report on the Activities of the Board of Directors for the Antelope Valley Transit Authority
Presenter: Vice Mayor Crist

CR 2. Council Reports

LANCASTER HOUSING AUTHORITY

No action required at this time.

LANCASTER FINANCING AUTHORITY

No action required at this time.

LANCASTER POWER AUTHORITY

No action required at this time.

LANCASTER SUCCESSOR AGENCY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

CITY CLERK /AGENCY/AUTHORITY SECRETARY ANNOUNCEMENT

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PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

This portion of the agenda allows an individual the opportunity to address the City Council/Successor Agency on any item ***NOT ON THE AGENDA*** regarding City/Agency business and speaker cards must be submitted ***prior*** to the beginning of this portion of the Agenda. Please complete a speaker card for the City Clerk/Agency Secretary and identify the subject you would like to address. We respectfully request that you fill the cards out completely and print as clearly as possible. Following this procedure will allow for a smooth and timely process for the City Council/Successor Agency meeting and we appreciate your cooperation. State law prohibits the City Council/Successor Agency from taking action on items not on the agenda and your matter will be referred to the City Manager/Executive Director. ***Individual speakers are limited to three (3) minutes each.***

COUNCIL / AGENCY COMMENTS

CLOSED SESSION

1. Conference with Legal Counsel – Anticipated Litigation: significant exposure to litigation pursuant to Government Code Section 54956.9(d) (2) – two potential cases.
2. Conference with Legal Counsel – Anticipated Litigation: consideration of initiation of litigation pursuant to Government Code Section 54956.9(d) (4) - four potential cases.
3. Conference with Legal Counsel--Existing Litigation - Government Code Section 54956.9(d) (1)
4. Patton v. City of Lancaster, LASC Case No. MC 025064
5. Estarella v. City of Lancaster, LASC Case No.BC527749
6. Wilson v. City of Lancaster, LASC MC025201
7. ANTELOPE VALLEY GROUNDWATER CASES
Included Actions:
Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.
Superior Court of California, County of Los Angeles, Case No. BC325201;

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.
Superior Court of California, County of Kern, Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of Lancaster, Diamond Farming Co. v. City of Lancaster, Diamond Farming Co. v. Palmdale Water District
Superior Court of California County of Riverside, consolidated actions;
Case Nos. RIC 353 840, RIC 344 436, RIC 344 668

Santa Clara Case No. 1-05-CV 049053

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ADJOURNMENT

Next Regular Meeting:

Tuesday, January 12, 2016 - 5:00 p.m.

MEETING ASSISTANCE INFORMATION

In compliance with the Americans with Disabilities Act, this meeting will be held at a location accessible to persons with disabilities; if you need special assistance to participate in this meeting, please contact the City Clerk at (661)723-6020. Services such as American Sign Language interpreters, a reader during the meeting, and/or large print copies of the agenda are available. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting/event you wish to attend. Due to difficulties in securing sign language interpreters, five or more business days notice is strongly recommended. For additional information, please contact the City Clerk at (661)723-6020.

AGENDA ADDENDUM INFORMATION

On occasion items may be added after the agenda has been mailed to subscribers. Copies of the agenda addendum item will be available at the City Clerk Department and are posted with the agenda on the windows of the City Council Chambers. For more information, please call the City Clerk Department at (661) 723-6020.

All documents available for public review are on file with the City Clerk Department.