



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

Tuesday

October 25, 2016

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, October 21, 2016

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 Dwayne Jones, Living Water Worship Center

PLEDGE OF ALLEGIANCE

PRESENTATION

1. Introduction of newly assigned Lancaster Station Deputies
Presenter: Sheriff Captain Pat Nelson

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COUNCIL ACTIONS

MINUTES

M 1. Approve the City Council/Successor Agency/Financing/ Power Authority Regular Meeting Minutes of September 27, 2016.

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 September 11, 2016 through October 1, 2016 in the amount of \$6,202,976.93.

At each regular City Council Meeting, the City Council is presented with the financial claims (invoices) against the City for purchase of materials, supplies, services, and capital projects for checks and Automated Clearing House (ACH) payments issued the prior two to three weeks. This process provides the City Council the opportunity to review the expenses of the City. The justifying backup information for each expenditure is available in the Finance Department.

CC 3. Accept and approve the September 2016, 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. Accept the work constructed by C. A. Rasmussen, Inc. for **Public Works Construction Project No. 13-014, Avenue H Rehabilitation, STPL-5419(044)**, and direct the City Clerk to file the Notice of Completion for the project. Retention on this project has been disbursed in accordance with California Public Contract Code.

On January 12, 2016, Council awarded Public Works Construction Project No. 13-014, Avenue H Rehabilitation, STPL-5419(044), to C. A. Rasmussen, Inc. This project included pavement rehabilitation, minor widening, restriping, colored bike lanes, and curb ramp modifications on Avenue H, between 20th Street West and Sierra Highway. Construction of the project has been completed to the satisfaction of the Development Services Director.

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CC 5. Approve an increase in the Professional Consultant Services contract amount for Public Works Capital Project No. 13-015, 20th Street West, Lancaster Boulevard to Avenue J Street Rehabilitation and Repair, with Stantec Consulting Services, Inc. of Lancaster, California, by \$48,964.00 and authorize the City Manager, or his designee, to sign all documents.

The City is requesting approval of Additional Authorization No. 1 in an amount not to exceed \$48,964.00 for additional services to prepare landscaping and irrigation design plans for the west side of 20th Street West where a meandering sidewalk will be installed between Lancaster Boulevard and approximately 350' north of Avenue J, and will include drought resistant plants.

CC 6. Public Works Construction Project No. 16-006, 2016 Sewer Main Restoration Project

- A. Appropriate \$400,000.00 from Sewer Maintenance Fund Balance Account to Capital Improvements Budget Account No. 480-17SR004-924.
- B. Award **Public Works Construction Project No. 16-006, 2016 Sewer Main Restoration Project**, to Sancon Technologies, Inc. of Huntington Beach, California, in the amount of \$356,637.05 Base Bid, plus Additive Alternates A, B, and C, in the amount of \$233,888.65, for a Total Bid of \$590,525.70, plus a 15% contingency, for removal and replacement of sewer line in various locations throughout the City. 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).

This project includes removal and replacement of sewer line at 14 locations throughout the City, as well as new sewer lining at 54 locations.

CC 7. Award **Informal Bid No. 1602, Sewer Manhole Repair Project**, to Cedro Construction, Inc. of Santa Paula, California, in the amount of \$174,256.00, for manhole rehabilitation and adjustments at various locations throughout the City; 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).

This project includes adjusting 18 manhole covers to grade, rehabilitating 4 manholes, removing and replacing 8 manhole channels, and replacing 14 manhole frames and covers in various locations throughout the City.

CC 8. Approve and accept the Subdivision Improvement and Lien Agreement submitted by Pelican Landing, LP, (Developer), in place of the Subdivision Undertaking Agreement and securities submitted by Davidon Homes for Tract Map No. 062845, located on the northwest corner of Avenue M and 32nd Street West.

On January 8, 2008, Davidon Homes entered into a Subdivision Undertaking Agreement and posted securities to complete the required improvements for Tract Map No. 062845. The subject property subsequently changed hands and the new developer, Pelican Landing, LP, has requested that the City allow the substitution of the Subdivision Undertaking Agreement and securities so that the property can be developed.

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CC 9. Program Income from the U.S. Department of Housing and Urban Development (NSP 1) and from the U.S. Department of Urban Development (NSP 3)

- a. Appropriate Program Income revenues of \$1,006,746.57 for funds received from the sale of Neighborhood Stabilization Program (NSP 1) homes pursuant to the Housing and Economic Recovery Act of 2008, for program expenditures in Account No. 363-4542-770.
- b. Appropriate Program Income revenues of \$159,12.70 for funds received from the sale of Neighborhood Stabilization Program (NSP 3) homes pursuant to the Dodd-Frank Act of 2010, for program expenditures in Account No. 363-4542-771.

The appropriation of funds will assist with the acquisition and rehabilitation of foreclosed homes in the expanded target areas. The funds are expected to be expended in fiscal years 2015-2016, 2016-2017 and 2017-2018.

The request for the appropriation will make funds available to allow the acquisition, rehabilitation, and resell of foreclosed homes in the expanded target areas. The U.S. Department of Housing and Urban Development allows the City to expand the target areas as a Substantial Amendment.

CONTINUED PUBLIC HEARING

CPH 1. Amendment to Title 17 of the Lancaster Municipal Code to Delete Minimum Off-street Parking Requirements in the C (Commercial) and CPD (Commercial Planned Development) Zones

Recommendation:

Introduce **Ordinance No. 1016**, amending Title 17 of the Lancaster Municipal Code by deleting minimum off-street parking requirements in the C (Commercial) and CPD (Commercial Planned Development) zones.

The City Council originally considered this matter on September 27, 2016. Following discussion, the Council continued the matter and directed staff to consider language that would provide the ability of the City to act to prevent potential abuse of this approach. Staff is, therefore, recommending to the Council a modification to the proposed ordinance that would require the developer, property owner, or authorized agent making the parking determination to provide, to the satisfaction of the Development Services Director or the Planning Commission (depending on the designated approval authority), justification to support the determination.

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PUBLIC HEARINGS

PH 1. Appeal of Planning Commission’s Denial of Conditional Use Permit No. 16-04 (Request for a Mini-Mart with a Type 20 Off-Sale Alcohol License in Conjunction with a Proposed Gasoline Station located at 42015 North 10th Street West)

Recommendation:

Adopt **Resolution No. 16-51**, approving Conditional Use Permit No. 16-04.

The applicant filed the conditional use permit application on May 18, 2016. The Planning Commission held a hearing on the request on August 15, 2016, at which time they reviewed the proposal and heard testimony. The Commission voted to continue the hearing to September 19, 2016, to allow time for existing tenants to be notified about the request, and receive additional information clarifying a State Alcoholic Beverage Control form submitted by a member of the public regarding the level of crime in the reporting district in which the site is located. The Commission, following additional discussion at the meeting, considered a motion to approve the mini-mart request without alcohol sales. This motion failed on a 3-3 vote. The Commission then considered a motion to approve the request as recommended by City staff, which also failed 3-3. Since failure to approve constitutes a denial of the request, Conditional Use Permit No. 16-04 was deemed denied by this action.

PH 2. Public Safety Strategy Regarding Alcohol Sales/Amendment to the Lancaster Municipal Code Alcoholic Beverage Establishments, and Repeal of Previously Adopted Ordinance No. 1013

Recommendation:

Introduce **Ordinance No. 1015**, amending Chapter 17.42 of the Lancaster Municipal Code, relating to alcoholic beverage establishments and repealing Ordinance No. 1013.

The proposed ordinance seeks to focus on business operation and compliance to reduce nuisance effects, rather than blanket restrictions on the size or number of alcoholic beverage containers, and provides an administrative tool for the City to achieve compliance, while the Alcohol Beverage and Sales Business Improvement Committee will focus on aiding the City and Law Enforcement in this effort and collaboratively work to guide establishments in need of help.

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NEW BUSINESS

NB 1. Appointment of 2016/2017 Lancaster Youth Commission

Recommendation:

Nominate and appoint Gi' Ani Sargent, Noah Sveiven, Abigail Navarro, Dane Anderson, Victoria Rabb, Madeline Shaver and Rachel Riede to the 2016-2017 Lancaster Youth Commission.

The Lancaster Youth Commission was created by the City Council in January of 1992 to provide a forum for Lancaster's high school students to provide input regarding the needs and concerns of the community. Youth Commissioners are nominated by high schools in Lancaster. The schools include: Antelope Valley, Bethel Christian, Desert Christian, Lancaster, Lancaster Baptist, Eastside, Paraclete, SOAR and Quartz Hill High School.

NB 2. Amendment to Section 2.04.060 of the Lancaster Municipal Code

Recommendation:

Introduce **Ordinance No. 1017**, amending section 2.04.060 of the Lancaster Municipal Code relating to a local expense allowance for the Mayor and City Council Members

Ordinance No. 581 was established in 1991 and provided no allowance for cost of living adjustments or for the significant increased responsibilities, complexities and expectations of Council Members of a growing diverse city. With the continuous increase in the cost of living and Council Member responsibilities, and the twenty-five year span since the establishment of Ordinance No. 581, it is recommended that the expense allowance be amended to be more in line with the actual costs incurred by the Mayor and City Council members.

NB 3. Official Canvass and Certification of the October 11, 2016 Special Municipal All-Mail Ballot Election

Recommendation:

Adopt **Resolution 16-52**, reciting the facts of the Special Municipal All-Mail Ballot Election held on October 11, 2016, declaring the results and such other matters as provided by law.

Measure A – The Safe and Compassionate Community Act, if approved by the voters would have established a Special Parcel Tax to fund law enforcement services and certain other incidental services for homeless individuals and families. The vote requirement for the measure to pass was 2/3 of the votes cast. Election Code Sections 10262, 10263 and 10264 require, among other things, the City Clerk to declare to the legislative body the results of the Special Municipal Election.

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NB 4. Resolution and Ordinance Pertaining to Building Construction

Recommendations:

- a. Adopt **Resolution No. 16-53**, presenting findings for modifying the 2016 California Building, Residential, Electrical, and Energy Codes which are reasonably necessary due to local climatic, geological, or topographical conditions.
- b. Introduce **Ordinance No. 1018**, amending title 15 of the Lancaster Municipal Code by repealing Ordinance Number 994, and adopting by reference the 2016 edition of the California Building Code as amended herein; adopting by reference the 2016 edition of the California Residential Code as amended herein; adopting by reference the 2016 edition of the California Electrical Code as amended herein; adopting by reference the 2016 edition of the California Mechanical Code; adopting by reference the 2016 edition of the California Plumbing Code as amended herein; adopting the Lancaster Security Code as contained herein; adopting by reference the 2015 edition of the International Property Maintenance Code as amended herein; adopting by reference the 2016 edition of the California Energy Code as amended herein; adopting by reference the 2016 edition of the California Historical Building Code; adopting by reference the 2017 edition of the Los Angeles County Fire Code; adopting by reference the 2016 edition of the California Green Building Standards Code; adopting by reference the 2016 edition of the California Existing Building Code; and adopting by reference the 2016 California Referenced Standards code, as the Lancaster codes for buildings and construction, all pertaining to life and safety and to the construction, alteration, moving demolition, repair, maintenance, and use of buildings, structures, and properties within the City.

In January 2016, the California Building Standards Commission approved certain parts of the 2016 edition of the California Building Standards Code, Title 24 of the California Codes and Regulations, based on the most recent editions of the International Building and Fire Codes, the National Electrical Code, and the Uniform Mechanical and Plumbing Codes; all with California specific amendments. Such codes will become effective on a statewide basis on January 1, 2017. All local building departments are, therefore, required to enforce such codes as the minimum codes. State law allows local authorities to amend the provisions of Title 24 provided certain conditions are met. The adoption of the 2016 edition of the California Building Standards Code, as amended in this Ordinance, meet State requirements and will serve as the codes for building and construction within the City. The adoption of the 2016 edition of the California Building Standards Code also places such codes within the Lancaster Municipal Code. The City of Lancaster is also adopting the 2016 California Energy Code, amended to include the requirements of Ordinance No. 989, approved by Council in April 2013, for the implementation of solar energy systems. The City of Lancaster is adopting the 2016 edition of the California Historical Building Code, which governs use, alteration, and additions to listed historical buildings while preserving the historical integrity of the structure.

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COUNCIL AGENDA

- CA 1.** Discussion and possible action regarding renaming Lancaster City Park in honor of Sgt. Steve Owen.
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.** Report on the Activities of the Board of Directors for District No. 14 of the County Sanitation Districts of Los Angeles County
Presenter: Council Member Mann
- CR 3.** 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

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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. Dunnagan v. City of Lancaster, LASC Case No. BC 615917
7. Simmons v. City of Lancaster, LASC Case No. BC 615471
8. Celebron v. City of Lancaster, LASC Case No. BC 615587
9. Kay v. City of Lancaster, LASC Case No. MC 026015
10. Arredondo v. City of Lancaster, LASC Case No. BC 573151
11. 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

ADJOURNMENT

Next Regular Meeting:

Tuesday, November 8, 2016 - 5:00 p.m.

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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.