



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

Tuesday

February 14, 2017

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, February 10, 2017

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

Imam Kamal Abdul-Jabbaar of Masjid Imam W.D. Mohammed

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. Justice Sunday Appreciation Presentation
Presenter: Mayor Emeritus Henry Hearn

2. Recognition of Los Angeles County Sheriff Explorers – Chandler Explorer Competition
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 January 24, 2017.

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 January 8, 2017 – January 21, 2017 in the amount of **\$9,557,474.80**.

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. Award Informal Bid No. 651-17, City Hall Fascia Improvements, to SoCal Design of Lancaster, CA in the amount of \$162,462 and authorize the City Manager or his designee to sign all documents.

The City Hall Fascia Improvements project will remove all of the wood planks on the east and north sides of City Hall and replace them with Reynobond aluminum exterior paneling. The existing fascia is more than 30 years old and the majority of the wood has rotted and several planks have fallen off exposing parts of the City Hall framework to the elements.

CC 4. Adopt **Ordinance No. 1020**, amending Titles 15 and 17 of the Lancaster Municipal Code establishing requirements for the construction of Zero Net Energy (ZNE) single family residences.

The proposed ordinance would establish ZNE requirements for new single family residential units earlier than the 2020 timeframe established by the State of California. The enactment of the requirement would also be consistent with the Lancaster’s goal of becoming a net-zero city.

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CC 5. Approve the map and accept the dedications as offered on the map for Tract Map No. 63201, located approximately 338.66 feet east of 21st Street West and north of Avenue J-8.; make 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; and instruct 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.

The Final Map is in substantial conformance with the approved tentative map. Tract Map No. 63201 has been examined by the City Engineer and is ready for Council approval. In addition, improvement securities have been submitted to ensure the installation of improvements.

CC 6. Adopt **Resolution No. 17-07**, amending Resolution No. 16-48 and re-establishing the List of Designated Employment Classifications and the Disclosure Categories of the Conflict of Interest Code as provided in Section 2.40.030, Title 2, of the Lancaster Municipal Code.

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate or, alternatively, that the code must be amended. Government Code Section 87307 provides that an agency may at any time amend its Conflict of Interest Code. The City reviewed and adopted its biennial Conflict of Interest Code on September 13, 2016. Upon review of the list of Designated Employees and comparing the list to the list of Designated Employee Classifications, it was determined that the List of Designated Employee Classifications should be further amended.

CC 7. Approve the map and accept the dedications as offered on Parcel Map No. 66627, located 499.46 feet south of Avenue M-8 and 342.92 feet east of 38th Street West, owned by Andrew J. Eliopoulos; approve the Undertaking Agreement and Improvement Securities required as a condition of recordation of the map; make 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; and instruct 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.

The Final Map is in substantial conformance with the approved tentative map. Parcel Map No. 66627 has been examined by the City Engineer, and is ready for Council approval. An Undertaking Agreement and Improvement Securities have been submitted to guarantee the installation of improvements.

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CC 8. Approve an Agreement with Antelope Valley Air Quality Management District for a Plug-in Infrastructure Incentive Program Grant and Appropriation of funds

- a. Approve an agreement with Antelope Valley Air Quality Management District (AVAQMD) for a Plug-in Infrastructure Incentive Program Grant. The grant total is \$37,650, of which 80% (\$30,120) will be reimbursed by AVAQMD and 20% (\$7,530) will be matched by Lancaster Choice Energy.
- b. Appropriate \$37,650 to Lancaster Choice Energy expenditure Account No. 490-4370-755 for the purchase of equipment, installation, and networking costs.
- c. Recognize revenue in the amount of \$30,120 to Account No. 204-3750-100; appropriate a transfer of these funds from Account No. 204-4999-490 to Account No. 490-3990-204 for the purpose of reimbursing Lancaster Choice Energy for 80% of the purchase and installation costs of the equipment.

Approval of this grant will enable the City of Lancaster to partner with Southern California Edison (SCE) and AVAQMD to participate in SCE's ChargeReady pilot program, which will deploy infrastructure to serve qualified electric vehicle (EV) charging stations throughout our community. Through this program, SCE will install and fund all infrastructure costs. The City will procure the charging station equipment, and oversee installation and networking software. AVAQMD will reimburse the City up to 80% of equipment costs for the project as part of their Plug-in Infrastructure Incentive Program. This pilot project supports the City's goal of expanding the electrical vehicle charging station infrastructure in our community to align with the Governors Executive Order "to encourage the development and success of zero-emission vehicles" and the state's goal toward the long-term target of 1.5 million zero-emission vehicles on California roadways by 2025. In addition, this project supports the Transportation Initiative as part of Lancaster's Climate Action Plan.

CC 9. Adopt **Resolution No. 17-08**, approving the Climate Action Plan (CAP) and certifying the associated Initial Study.

In November 2015, staff was tasked with the development of a Climate Action Plan including a Greenhouse Gas (GHG) Inventory. The GHG inventory documented the City's GHG emissions and established a baseline inventory (2010) and current emissions (2015). City staff then developed a Climate Action Plan to document the progress the City has made through its alternative energy and sustainability programs, and identify projects that would enhance the quality of life in Lancaster while continuing to further reduce GHG emissions. This plan is designed to focus on specific projects which will better our community, quality of life, reduce emissions, and save money.

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NEW BUSINESS

NB 1. Award of Request for Proposal (RFP) No. 650-17 – Streetlight LEDs

Recommendation:

Award a multi-year contract in the amount of \$2,852,803.59 to BYD Energy LLC for **RFP No. 650-17 for Streetlight LEDs**, and authorize the City Manager, or his designee, to sign all documents.

The City of Lancaster is currently acquiring all of the streetlights within city limits from Southern California Edison (SCE) and expects the process to be completed in the first quarter of 2017. By installing LED fixtures, staff estimates the City will see a 30% energy savings which is equal to \$250,000 annually. Lancaster will also be eligible for a refund through SCE's streetlight fixture rebate program, which pays up to 80% of the cost of each LED light that is purchased and installed.

NB 2. Award of Request for Proposal (RFP) No. 658-17 – Citywide Streetlight Conversion from High Pressure Sodium (HPS) to Light Emitting Diode (LED) Lights

Recommendation:

Approve a one-time contract in the amount of \$739,980.64 to Taft Electric Company for **RFP No. 658-17 for the Citywide Streetlight Conversion from High Pressure Sodium (HPS) to Light Emitting Diode (LED) Lights**, and authorize the City Manager, or his designee, to sign all documents.

The City of Lancaster is currently acquiring all of the streetlights within city limits from Southern California Edison (SCE) and expects the process to be completed in the first quarter of 2017. Hiring a third party to install LED fixtures will accelerate the rebate process ensuring that the City obtains the maximum refund available. The City will also achieve additional energy savings once lights are converted to LED. The conversion process is slated to start in the first quarter of 2017 with LED fixtures replacing all High Pressure Sodium (HPS) fixtures on City streetlights by October 31, 2017.

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CONTINUED PUBLIC HEARING

CPH 1. Ordinance and Resolutions Regulating Medical Cannabis

Recommendations:

- a. Introduce **Ordinance No. 1019**, (the “Ordinance”), adding Chapters 5.56 and 17.43 to the Lancaster Municipal Code relating to the regulation of medical cannabis; with specific prohibitions banning dispensaries, outdoor cultivation, distribution facilities, and delivery businesses in the City of Lancaster; and imposing stringent regulations upon indoor cultivation in limited zones.
- b. Adopt **Resolution No. 17-04**, establishing fees regarding regulation of medical cannabis.
- c. Adopt **Resolution No. 17-05**, establishing the maximum number of licenses and permits that may be issued for cultivation of medical cannabis.

In 2016 when Proposition 64 qualified for the November 8, 2016 ballot, the City Council gave direction to staff and the Planning Commission to develop options and recommendations relative to the regulation of cannabis. The Planning Commission met five times to discuss the issue of medical cannabis and to take public comment. Based on those discussions, the Commission and staff crafted the recommended Ordinance. Subject to various requirements and limitations, the Ordinance recommended by the Planning Commission conditionally permits the indoor cultivation of medical cannabis and requires that medical cannabis be cultivated only in appropriately secured, enclosed, and ventilated structures, so as not to be visible or accessible to the general public, to provide for the health, safety and welfare of the public, to prevent negative impacts to property values, to prevent odor created by cannabis plants from impacting adjacent properties, to prevent crime associated with cannabis, and to ensure that cannabis grown for medical purposes remains secure and does not find its way to non-patients, minors, or illicit markets. The Ordinance includes specific prohibitions such as banning dispensaries, outdoor cultivation, distribution facilities, and delivery businesses in the City of Lancaster. The Ordinance would establish a comprehensive regulatory scheme requiring cultivators to apply for and obtain *both* (i) a City-issued cultivator’s license *and* (ii) a conditional use permit. Under the Ordinance, a Cultivator’s license would be subject to various requirements and limitations related to security and operation. Under the Ordinance, a conditional use permit for the cultivation of cannabis would similarly be subject to various requirements and limitations. The Ordinance conditionally permits only *medical* cannabis cultivation facilities and allows the City Council to limit the number of such facilities by resolution. The Ordinance specifically prohibits cannabis manufacturing facilities, cannabis distribution facilities, cannabis dispensaries and/or cannabis delivery businesses.

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COUNCIL REPORTS

CR 1. 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 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

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

**CITY OF LANCASTER, CALIFORNIA
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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) - two 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, February 28, 2017 - 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.

M 1
02/14/17
MVB

**LANCASTER
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CALL TO ORDER

Mayor/Chair Parris called the meeting of the Lancaster City Council/Successor Agency/Financing/Power Authority to order at 5:00 p.m.

ROLL CALL

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

EXCUSED: Council Member Malhi

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council/Successor Agency/Financing/Power Authority excused Council Member/Agency Director/Authority Member Malhi from the meeting, by the following vote: 4-0-0-1; **AYES:** Mann, Underwood-Jacobs, Crist, Parris; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Malhi

STAFF

MEMBERS: City Manager/Executive Director; Deputy City Manager/Deputy Executive Director; City Attorney/Agency/Authority Counsel; City Clerk/Agency/Authority Secretary; Assistant to the City Manager; Development Services Director; Parks, Recreation and Arts Director; Acting Finance Director; Economic Development Director; Housing Director; Public Safety Director

INVOCATION

Luke Duncan

PLEDGE OF ALLEGIANCE

Council Member Underwood-Jacobs

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
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AGENDA ITEMS TO BE REMOVED

Mayor Parris stated Item No. PH 1 will be continued to a future date and stated Item No. CA 1 will be removed from the agenda.

M 1. MINUTES

On a motion by Vice Mayor Crist and seconded by Council Member Underwood-Jacobs, the City Council/Successor Agency/Financing/Power Authority approved the City Council/Successor Agency/Financing/ Power Authority Regular Meeting Minutes of January 10, 2017, by the following vote: 4-0-0-1; AYES: Mann, Underwood-Jacobs, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Malhi

CONSENT CALENDAR

Item No.'s CC 4, CC 7 and CC 8 were removed for separate discussion.

On a motion by Vice Mayor Crist and seconded by Council Member Underwood-Jacobs, the City Council approved the Consent Calendar with the exception of Item No.'s CC 4, CC 7 and CC 8, by the following vote: 4-0-0-1; AYES: Mann, Underwood-Jacobs, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Malhi

Addressing the City Council on Item No.'s CC 4 and CC 8
Maria Paesano – discussed destroying records and fraud.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council approved Item No.'s CC 4 and CC 8, by the following vote: 4-0-0-1; AYES: Mann, Underwood-Jacobs, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Malhi

Addressing the City Council on Item No. CC 7
Fran Sereseres – discussed the use of the vehicle and the maintenance involved.

On a motion by Vice Mayor Crist and seconded by Council Member Underwood-Jacobs, the City Council approved Item No. CC 7, by the following vote: 4-0-0-1; AYES: Mann, Underwood-Jacobs, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Malhi

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. WARRANT REGISTER

Approved the Check and Wire Registers for December 18, 2016 through December 31, 2016 in the amount of \$6,140,271.30.

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CC 3. INVESTMENT REPORT

Accepted and approved the December 2016, Monthly Report of Investments as submitted.

CC 4. RESOLUTION NO. 17-02, DESTRUCTION OF CERTAIN RECORDS

Adopted **Resolution No. 17-02**, authorizing the destruction of certain records (City Property Damage Claims, Claims Against the City, Absentee Voting, Ballots, Inspector Receipts, Precinct Board Records, Precinct Election Records, Speaker Cards, Public Records Requests, Records Center Documentation, Subpoenas, Insurance – City as Additional Insured, Affidavits of Publication, Service Requests, Sports, Special Events, Registration-Recreation Programs, Recreation Log Books, Pesticide Usage Reports, Accounts Receivable, Accounts Payable, Banking Records, Financial Reports, Payroll, Payroll-Registers).

CC 5. MEASURE R/SR-138 CAPACITY ENHANCEMENT PROGRAM

Recognized \$500,000 in Measure R SR-138 Capacity Enhancement Program revenue into Account No. 210-3320-100 - Measure R Highway Equity Funds, and appropriated the same into capital expenditure Account No. 210-15BR008-924 - Avenue L Interchange Project.

CC 6. APPROVAL OF PARCEL MAP NO. 73501

Approved the map and rejected the dedications for private and future streets, as offered on the map for Parcel Map No. 73501, located in the vicinity of 100th Street West, north of Avenue H, owned by Sustainable Property Holdings, LLC; 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; and instructed the City Clerk to endorse on the face of the map the certificate, which embodies the approval of said map, and rejected the dedications for private and future streets shown thereon.

CC 7. PURCHASE OF VEHICLE FOR STREET LIGHTING OPERATIONS

Authorized the purchase of a used 2015 Dodge Ram 5550 truck with an Altec articulating boom and Jobsite Energy Management System (JEM) hybrid system from Altec Industries, Inc., in the amount of \$145,980.20, for street lighting operations and maintenance.

CC 8. APPROPRIATE GRANT FUNDS

Appropriated \$150,000 in CRT Settlement grant funds to expenditure accounts shown below, and estimated revenue in the same amount to 101-3307100.

<u>Distribution</u>	<u>Description</u>	<u>Amount</u>
101-4315-301	Professional Services	\$140,000.00
101-4315-302	Computer Software and Support	\$10,000.00

MINUTES

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NB 1. AWARD OF DESIGN-BUILD TEAM SERVICES – PWCP NO. 16-003 ANTELOPE VALLEY SENIOR CENTER RENOVATION PROJECT, DESIGN PHASE

The Development Services Director presented the staff report on this item.

Addressing the City Council on this matter:

Fran Sereseres – discussed the funding for the project and the individuals from the City and the County who are involved in the project.

On a motion by Vice Mayor Crist and seconded by Council Member Underwood-Jacobs, the City Council awarded a professional services agreement with Sawyer Construction & Associates, of Mojave, California, in the amount of \$185,040.00, with a 6% contingency, for Design-Build Team Services, Design Phase, for PWCP 16-003, Antelope Valley Senior Center Renovation Project and authorized the City Manager, or his designee, to sign all documents, by the following vote: 4-0-0-1; AYES: Mann, Underwood-Jacobs, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Malhi

NB 2. LANCE CAMPER EXPANSION

It was the consensus of the City Council to waive the staff report for this item.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council approved the proposed agreement with Lance Camper Manufacturing Corporation to facilitate the expansion of their facility and the creation of 150 new jobs in the Lancaster Business Park and authorized the City Manager or his designee to execute all related documents, by the following vote: 4-0-0-1; AYES: Mann, Underwood-Jacobs, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Malhi

CPH 1. AMENDMENT TO TITLES 15 AND 17 OF THE LANCASTER MUNICIPAL CODE ESTABLISHING REQUIREMENTS FOR THE CONSTRUCTION OF ZERO NET ENERGY (ZNE) SINGLE FAMILY RESIDENCES

The Deputy City Manager and Energy Manager - Programs presented the staff report on this item.

Addressing the City Council on this matter:

Joseph Sullivan – stated he works for IBEW Local 11 and the National Electrical Contractor Association of Greater Los Angeles and Ventura Counties; both organizations support the Ordinance; thanked the City Council for their commitment to creating jobs through renewable energy and discussed the benefits to electrical workers.

Mayor Parris closed the Public Hearing.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council introduced **Ordinance No. 1020**, amending Titles 15 and 17 of the Lancaster Municipal Code establishing requirements for the construction of Zero Net Energy (ZNE) single family residences, by the following vote: 4-0-0-1; AYES: Mann, Underwood-Jacobs, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Malhi

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CPH 2.ADOPTION OF ZERO NET ENERGY MITIGATION FEE

The Energy Manager - Programs presented the staff report on this item.

Mayor Parris closed the Public Hearing.

Discussion took place regarding the fruition of the idea to become a Net Zero City through hard work and different organizations working together to make this happen.

The City Council thanked the Planning Commission and staff for their hard work on this project.

Planning Commission Chairman Vose thanked staff for their hard work and willingness to take risks.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council adopted **Resolution No. 17-03**, approving a zero net energy (ZNE) mitigation fee in conjunction with the ZNE Ordinance, by the following vote: 4-0-0-1; AYES: Mann, Underwood-Jacobs, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Malhi

PH 1. ORDINANCE AND RESOLUTIONS REGULATING MEDICAL CANNABIS

Mayor Parris opened the Public Hearing and stated this item will be continued to a future meeting.

PH 2. APPROVAL OF AMENDMENT TO LANCASTER CHOICE ENERGY CUSTOMER POWER GENERATION RATES

Mayor Parris opened the Public Hearing.

The Deputy City Manager presented the staff report on this item.

Discussion among the City Council and staff included clarification of when start-up costs for Lancaster Choice Energy will be recovered and discussion of Lancaster residents paying less for their electricity.

Addressing the City Council on this item:

Maria Paesano - discussed fraud and electric bills.

Mayor Parris closed the Public Hearing.

On a motion by Vice Mayor Crist and seconded by Council Member Underwood-Jacobs, the City Council adopted **Resolution No. 17-06**, amending Resolution No. 16-11 establishing customer power generation rates for Lancaster Choice Energy, by the following vote: 4-0-0-1; AYES: Mann, Underwood-Jacobs, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Malhi

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CA 1. DISCUSSION AND CONSIDERATION TO REVERSE ACTION TAKEN BY THE CITY COUNCIL REGARDING EXCLUDING THE MAYOR AS AN ALTERNATE FOR THE GOVERNING BOARDS OF VARIOUS ENTITIES OF WHICH THE CITY IS A MEMBER

This item was removed from the agenda.

CA 2. DISCUSSION AND POSSIBLE ACTION REGARDING COUNCIL ASSIGNMENTS AND POSITIONS

Mayor Parris requested anyone who wants to be appointed/reappointed to Commissions and JPA's, to send him an email with their first and second choice; he will be making appointments at the next City Council meeting.

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 ANNOUNCEMENT

The City Manager discussed the recent storms, thanked staff for their hard work in the rain and discussed the importance of driving safe in rainy and icy conditions; two brief videos showcasing the recent Justice Sunday Event and spotlighting a local business were shown.

CITY CLERK /AGENCY/AUTHORITY SECRETARY ANNOUNCEMENT

The City Clerk provided the public with the procedure to address the City Council/Successor Agency/Authority regarding non-agendized item.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Addressing the City Council at this time:

Shannon McDonald – discussed treatment of Bloods and Crips and stated she supports the Mayor and City Council in their actions regarding gangs.

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MINUTES

January 24, 2017

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS CONTINUED...

David Paul – discussed the Justice Sunday event and his experience witnessing City staff work hard and go above and beyond what is expected.

Michael Evans – represents The 10,000 Fearless Movement in the Antelope Valley, discussed treatment of gangs and discussed settlement with the Department of Justice.

Discussion took place regarding the Department of Justice Settlement Agreement and clarification that the Mayor's policy regarding the bounty is not a City policy. Vice Mayor Crist stated he supports the Mayor in his efforts regarding gangs.

Fran Sereseres – stated she supports the Mayor, discussed her concerns regarding handicapped parking on Lancaster Boulevard and discussed Los Angeles County's upcoming Special Election on March 7, 2017.

Ila Johnson - Political Science student at Antelope Valley College, discussed an intersection and requested the City Council look at traffic reports to see if a change can be made.

Lisa Selan – stated she is a medical cannabis lawyer, discussed the City's regulation of medical cannabis and requests the City regulate medical cannabis.

Discussion among the City Council, staff and Ms. Selan took place regarding concerns and opposition among the citizens in the City. Discussion took place regarding approving cannabis for medical use and how to keep it from getting to the general population. Ms. Selan discussed safeguards to prevent this from happening including the use of a nonidentifying building and security guards and stated anyone going into the buildings must be a member of the business. Additional discussion took place regarding retail dispensing, plants in cultivation facilities and Colorado's regulation of cannabis. The City Council and Ms. Selan discussed the regulations that will go into effect in 2018 including recreational use, licensing and taxing, and the use of a cannabis card. Medically licensed facilities, track and trace, and diversion were also discussed. Additionally the proposed Los Angeles City Ordinance regarding cannabis was discussed, including the taxes to be assessed as provided in that Ordinance.

Discussion took place regarding the City doing nothing, banning or regulating cannabis. Federal law regarding marijuana was discussed including the Department of Justice's stance on enforcing use of marijuana and the new Attorney General's view on enforcing federal law surrounding marijuana. Banking transactions, bank accounts and the State of California's plans as to how these issues will be addressed were discussed.

Mayor Parris discussed his concern for voting in favor of the issue as some individuals have stated this is contrary to the goal of building a city that loves each other.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY

MINUTES

January 24, 2017

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS CONTINUED...

Claudia Rocio Colville – Political Science student at Antelope Valley College, asked the City Council what is the City’s best program and what is the vision for this program.

Benjamin Zimmerman – Political Science student at Antelope Valley College, asked, in light of the recent rain, what the City’s stance will be regarding water as it relates to keeping mandates to conserve or allowing green grass again.

Kimberly Rodriguez – Political Science student at Antelope Valley College, asked the Mayor what he likes most in his position of Mayor.

Maria Paesano – discussed gangs.

Heather Brown – discussed impact of cannabis on brain injuries and pesticides in the water.

John Winter – discussed his history with pain medicine.

Sean Crawford – Political Science student at Antelope Valley College, asked the Council how road diets are determined, discussed the different types of local government management systems and asked how veterans find jobs in the City.

ADJOURNMENT

Mayor Parris adjourned the meeting at 7:15 p.m. and stated the next City Council meeting will be held on Tuesday, February 14, 2017 at 5:00 p.m.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY

MINUTES

January 24, 2017

PASSED, APPROVED and ADOPTED this 14th day of February, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, CMC
CITY CLERK
AGENCY/AUTHORITY SECRETARY

R. REX PARRIS
MAYOR/CHAIRMAN

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

CERTIFICATION OF MINUTES
CITY COUNCIL/SUCCESSOR AGENCY/FINANCING/POWER AUTHORITY

I, _____, _____ of the City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original City Council/Successor Agency/Financing/Power Authority Minutes, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, CA on this _____ day of _____, _____.

(seal)

STAFF REPORT
City of Lancaster

CC 2
02/14/17
MVB

Date: February 14, 2017
To: Mayor Parris and City Council Members
From: Pamela Statsmann, Acting Finance Director
Subject: **Check Registers – January 8, 2017 through January 21, 2017**

Recommendation:

Approve the Check Registers as presented.

Fiscal Impact:

\$ 9,557,474.80 as detailed in the Check Registers.

Background:

At each regular City Council Meeting, the City Council is presented with check and ACH/wire registers listing the financial claims (invoices) against the City for purchase of materials, supplies, services, and capital projects issued the prior three to four weeks. This process provides the City Council the opportunity to review the expenditures of the City. Claims are paid via checks, Automated Clearing House (ACH) payments, or federal wires. The justifying backup information for each expenditure is available in the Finance Department.

Check Nos.:	7385164 - 7385422	\$ 3,731,848.95
ACH/wire Check Nos.:	101009754 – 101009764	<u>\$ 5,825,625.85</u>
		\$ 9,557,474.80
Voided Check No.:	7385195, 7385207, 7385357	
Voided ACH/wire No.:	N/A	

PS:lm

Attachments:

Check Register
ACH/wire Register

City of Lancaster Check Register



From Check No.: 7385164 - To Check No.: 7385422

From Check Date: 01/08/2017 - To Check Date: 01/21/2017

Printed: 1/24/2017 13:46

Check No	Supplier	Supplier Name	Invoice Description	Invoice Amt	Charge Code	GL Amount
7385164	07935	RODRIGUEZ, RICARDO	REISSUE CHECK #307343	235.83	101 2140000	235.83
7385165	C8328	A V MOSQUITO & VECTOR CONTROL	FY 16/17 MOSQUITO/VECTOR CNTRL	790.94	101 4330311 101 4634311 101 4635311 101 4651311 306 4542682 363 4542770 363 4542771 991 4540603	159.91 348.22 7.59 6.59 203.93 15.16 7.59 41.95
				790.94		790.94
7385166	07548	ANDRE, ERIC G	RFND-BL APPLICATION #10029130	125.00	101 2140000	125.00
7385167	07402	BEECHWOOD MANOR APTS	LCE-NEM PAYOUT	0.82	490 4370658	0.82
7385168	07402	BEECHWOOD MANOR APTS	LCE-NEM PAYOUT	1.50	490 4370658	1.50
7385169	07402	BEECHWOOD MANOR APTS	LCE-NEM PAYOUT	2.45	490 4370658	2.45
7385170	07402	BEECHWOOD MANOR APTS	LCE-NEM PAYOUT	4.17	490 4370658	4.17
7385171	07933	COMI, DIANA	CLAIM #069-16/SETTLEMENT	69.99	109 4330300	69.99
7385172	07151	ELEGANT AFFAIRS	ZELDAS-CRDT CD TPS-12/29-31/16	487.40	402 2176000	487.40
7385173	07151	ELEGANT AFFAIRS	ZELDAS-BARTENDERS-12/08-17/16	1,606.25	402 4652308	1,606.25
7385174	02108	FRANCHISE TAX BOARD	LEVY PROCEEDS	65.00	101 2159000	65.00
7385175	02108	FRANCHISE TAX BOARD	TAX WITHHOLDING ORDER	100.00	101 2159000	100.00
7385176	02108	FRANCHISE TAX BOARD	TAX WITHHOLDING ORDER	155.00	101 2159000	155.00
7385177	02108	FRANCHISE TAX BOARD	QTRLY ENTRTNMT WHLDNG-12/31/16	8,290.42	402 2177000	8,290.42
7385178	02536	GRACE RESOURCES CENTER	12/16-YEAR ROUND SHELTER PRGRM	1,705.08	261 4542771	1,705.08
7385179	02536	GRACE RESOURCES CENTER	12/16-CDBG SHELTER PRGRM	9,587.37	361 4541776	9,587.37
7385180	07354	HAWLEY, ROBYN	12/16-AM EXERCISE INSTRUCTOR	210.00	101 4643308	210.00
7385181	D3448	L A CO SHERIFF'S DEPT	FILE #3631104150058	125.00	101 2159000	125.00
7385182	1215	L A CO WATERWORKS	BAL-10/26-12/27/16 WATER SVC	212.68	482 4636654	212.68

City of Lancaster Check Register



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From Check Date: 01/08/2017 - To Check Date: 01/21/2017

Printed: 1/24/2017 13:46

Check No	Supplier	Supplier Name	Invoice Description	Invoice Amt	Charge Code	GL Amount
7385183	1215	L A CO WATERWORKS	11/02/16-31/03/17 WATER SVC	7,211.90	101 4631654 101 4633654 203 4636654 203 4752654 480 4755654 482 4636654 484 4755654	2,852.38 981.82 41.46 1,671.86 585.32 783.76 295.30
				<u>7,211.90</u>		<u>7,211.90</u>
7385184	1221	L A TIMES	SUBSCRIPTN RNWL #10011508930	220.70	101 4305205	220.70
7385185	A2073	LANCASTER PERF ARTS CNTR FNDTN	GIRION-SEAT SPONSORSHIP	731.25	101 2102600 101 4643253	750.00 (18.75)
				<u>731.25</u>		<u>731.25</u>
7385186	A4930	LANDALE MUTUAL WATER COMPANY	L/CHALLENGER-12/16 WATER SVC	52.08	203 4636654	52.08
7385187	A4930	LANDALE MUTUAL WATER COMPANY	L/CHALLENGER-10/16 WATER SVC	57.86	203 4636654	57.86
7385188	07924	RICE, RUSS W	LCE-NEM PAYOUT	1,216.51	490 4370658	1,216.51
7385189	07924	RICE, RUSS W	LCE-NEM PAYOUT	2,916.56	490 4370658	2,916.56
7385190	07924	RICE, RUSS W	LCE-NEM PAYOUT	3,205.23	490 4370658	3,205.23
7385191	07924	RICE, RUSS W	LCE-NEM PAYOUT	3,859.83	490 4370658	3,859.83
7385192	07889	SLATER-LUNSFORD, WAYNE	LCE-NEM PAYOUT	32.42	490 4370658	32.42
7385193	03154	SO CA EDISON	11/22/16-01/04/17 ELECTRIC SVC	6,892.17	203 4636652 402 4650652 482 4636652 483 4752652 483 4752660 483 4785652	24.29 6,334.17 114.04 49.25 113.55 256.87
				<u>6,892.17</u>		<u>6,892.17</u>
7385194	1973	STATE BOARD OF EQUALIZATION	JAN-DEC 16-STRG TNK #44-010378	2,236.20	101 4753311	2,236.20
7385195	VOID					
7385196	C4971	UNITED STATES TREASURY	LEVY PROCEEDS	50.00	101 2159000	50.00
7385197	00116	A V ENGINEERING	CP1501C-TREVOR AVE WIDENING	14,250.00	210 15ST057924	14,250.00
7385198	07925	ALLGOOD, CHRISTIAN	LCE-NEM PAYOUT	448.20	490 4370658	448.20
7385199	C6143	AMERICAN BUSINESS MACHINES	IMAGE RUNNER ADV COPIER IMAGE RUNNER ADV COPIER	22.00 16.07	101 4310254 101 4310254	22.00 16.07
				<u>38.07</u>		<u>38.07</u>

City of Lancaster Check Register



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Check No	Supplier	Supplier Name	Invoice Description	Invoice Amt	Charge Code	GL Amount
7385200	04190	AMERIPRIDE SERVICES	ZELDAS-LINEN RENTALS	107.67	402 4652251	107.67
			ZELDAS-LINEN RENTALS	107.67	402 4652251	107.67
			UNIFORM CLEANINGS	43.88	101 4753209	43.88
			ZELDAS-LINEN RENTALS	107.67	402 4652251	107.67
				<u>366.89</u>		<u>366.89</u>
7385201	05179	ARAMARK UNIFORM SVCS	UNIFORM CLEANINGS	125.86	480 4755209	125.86
			UNIFORM CLEANINGS	130.59	480 4755209	130.59
				<u>256.45</u>		<u>256.45</u>
7385202	07150	ART LTD MAGAZINE	MOAH-09/16-10/16-ADVERTISING	750.00	101 4644205	750.00
			MOAH-03/16-04/16-ADVERTISING	800.00	101 4644205	800.00
				<u>1,550.00</u>		<u>1,550.00</u>
7385203	C7908	ASHLIN, JIMMIE	JA-PR DM-LAS VEGAS-01/17-19/17	160.00	101 4320256	160.00
7385204	07452	ASSAD, DANA D	CLAIM #024-15/CLGL-0010A1	708.00	109 4330300	708.00
			CLAIM # 017-16/CLGL-1377A1	456.00	109 4330300	456.00
			CLAIM #035-15/CLGL01371A1	428.00	109 4330300	428.00
				<u>1,592.00</u>		<u>1,592.00</u>
7385205	04446	AUTO PROS	SMOG INSPECTION-EQ4330	45.00	483 4755207	45.00
			SMOG INSPECTION-EQ4300	45.00	203 4752207	45.00
			SMOG INSPECTION-EQ5661	45.00	101 4632207	45.00
			SMOG INSPECTION-EQ5784	45.00	101 4634207	45.00
				<u>180.00</u>		<u>180.00</u>
7385206	03485	BAKERSFIELD TRUCK CENTER	AIR/TRAILER BRAKES-EQ3776	88.11	203 4752207	88.11
7385207		VOID				
7385208	06799	BRAUN BLAISING MCLAUGHLIN & SM	11/16-LCE-LEGAL CONSULTING	21,343.84	490 4370303	21,343.84
7385209	06351	C T WEST, INC	CROSSWALK SIGNAL	506.85	483 4785460	506.85
			CAMERA MOUNTS(10)	915.60	483 4785461	915.60
			STREET SIGNAL	708.50	483 4785460	708.50
				<u>2,130.95</u>		<u>2,130.95</u>
7385210	A9249	CA DEPT OF CORRECTNS/REHAB	11/16-CUSTODY SUPRVSN AGREEMNT	4,118.00	203 4752308	4,118.00
			08/16-CUSTODY SUPRVSN AGREEMNT	4,224.14	203 4752308	4,224.14
			09/16-CUSTODY SUPRVSN AGREEMNT	4,040.86	203 4752308	4,040.86
			10/16-CUSTODY SUPRVSN AGREEMNT	5,785.50	203 4752308	5,785.50
				<u>18,168.50</u>		<u>18,168.50</u>
7385211	D0775	CAUDLE, JASON	JC-PR DM-HOUSTON-01/18-20/16	147.50	490 4370201	147.50
7385212	05128	CLEANSTREET	12/16 MONTHLY STREET SWEEP	40,193.84	203 4751450	39,193.84
					484 4751450	1,000.00
				<u>40,193.84</u>		<u>40,193.84</u>

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7385213	07555	COOPER, BRYANT C	BC-PR DM-LAS VEGAS-01/17-19/17	160.00	101 4320256	160.00
7385214	07545	COSTAR REALTY INFORMATION INC	01/17-PROFESSIONAL SERVICES	717.00	101 4540301	717.00
7385215	D3231	COUWENBERG, ANDREA	01/17-CONTRACT SERVICES	10,266.00	101 4644308	10,266.00
7385216	07926	DALTON, ELIZABETH	LCE-NEM PAYOUT	34.58	490 4370658	34.58
7385217	A9377	DAVIS COMMUNICATIONS	CCEA LOGO	1,200.00	490 4370301	1,200.00
			CCEA BROCHURE COPY	1,020.00	490 4370301	1,020.00
				<u>2,220.00</u>		<u>2,220.00</u>
7385218	D3792	DEFALCO, CATHY	CD-PR DM-HOUSON-01/18-20/17	147.50	490 4370201	147.50
7385219	00432	DEPT OF JUSTICE	11/16-FINGERPRINT APPS	448.00	101 4320301	448.00
7385220	A0925	DESERT HAVEN ENTERPRISES	11/16-JANITORIAL SERVICES	910.00	101 4633402	910.00
7385221	00414	DESERT LOCK COMPANY	KEYS(10)	16.34	101 4633403	16.34
7385222	05473	DEWEY PEST CONTROL	PAC-PEST CONTROL SVCS-12/22/16	50.00	402 4650402	50.00
			CDR ST-PEST CTRL SVCS-12/22/16	90.00	101 4651402	90.00
				<u>140.00</u>		<u>140.00</u>
7385223	D2427	ENVIRONMENTAL SCUND SOLUTIONS	01/17-MLSIC SERVICE	65.00	101 4633402	65.00
7385224	00617	FEDERAL EXPRESS CORPORATION	EXPRESS MAILINGS	41.38	101 4782212	41.38
7385225	07660	FEISTER, STEVEN	SF-PR DM-LAS VEGAS-01/17-19/17	160.00	101 4320256	160.00
7385226	07124	FIRST AMERICAN DATA TREE, LLC	12/16-PROFESSIONAL SERVICES	500.00	101 4400301	500.00
7385227	04203	FRANK'S RADIO SERVICE	JAN-MAR 17-QRTRLY REPEATER	1,500.00	101 4200350	1,500.00
7385228	D2544	GALINDO, NICOLAS	NG-PR DM-LAS VEGAS-01/17-19/17	160.00	101 4320256	160.00
7385229	07928	GATLING, WARREN	LCE-NEM PAYOUT	7.50	490 4370658	7.50
7385230	04721	GET TIRES, INC	TIRES(2)SERVICE CALL-EQ3826	946.55	203 4752207	946.55
			TIRES(4)DISMOUNT-EQ4356	1,014.79	483 4785207	1,014.79
			TIRE-EQ3367	371.48	203 4752207	371.48
				<u>2,332.82</u>		<u>2,332.82</u>
7385231	03430	GRAINGER	PAINT/BOOTS	376.18	203 4752209	45.37
					203 4752454	330.81
			CORDLESS WRENCHES(2)	271.64	101 4753208	271.64
			CORDLESS COMBINATION KITS(2)	869.83	101 4753208	869.83
				<u>1,517.65</u>		<u>1,517.65</u>
7385232	D3912	GREEN CHARGE NETWORKS	MOAH-09/16-ELECTRIC SVC	374.25	101 4633652	374.25

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			MOAH-10/16-ELECTRIC SVC	90.74	101 4633652	90.74
				464.99		464.99
7385233	C9535	HILLYARD/LOS ANGELES	CAN LINER/TOWELS	1,031.19	101 4633406	1,031.19
7385234	07929	HOLGUIN, EDWARD	RFND-AFTER SCHOOL PROGRAM	100.00	101 2182001	100.00
7385235	A2594	INTERSTATE BATTERY SYS OF A V	BATTERIES(3)	319.68	101 4753207	104.93
					101 4810207	99.04
					203 4785207	115.71
				319.68		319.68
7385236	D4004	J P POOLS	EPL-CONSULTING/SERVICE	800.00	101 4631402	800.00
			WPL-CONSULTING/SERVICE	700.00	101 4631402	700.00
				1,500.00		1,500.00
7385237	A8656	KIMLEY-HORN & ASSOCIATES INC	CP14010-AVE J PA/ED-08/31/16	7,122.50	210 15BR007924	7,122.50
			CP14010-AVE J PA/ED-10/31/16	21,820.00	210 15BR007924	21,820.00
				28,942.50		28,942.50
7385238	1203	LANCASTER PLUMBING SUPPLY	SINK/SEALANT/TUBING	75.34	101 4631301	75.34
7385239	D3426	LAW OFFICES CHRISTOPHER RAMSEY CLAIM #039-15/CLGL-1343A1		4,352.00	109 4330300	4,352.00
7385240	05599	LEE, WATSON W S	12/16-FINGERPRINT ANALYSIS	884.91	101 4820301	884.91
7385241	07932	LOPEZ, CARLOS SR	RFND-YOUTH BASKETBALL	60.00	101 2182001	60.00
7385242	07927	LORENZO, JOSE	LCE-NEM PAYOUT	256.44	490 4370658	256.44
7385243	07086	LUCKY LUKE BREWING COMPANY	ZELDAS-BEVERAGES	95.00	402 4652251	95.00
7385244	C3715	LEXISNEXIS MATTHEW BENDER	EMPLOYMENT LAW DESK SET	339.70	101 4320206	339.70
7385245	07930	MILLER, DUSTIN	DM-PR DM-LAS VEGAS-01/17-19/17	160.00	101 4320256	160.00
7385246	D3578	MINUTEMAN PRESS	LCE-00N1 WEEK 63 NOTICES	186.45	490 4370213	186.45
			LCE-00N2 WEEK 63 NOTICES	135.04	490 4370213	135.04
			LCE-00N1 WEEK 64 NOTICES	178.48	490 4370213	178.48
			LCE-00N2 WEEK 64 NOTICES	125.38	490 4370213	125.38
				625.35		625.35
7385247	01184	MONTE VISTA CAR WASH	CAR WASHES(14)	190.00	101 4200207	14.00
					101 4200207	14.00
					101 4545207	13.00
					101 4545207	14.00
					101 4640207	14.00
					101 4640207	14.00
					101 4641207	14.00
					101 4662207	13.00
					101 4780207	13.00

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					101 4810207	13.00
					101 4810207	13.00
					101 4810207	13.00
					251 4783207	14.00
					483 4755207	14.00
				190.00		190.00
7385248	07464	MORGAN SOLAR USA INC	12/16-NSC-SOLAR POWER	1,645.08	101 4635652	1,645.08
7385249	06936	MOSMAN, DESIREA	12/16-AM EXERCISE INSTRUCTOR	385.00	101 4643308	385.00
7385250	07509	NAPA AUTO PARTS	FUEL PUMP/RELAY-EQ3759	111.18	203 4752207	111.18
			12VOLT RELAY PIN-EQ3759	9.32	203 4752207	9.32
			WHEEL NUT COVER-EQ4330	21.91	483 4755207	21.91
			BRAKE ADJUSTERS(2)-EQ3769	187.41	203 4752207	187.41
			AIR FILTER-EQ3770	42.37	203 4752207	42.37
			WIPER BLADES(42)	267.44	101 4545207	6.52
					101 4545207	13.85
					101 4545207	13.85
					101 4631207	6.42
					101 4634207	6.42
					101 4634207	6.52
					101 4635207	13.04
					101 4640207	6.52
					101 4644207	6.52
					101 4753207	6.52
					101 4753207	6.52
					101 4780207	13.04
					203 4752207	6.01
					203 4752207	6.42
					203 4752207	14.50
					203 4752207	14.50
					203 4752207	14.50
					203 4785207	6.52
					251 4762207	13.85
					251 4783207	14.50
					480 4755207	6.01
					480 4755207	6.01
					480 4755207	6.52
					480 4755207	13.04
					480 4755207	13.04
					480 4755207	13.85
					483 4785207	6.01
					484 4752207	6.42
			BRAKE PADS(2)-EQ3761	99.64	251 4783207	99.64
			SILENCERS(2)/BITS-EQ3761	148.81	251 4783207	148.81
			OIL/FUEL FILTERS-EQ3776	35.26	203 4752207	35.26
			BRAKE PADS/SILENCER-EQ5784	74.67	101 4634207	74.67
			SPARK PLUGS(16)-EQ3992	76.04	480 4755207	76.04
			OIL FILTER-EQ1515	3.49	101 4810207	3.49
			BRAKE PADS(2)-EQ3992	102.95	480 4755207	102.95

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			MANIFOLD GASKET SET-EQ3991	17.23	480 4755207	17.23
				1,197.72		1,197.72
7385251	D2822	NATIONAL CINEMEDIA, LLC	PAC-ADS-10/28/16-01/05/17	518.08	402 4650205	518.08
7385252	D0217	NATIONAL PAYMENT CORPORATION	12/16-DOCULIVERY ITEM CHARGE	181.57	101 4310302	181.57
7385253	07370	NEW FRONTIER MANAGEMENT, INC	DEP-PORTLAND CELLO-01/20/17	2,500.00	402 4650318	2,500.00
7385254	06148	NIK-O-LOK, INC	01/17-MONTHLY COIN LOCK LEASE	39.00	101 4633403	39.00
7385255	D2634	O'REAR, JEFFREY R	12/16-PRODUCTION SERVICES	400.00	101 4680225	400.00
7385256	05509	P A R S	10/16-REP FEES	4,673.93	101 4320301	4,673.93
7385257	06984	PACIFIC DESIGN & INTEGRATION	12/16-BROADCAST MANAGER SVCS	2,781.00	101 4305302	2,781.00
7385258	06681	PACIFIC ENERGY ADVISORS, INC	12/16-LCE CONSULTING SERVICES 10/16-11/16-LCE-TRANSPORTATION	14,750.11 556.96	490 4370301 490 4370301	14,750.11 556.96
				15,307.07		15,307.07
7385259	07249	PATRIOT PLUMBING	CDR ST-TOILET REPAIRS LBP-RESTROOM REPAIRS LBP-GATE REPAIRS PAC-CLEAR RESTROOM DRAIN MLS-RESTROOM REPAIRS	300.00 687.00 162.08 110.00 141.00	101 4633403 101 4636402 101 4636402 402 4650403 101 4633403	300.00 687.00 162.08 110.00 141.00
				1,400.08		1,400.08
7385260	05998	PAVING THE WAY FOUNDATION	CMMNTY SPPRT/GOOD CTZNSHP PRGM CMMNTY SPPRT/GOOD CTZNSHP PRGM CMMNTY SPPRT/GOOD CTZNSHP PRGM CMMNTY SPPRT/GOOD CTZNSHP PRGM	480.00 5,500.00 1,968.00 1,000.00	399 4820775 101 4820301 399 4820775 399 4820775	480.00 5,500.00 1,968.00 1,000.00
				8,948.00		8,948.00
7385261	05602	PETROLEUM EQUIPMENT CONST SRV: MTNC YD-FUEL ALARM REPAIR		112.50	101 4753402	112.50
7385262	C5395	PRO ACTIVE WORK HEALTH SVCES JR-BAT DOT TEST-05/11/16		35.00	101 4320301	35.00
7385263	C9798	RENNE SLOAN HOLTZMAN SAKAI LLP	CLAIM #043-15/CLGL-1341A2	29,769.81	109 4330300	29,769.81
7385264	05943	ROBERTSON'S	CONCRETE	1,260.21	203 4752410	1,260.21
7385265	C9494	ROSENBERG M D, RICHARD C	CLAIM #011-15/CLGL-1328A1 CLAIM #020-15/CLGL-1334A1	2,375.00 2,600.00	109 4330300 109 4330300	2,375.00 2,600.00
				4,975.00		4,975.00
7385266	D3947	S G A CLEANING SERVICES	JRP-DOOR REPLACEMENT JRP-GRAFFITI REMOVAL	875.00 685.00	101 4631301 101 4631301	875.00 685.00
				1,560.00		1,560.00
7385267	A8260	SAGE STAFFING	SJ-CAP ENG STAFF-12/12-16/16	930.00	206 12ST035924	465.00

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					209 12ST032924	465.00
				930.00		930.00
7385268	D0741	SANDENE, ROBERT D	RS-PR DM-LAS VEGAS-01/17-19/17	160.00	101 4320256	160.00
7385269	D2669	SCHLOCK, WILLIAM	WS-FR DM-LAS VEGAS-01/17-19/17	160.00	101 4320256	160.00
7385270	06664	SEA SUPPLY	NSC-CN LNR/T PPR/ST CVRS/TWLS	1,530.31	101 4635406	1,530.31
7385271	01816	SMITH PIPE & SUPPLY INC	EDP-VALVE	143.44	101 4631404	143.44
			EDP-PVC/QUIK FIX	75.61	101 4631404	75.61
			AHP-NZZLS/CMNT/TAPE/PVC/VALVES	54.64	101 4631404	54.64
			JRP-NOZZLES/RISERS	78.65	101 4631404	78.65
			AHP-RCTORS/VALVES	563.84	101 4631404	563.84
			AHP-VALVE BOX LIDS	192.93	101 4631404	192.93
				1,109.11		1,109.11
7385272	C9653	SOUTHERN CALIFORNIA ASA	2017 WINTER ASA REG(89)	1,068.00	101 4641251	1,068.00
7385273	05703	SUPERIOR ALARM SYSTEMS	CH-PANIC ALARM SYSTEM UPGRADES	7,036.86	101 4633402	7,036.86
7385274	06991	SYSCO VENTURA, INC	ZELDAS-SNACKS/FRUIT	412.72	402 4652251	412.72
7385275	2009	THE TIRE STORE	TIRES(2)-EQ1515	128.62	101 4810207	128.62
7385276	C1967	TICKETS.COM INC	SETTLEMENT-FINAL PAYMENT	35,395.74	101 4315302	35,395.74
7385277	04239	TIM WELLS MOBILE TIRE SERVICE	SERVICE CALL/REPAIR-EQ3758	105.08	203 4752207	105.08
			TIRE REPAIR-EQ3367	22.00	203 4752207	22.00
				127.08		127.08
7385278	D1594	TOUCHPOINT ENERGIZED COMM	01/17-E NEWSLETTER SVC	375.00	101 4305302	375.00
7385279	07922	VILLANI, TERI	ZELDAS-MUSIC-PERF-12/16/16	250.00	402 4652251	250.00
7385280	04496	VULCAN MATERIAL WESTERN DIV	COLD MIX	106.93	203 4752410	106.93
			COLD MIX	296.26	203 4752410	296.26
			COLD MIX	154.24	203 4752410	154.24
			COLD MIX	121.43	203 4752410	121.43
			ASPHALT	864.89	203 4752410	864.89
				1,543.75		1,543.75
7385281	31026	WAXIE SANITARY SUPPLY	GLVS/TWLS/CLNR/T PPR/FRSHNR	1,592.30	101 4633406	1,592.30
7385282	D0298	WILLDAN FINANCIAL SERVICES	AD 93-3-LOCAL IMPROVMNT ADMIN	1,204.20	811 4100301	1,204.20
7385283	C7395	WILSON, GREGORY	GW-PR DM-LAS VEGAS-01/17-19/17	160.00	101 4320256	160.00
7385284	C7367	WINE WAREHOUSE	ZELDAS-BEVERAGES	584.50	402 4652251	584.50
7385285	07040	YOUNG'S MARKET COMPANY, LLC	ZELDAS-BEVERAGES	943.38	402 4652251	943.38

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7385286	07931	ZENDEJAS, HILDA	RFND-YOUTH BASKETBALL	67.00	101 2182001	67.00
7385287	2501	ZUMAR INDUSTRIES, INC	STREET SIGNS(4)	298.70	480 4755403	298.70
7385288	A1310	A V UNION HIGH SCHOOL DISTRICT	ROPS #283-SETTLEMENT PAYMENT	54,849.50	991 4540242	54,849.50
7385289	D2446	THE BLVD ASSOCIATION	DLPBID FEES-11/01/16-12/31/16	78,000.42	401 2501100	78,000.42
7385290	02357	A V TRANSIT AUTHORITY	3RD QTR OPRT CNTRBTNS-FY17	391,903.00	207 4330301	391,903.00
7385291	07135	BLACK & VEATCH CORPORATION	LCE-PHOTOVOLTAIC SYSTEM SUPPRT	51,041.00	490 4370301	51,041.00
7385292	05998	PAVING THE WAY FOUNDATION	CMMNTY SPPRT/GOOD CTZNSHP PRGM	480.00	399 4820775	480.00
			CMMNTY SPPRT/GOOD CTZNSHP PRGM	1,968.00	399 4820775	1,968.00
				<u>2,448.00</u>		<u>2,448.00</u>
7385293	00107	A V PRESS	12/16-ADVERTISING	2,904.32	101 4110263	1,666.17
					101 4782263	1,238.15
				<u>2,904.32</u>		<u>2,904.32</u>
7385294	00107	A V PRESS	12/16-SHOP MORE/NET ADS	5,487.00	101 4305205	5,487.00
7385295	00163	AMERICAN PUBLIC WORKS ASSN	AT-MEMBERSHIP RNWL-03/17-03/18	237.50	480 4755206	237.50
7385296	C8712	C L S A	AT-CLSA MEMBERSHIP RENEWAL	191.00	480 4755206	191.00
7385297	A1573	D F M ASSOCIATES	2017 ELECTIONS CODE	53.63	101 4110206	53.63
7385298	07116	EAFB CIV MIL	EAFB-MEMBERSHIP FEE	125.00	101 4200206	125.00
7385299	07369	FRONTIER COMMUNICATIONS CORP	12/28-01/27/17-CIRCUIT SVC	357.96	101 4315651	357.96
7385300	07369	FRONTIER COMMUNICATIONS CORP	12/25-01/24/17 TELEPHONE SVC	568.37	101 4633651	568.37
7385301	00907	I C M A RETIREMENT CORP	AA-12/16-DUP PMNT-LONG TERM	101.05	109 1101000	101.05
7385302	1296	L A CO CLERK-ENVIRO FILINGS	NOA:SITE PLAN REVIEW 16-05	75.00	101 4782361	75.00
7385303	1296	L A CO CLERK-ENVIRO FILINGS	NOA:TENTATVE TRACT MAP 73344	75.00	101 4782361	75.00
7385304	A6326	L A CO SANITATION DISTRICT	16/17 WSTWTR TREATMNT SURCHRGE	16,150.83	485 4755310	16,150.83
7385305	1214	L A CO SHERIFF'S DEPT	11/16-SPECIAL INVESTIGATIONS	2,744.27	101 4820355	2,580.54
					101 4820357	163.73
				<u>2,744.27</u>		<u>2,744.27</u>
7385306	1214	L A CO SHERIFF'S DEPT	11/16-PARTY CAR	10,012.02	101 4820355	9,143.40
					101 4820357	868.62
				<u>10,012.02</u>		<u>10,012.02</u>

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7385307	1215	L A CO WATERWORKS	11/03/16-01/05/17 WATER SVC	17,399.69	101 4631654 101 4633654 203 4636654 306 4542684 306 4542924 363 4542770 482 4636654	4,584.87 2,457.04 1,534.16 307.70 195.63 307.20 8,012.09 <u>17,399.69</u>
7385308	07938	LANCASTER 3551 INC	RFND-DUP PMNT-IHOP FOG FEE	340.00	480 3601100	340.00
7385309	D2287	LANCASTER CODE ENFRMNT ASSN	UNION DUES-PP 01-2017	270.00	101 2171000	270.00
7385310	D3151	LNCSTR MUSEUM/PUBLIC ART FNDRY	LMPAF SALES/DONATNS-NOV-DEC 16	132.56	101 1101500 101 2102500 101 2175001 101 4643235	(775.74) 871.25 52.15 (15.10) <u>132.56</u>
7385311	C6345	OCTAL DEVELOPMENT INC	RFND-SEC RELEASE-TR 52655	34,000.00	101 2503000	34,000.00
7385312	A7221	P E R S LONG TERM CARE PROGRAM	LONG TERM CARE PREM-PP 01-2017	2,171.87	101 2170200	2,171.87
7385313	07371	PORTLAND CELLO PROJECT, LLC	BAL-PORTLAND CELLO-01/20/17	2,150.00	402 2177000 402 4650318	(350.00) 2,500.00 <u>2,150.00</u>
7385314	06160	PRIME TIME PARTY RENTALS	WINTER CAMP-OBSTACLES COURSE	300.00	101 4640251	300.00
7385315	1705	QUARTZ HILL WATER DISTRICT	12/01/16-01/03/17 WATER SVC	3,385.48	101 4634654 203 4636654 482 4636654	746.65 662.66 1,976.17 <u>3,385.48</u>
7385316	07939	SCHWINDT, STEVEN W	RFND-SETTLEMENT-CLAIM #072-16	180.00	109 4330300	180.00
7385317	1995	SIERRA TOYOTA INC	CAPITAL OUTLAY VEHICLE-COROLLA	18,962.75	101 4810752	18,962.75
7385318	1995	SIERRA TOYOTA INC	CAPITAL OUTLAY VEHICLE-RAV 4	30,348.38	101 4810752	30,348.38
7385319	03154	SO CA EDISON	12/01/16-01/01/17 ELECTRIC SVC	217.17	483 4785660	217.17
7385320	03154	SO CA EDISON	12/05/16-01/04/17 ELECTRIC SVC	1,629.30	483 4785652	1,629.30
7385321	03154	SO CA EDISON	12/05/16-01/04/17 ELECTRIC SVC	2,041.12	203 4636652 482 4636652	516.81 1,524.31 <u>2,041.12</u>
7385322	03154	SO CA EDISON	12/05/16-01/04/17 ELECTRIC SVC	3,183.00	203 4636652 482 4636652	442.72 2,561.66

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					484 4755652	178.62
				3,183.00		3,183.00
7385323	03154	SO CA EDISON	12/05/16-01/06/17 ELECTRIC SVC	6,176.49	483 4785652	6,141.53
					483 4785660	34.96
				6,176.49		6,176.49
7385324	03154	SO CA EDISON	11/28/16-01/12/17 ELECTRIC SVC	13,514.42	101 4631652	1,217.88
					101 4633652	7,170.97
					101 4651652	773.27
					203 4636652	23.48
					306 4542682	14.32
					363 4542771	15.18
					482 4636652	441.79
					483 4785652	105.13
					483 4785660	2,630.69
					484 4755652	72.24
					485 4755652	1,049.47
				13,514.42		13,514.42
7385325	03154	SO CA EDISON	12/01/16-01/05/17 ELECTRIC SVC	21,719.35	101 4633652	794.01
					483 4752652	19.84
					483 4785652	27.70
					483 4785660	20,877.80
				21,719.35		21,719.35
7385326	1907	SO CA GAS COMPANY	11/19/16-12/18/16 GAS SVC	18.47	363 4542770	18.47
7385327	C2554	SUPERIOR COURT OF CA-CO OF L A	12/16-ALLCTN OF PRKG PENALTIES	21,566.50	101 3310200	1,757.00
					101 3310200	2,377.50
					101 3310200	2,377.50
					101 3310200	2,377.50
					101 3310200	3,170.00
					101 3310200	4,752.00
					101 3310200	4,755.00
				21,566.50		21,566.50
7385328	C2555	TIME WARNER CABLE	01/17-TV SERVICE-VICE MAYOR	24.79	101 4100301	24.79
7385329	C2555	TIME WARNER CABLE	01/17-TV SVC-LCE/EXERCISE RM	35.11	101 4315651	35.11
7385330	C2555	TIME WARNER CABLE	12/09/16-01/08/17-BASIC TV	40.00	101 4315651	40.00
7385331	C2555	TIME WARNER CABLE	01/17-ROADRUNNER SERVICE	227.00	101 4315651	227.00
7385332	2106	U S POSTMASTER	POSTAGE PERMIT #192	215.00	101 4305211	215.00
7385333	06209	WAGeworks	12/16 FSA ADMINISTRATIVE FEES	329.08	101 2170213	30.31
					101 2170213	275.89
					101 2170214	22.88
				329.08		329.08

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7385334	07940	WALDRIP, JUDI	RFND-ITALIAN REGISTRATION	60.00	101 2182001	60.00
7385335	06066	A T & T	DOJ-11/13-TELEPHONE SERVICE DOJ-12/13-TELEPHONE SERVICE	323.05 160.06 <u>483.11</u>	101 4315651 101 4315651	323.05 160.06 <u>483.11</u>
7385336	A2225	A V AIRPORT EXPRESS, INC	BUS-QUEEN MARY-12/21/16 BUS-BILLY BEEZ-01/05/17	1,287.00 1,017.50 <u>2,304.50</u>	101 4640271 101 4640271	1,287.00 1,017.50 <u>2,304.50</u>
7385337	C0077	A V E K	01/17-BACTERIOLOGICAL TESTS(2) NSC-01/17-BACTERIOLOGICAL TEST	46.00 40.00 <u>86.00</u>	485 4755402 101 4635402	46.00 40.00 <u>86.00</u>
7385338	00116	A V ENGINEERING	CREATIVE HOUSING PROJECT	11,702.50	306 4542301	11,702.50
7385339	03854	A V JANITORIAL SUPPLY	TWLS/DSNFCTNT/T PPR/CN LNR	515.34	101 4633406	515.34
7385340	D1445	A V PARTNERS FOR HEALTH	YOLO STAFF EXPENSES	1,180.03	306 4542355	1,180.03
7385341	05445	ADELMAN BROADCASTING, INC	MGC-12/16-KGGB ADS	750.00	101 4684222M	750.00
7385342	00127	ALL GLASS & PLASTICS	OMP-W NDOW REPLACEMENTS(3)	185.26	101 4634402	185.26
7385343	D1663	AMERICAN IRON WORK	JRP-FLAT STOCK INSTALL(16) HP-RAIL REPAIRS	595.00 560.00 <u>1,155.00</u>	101 4631301 101 4634402	595.00 560.00 <u>1,155.00</u>
7385344	04190	AMERIPRIDE SERVICES	UNIFORM CLEANINGS ZELDAS-LINEN RENTALS UNIFORM CLEANINGS ZELDAS-LINEN RENTALS	43.88 107.67 77.55 107.67 <u>336.77</u>	101 4753209 402 4652251 101 4753209 402 4652251	43.88 107.67 77.55 107.67 <u>336.77</u>
7385345	05251	AMTECH ELEVATOR SERVICES	01/17-ELEVATOR SERVICE	759.79	101 4632402 101 4633402 402 4650402	192.06 192.06 <u>375.67</u> 759.79
7385346	02693	ANDY GUMP, INC	PDW-RSTRM RNTLS-12/19-01/15/17 MGC-RESTROOM RNTL-12/10-11/16	105.40 2,161.24 <u>2,266.64</u>	101 4634402 101 4684222M	105.40 2,161.24 <u>2,266.64</u>
7385347	05179	ARAMARK UNIFORM SVCS	UNIFORM CLEANINGS	125.86	480 4755209	125.86
7385348	07639	ARCTIC AIR AND REFRIGERATION	NSC-ICE MACHINE REPAIRS	251.65	101 4635403	251.65
7385349	04151	AXES FIRE INC	SOL-FIRE EXT RENTALS(120)	650.00	101 4684222S	650.00
7385350	07665	B K I	LCE-12/16-PROFESSIONAL SVCS	1,127.50	490 4370301	753.33

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					490 4370319	374.17
				1,127.50		1,127.50
7385351	07707	BROADBAND ASSET STRATEGIES LLC	11/16-CONSULTING SVCS	7,500.00	101 4780317	7,500.00
7385352	04636	CAYENTA/N HARRIS COMPUTER CORP	12/16 RTS	3,500.00	101 4315302	3,500.00
			01/17 RTS	3,500.00	101 4315302	3,500.00
				7,000.00		7,000.00
7385353	04677	D C F SOILS	NSC-TOP SOIL(50 YDS)	926.50	101 4635404	926.50
7385354	C7625	DAPEER,ROSENBLIT & LITVAK, LLP	11/16-SPECIALIZED LGL SVCS	791.40	101 4400303	791.40
7385355	A9377	DAVIS COMMUNICATIONS	ED-12/16-MARKETING CAMPAIGN	3,037.34	101 4540340	3,037.34
			40TH ANNIVERSARY LOGO DESIGN	1,125.00	101 4305301	1,125.00
				4,162.34		4,162.34
7385356	07131	DE LAGE LANDEN FINANCIAL SVCS	12/15-01/14/17 NETWORK PRINTER	168.95	101 4810254	168.95
7385357		VOID				
7385358	05613	DESIGN SPACE MODULAR BUILDINGS	01/17-MTNC YD-MODULAR BUILDING	287.79	101 4306603	287.79
7385359	06150	DIRECTV	MOAH-12/16-BUSINESS INFO	41.99	101 4315651	41.99
7385360	07151	ELEGANT AFFAIRS	ZELDAS-BARTENDERS-12/29-31/16	1,212.50	402 4652308	1,212.50
			ZELDAS-CRDT CD TPS-01/05-07/17	295.24	402 2176000	295.24
				1,507.74		1,507.74
7385361	C8113	F J HEATING & AIR CONDITIONING	1164 W J11-HEATER REPAIRS	320.00	363 4542771	320.00
			1164 W J11-HEATER INSPCTN/RPR	490.00	363 4542771	490.00
				810.00		810.00
7385362	07937	FARRELL, ANTHONY R	ZELDAS-MUSIC-PERF-01/13/17	200.00	402 4652251	200.00
7385363	00617	FEDERAL EXPRESS CORPORATION	EXPRESS MAILINGS	37.96	101 4110212	19.12
			EXPRESS MAILINGS	18.41	101 4631212	18.84
				56.37	209 15ST026924	18.41
						56.37
7385364	A9988	FIRE ACE INC	PAC/ZELDAS-CARBON DIOXIDE(4)	112.00	402 4650251	56.00
					402 4652251	56.00
				112.00		112.00
7385365	04203	FRANK'S RADIO SERVICE	BATTERY	62.13	101 4545259	62.13
7385366	03430	GRAINGER	HOSE REEL	669.52	203 4752208	669.52
7385367	07044	HARTMAN, BRETT D	SEED COLLECTION/DISPERSAL	3,420.20	224 13EV001924	3,420.20
7385368	07943	HENRY, TOM	TH-PR DM-LOS ANGLS-01/23-26/17	224.00	101 4820201	224.00

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7385369	07268	HIGH DESERT BROADCASTING	MGC-12/16-ADVERTISING	1,500.00	101 4684222M	1,500.00
7385370	C9535	HILLYARD/LOS ANGELES	PAC-CAN LINER/TOWELS	1,231.91	402 4650402	1,231.91
7385371	D0803	HOLLADAY, TAMMIE	TH-PR DM-LONG BEACH-1/26-27/17	96.00	101 4310201	96.00
7385372	D4004	J P POOLS	WPL-ACID PUMP/TUBING/FITTINGS WPL-INSTLL CVR/RMV DIV BOARDS	778.80 150.00	101 4631670 101 4631402	778.80 150.00
				<u>928.80</u>		<u>928.80</u>
7385373	01419	JOHNSTONE SUPPLY	MOAH-AIR FILTERS/BELTS MOAH-CONTROLLER BEAD PROBE/THERMOMETER PAC-CONTACTOR/SWITCHES CDR ST-AIR FILTERS(4)	231.27 378.67 65.98 40.82 40.04	101 4633403 101 4633403 101 4633403 402 4650403 101 4651403	231.27 378.67 65.98 40.82 40.04
				<u>756.78</u>		<u>756.78</u>
7385374	C7873	LANCASTER AUTO MALL ASSOC	01/17-AUTO MALL SIGN EXPENSES	930.67	101 4540340	930.67
7385375	C5914	LANDIS, CHRISTINE	CL-PR DM-LONG BEACH-1/26-27/17 REISSUE-CHECK #308504	96.00 250.00	101 4310201 101 2150000	96.00 250.00
				<u>346.00</u>		<u>346.00</u>
7385376	C8380	MC CORMICK ELECTRIC & CONST	OMP-BALLAST CHANGE PBP-LIGHTING REPAIRS PAC-WIRING/BOXES/SWITCHES AHP-LIGHTING REPAIR LMS-ROOF LEAK REPAIR	110.00 480.00 3,020.00 110.00 345.00	101 4634402 101 4631301 213 11BS022924 101 4631301 101 4632402	110.00 480.00 3,020.00 110.00 345.00
				<u>4,065.00</u>		<u>4,065.00</u>
7385377	07662	MEDLIN JR, RICK A	ZELDAS-MUSIC-PERF-01/06/17	170.00	402 4652251	170.00
7385378	02270	MELDON GLASS	44814 CEDAR-DOOR/HNGS RPLCMNT 104 E K4-BOARD UP	260.00 238.00	101 4810403 101 4636402	260.00 238.00
				<u>498.00</u>		<u>498.00</u>
7385379	06966	MICHAEL BAKER INT'L INC	CP13020-CONSULTING SERVICES	40,629.71	210 15BR006924	40,629.71
7385380	07509	NAPA AUTO PARTS	BRAKE CLNR/LBRCNT/WNDSHLD WASH	488.67	101 4753214	488.67
7385381	07540	OFFICETEAM	MP-HR STAFF-09/06-09/16	1,140.49	101 4320301	1,140.49
7385382	C7537	ORANGE COAST TITLE BUILDERS	AD 93-3-LITIGATION GUARANTEE CFD 89-1-LITIGATION GUARANTEE CFD 89-1-LITIGATION GUARANTEE CFD 89-1-LITIGATION GUARANTEE CFD 89-1-LITIGATION GUARANTEE CFD 89-1-LITIGATION GUARANTEE	3,245.00 875.00 875.00 996.00 1,092.00 1,045.00	811 4100301 830 4300301 830 4300301 830 4300301 830 4300301 830 4300301	3,245.00 875.00 875.00 996.00 1,092.00 1,045.00
				<u>8,128.00</u>		<u>8,128.00</u>

City of Lancaster Check Register



From Check No.: 7385164 - To Check No.: 7385422

Printed: 1/24/2017 13:46

From Check Date: 01/08/2017 - To Check Date: 01/21/2017

Check No	Supplier	Supplier Name	Invoice Description	Invoice Amt	Charge Code	GL Amount
7385383	05741	P P G ARCHITECTURAL FINISHES	PAINT	25.39	101 4633403	25.39
			FIELD PAINT	1,080.41	101 4635404	1,080.41
			CH-PAINT	249.52	101 4633403	249.52
				<u>1,355.32</u>		<u>1,355.32</u>
7385384	07554	PACIFIC PRODUCTS AND SVCS LLC	FITTINGS(225)	797.06	203 4785455	797.06
7385385	04182	PALMCASTER EQUIPMENT RENTALS	HP-SOD CUTTER RNTL-12/20/16	56.00	101 4634602	56.00
7385386	02169	PATTON'S METAL WORKING	STEEL SHEETS(80)	64.09	101 4753402	64.09
7385387	05998	PAVING THE WAY FOUNDATION	CMMNTY SPPRT/GOOD CTZNSHP PRGM	384.00	399 4820775	384.00
			CMMNTY SPPRT/GOOD CTZNSHP PRGM	1,968.00	399 4820775	1,968.00
				<u>2,352.00</u>		<u>2,352.00</u>
7385388	06160	PRIME TIME PARTY RENTALS	WINTER CAMP-SLIDE/TRUCK/JUMPER	252.00	101 4640251	252.00
7385389	07287	PRINTING BOSS	AHP-SIGNS(4)	65.40	101 4631404	65.40
7385390	04361	PROTECTION ONE	LMS-01/17-ALARM MONITORING	44.95	101 4634402	44.95
7385391	07629	RAFTELIS FINANCIAL CONSULTANTS	12/16-SANITARY SEWER RATE SVCS	8,125.00	480 4755301	8,125.00
7385392	2601	REPRO-GRAPHIC SUPPLY	BOND(2 ROLLS)	90.13	251 4762259	90.13
7385393	D3947	S G A CLEANING SERVICES	MP-SINK REPAIRS	390.00	101 4631301	390.00
			LMS-CLUBHOUSE/HOOKS REPAIRS	930.00	101 4632402	930.00
			LMS-DRINKING FOUNTAIN RPLCMNT	363.00	101 4632402	363.00
				<u>1,683.00</u>		<u>1,683.00</u>
7385394	A8260	SAGE STAFFING	SJ-CAP ENG STAFF-12/19-21/16	744.00	206 12ST035924	372.00
					209 12ST034924	372.00
			PUBLIC SAFETY STFF-12/19-22/16	1,268.20	101 4820301	1,268.20
			PUBLIC SAFETY STFF-12/27-29/16	811.28	101 4820301	811.28
				<u>2,823.48</u>		<u>2,823.48</u>
7385395	07942	SCOTT, SANDRA	SS-PR DM-LOS ANGLS-01/23-26/17	224.00	101 4820201	224.00
7385396	D1863	SHIELDS, JAY L	CH-PIANO MOVERS	125.00	101 4680225	125.00
7385397	1894	SIGNS & DESIGNS	ZELDAS-CABINETS/PAINTING	6,415.50	213 11BS022924	6,415.50
7385398	5210	SLATER PIANO SERVICE	CH-PIANO REPAIRS	750.00	101 4680225	750.00
7385399	01816	SMITH PIPE & SUPPLY INC	NSC-ROTORS(24)	608.22	101 4635404	608.22
			NSC-FERTILIZER(80 BAGS)	1,723.25	101 4635404	1,723.25
			SCRUBBERS/VALVES	572.11	101 4631404	572.11
				<u>2,903.58</u>		<u>2,903.58</u>
7385400	06429	STANTEC CONSULTING SRVCS INC	CP13015-20 W/BLVD-AVE J-REHAB	33,417.28	209 12ST032924	33,417.28

City of Lancaster Check Register



From Check No.: 7385164 - To Check No.: 7385422

Printed: 1/24/2017 13:46

From Check Date: 01/08/2017 - To Check Date: 01/21/2017

Check No	Supplier	Supplier Name	Invoice Description	Invoice Amt	Charge Code	GL Amount
7385401	02901	STAPLES ADVANTAGE	PAPER/STORAGE CUBE/ORGANIZER	75.09	101 4785259 251 4783259	40.30 34.79 <u>75.09</u>
7385402	D0617	STEWART, BENJAMIN	BS-PR DM-RIVERSIDE-01/23-27/17	288.00	101 4320256	283.00
7385403	D2316	STUART, CAROL	10/16-12/17-CONSULTING SVCS	10,556.31	306 4542301	10,556.31
7385404	06991	SYSCO VENTURA, INC	ZELDAS-SNACKS/FRUIT/CUPS/LIDS	920.48	402 4652251	920.48
7385405	07941	TERLE, CHRISTIAN	CT-PR DM-LOS ANGLS-01/23-26/17	224.00	101 4820201	224.00
7385406	04399	THE HOME DEPOT CREDIT SERVICES	SHELF/STRGE BX/CHLRNTNG LIQUID	385.99	480 4755208	385.99
7385407	2003	TIP TOP ARBORISTS, INC	01/17-PBP-TREE TRIMMING/REMOVL 12/16-TREE TRIMMING/REMOVAL 12/16-LLMD-TREE TRIMMING 12/16-LBP-TREE TRIMMING	20,340.50 5,683.50 438.00 1,183.00 <u>27,645.00</u>	101 4631267 203 4636267 483 4636267 482 4636401	20,340.50 5,683.50 438.00 1,183.00 <u>27,645.00</u>
7385408	A2124	UNDERGROUND SERVICE ALERT/SC	12/16-TICKETS(106)	159.00	484 4752301	159.00
7385409	05551	UNITED SITE SRVCS OF CA.SO DIV	LUC-FENCE RENTAL-12/02-29/16 FENCE RENTAL-12/08/16-01/04/17	61.04 19.62 <u>80.66</u>	101 4633404 101 4633404	61.04 19.62 <u>80.66</u>
7385410	D3370	VERIZON WIRELESS	12/16-IPAD SERVICE	1,459.96	101 4315651	1,459.96
7385411	07922	VILLANI, TERI	ZELDAS-MUSIC-PERF-01/07/17	250.00	402 4652251	250.00
7385412	04496	VULCAN MATERIAL WESTERN DIV	ASPHAL COLD MIX COLD MIX ASPHAL COLD MIX COLD MIX	760.82 239.80 281.00 345.37 238.27 275.14 <u>2,140.40</u>	203 4752410 203 4752410 203 4752410 203 4752410 203 4752410 203 4752410	760.82 239.80 281.00 345.37 238.27 275.14 <u>2,140.40</u>
7385413	07669	WALSAU TILE INC	WASTE CONTAINERS(15)	5,723.65	330 4755294	5,723.65
7385414	31026	WAXIE SANITARY SUPPLY	OMP-ICE MLTRS/DSNFCTNT/DST PNS	899.53	101 4634406	899.53
7385415	C6406	WELLS, KATHY	KW-PR DM-SALT LKE CTY-2/1-2/17 KW-MILEAGE-LOS ANGLS-01/10/17	88.50 78.22 <u>166.72</u>	490 4370201 490 4370203	88.50 78.22 <u>166.72</u>
7385416	05806	WEST COAST SAFETY SUPPLY CO	GAS DTCTR WRRNTY-SHIPPING	11.50	480 4755402	11.50
7385417	C7367	WINE WAREHOUSE	ZELDAS-BEVERAGES	833.36	402 4652251	833.36

City of Lancaster Check Register



From Check No.: 7385164 - To Check No.: 7385422

Printed: 1/24/2017 13:46

From Check Date: 01/08/2017 - To Check Date: 01/21/2017

Check No	Supplier	Supplier Name	Invoice Description	Invoice Amt	Charge Code	GL Amount
7385418	1214	L A CO SHERIFF'S DEPT	12/16 LAW ENFORCEMENT SVCS	2,017,080.50	101 4820354	1,846,758.88
					101 4820357	170,321.62
				<u>2,017,080.50</u>		<u>2,017,080.50</u>
7385419	03154	SO CA EDISON	12/05/16-01/04/17 ELECTRIC SVC	61,776.85	101 4631652	29,752.30
					101 4633652	8,205.47
					101 4634652	5,282.64
					101 4635652	17,631.76
					101 4810403	135.48
				<u>61,776.85</u>	483 4785660	<u>769.20</u>
						<u>61,776.85</u>
7385420	D0501	HIESL CONSTRUCTION INC	1654 NORBERRY-RENOVATIONS	58,392.00	363 4542770	58,392.00
			240 AVE J12-RENOVATIONS	33,543.00	363 4542770	33,543.00
			44188 GLENRAVEN-RENOVATIONS	71,271.00	363 4542770	71,271.00
				<u>163,206.00</u>		<u>163,206.00</u>
7385421	A8656	KIMLEY-HORN & ASSOCIATES INC	CDP1310-P/PM SVC-11/30/16-AV K	4,999.00	210 15BR004924	4,999.00
			CDP1310-P/PM SVC-11/30/16-AV M	3,465.00	210 15BR005924	3,465.00
			CDP1310-P/PM SVC-11/30/16-AV G	4,500.75	210 15BR006924	4,500.75
			CDP1310-P/PM SVC-11/30/16-AV J	4,790.00	210 15BR007924	4,790.00
			CDP1310-P/PM SVC-11/30/16-AV L	5,425.00	210 15BR008924	5,425.00
			CP15012-AVE K/35E-11/16-PS&E	9,304.00	217 16ST010924	9,304.00
			CP14010-AVE J PA/ED-11/30/16	72,373.75	210 15BR007924	72,373.75
				<u>104,857.50</u>		<u>104,857.50</u>
7385422	01386	MERRIMAC ENERGY GROUP	UNLEADED FUEL(4951 GALS)	8,857.11	101 1620000	8,857.11
			DIESEL(2480 GALS)	5,135.09	101 1620000	5,135.09
				<u>13,992.20</u>		<u>13,992.20</u>
Chk Count	<u>259</u>			Check Report Total	<u>3,731,848.95</u>	

City of Lancaster Check Register



From Check No.: 101009754 - To Check No.: 101009764

From Check Date: 01/08/2017 - To Check Date: 01/21/2017

Printed: 1/24/2017 13:37

Check No	Supplier	Supplier Name	Invoice Description	Invoice Amt	Charge Code	GL Amount
101009754	00370	CITY OF LANCASTER/PETTY CASH	PETTY CASH-NSC TOURNAMENT	3,500.00	101 1020004	3,500.00
101009755	06438	CALPERS CERBT (OPEB)	JAN-JUN 17-ROPS #283-CERBT	114,300.00	991 4540241	114,300.00
101009756	05987	THE VISITORS BUREAU/LANCASTER	11/16 TBID FEES	34,241.51	101 2501000	34,241.51
101009757	A7515	U S BANK	DEBT SERVICE DIE 2/1/17	4,473,291.00	991 4540978	213,034.00
					991 4540978	239,863.00
					991 4540978	804,163.00
					991 4540978	995,784.00
					991 4540978	1,068,159.00
					991 4540978	1,152,288.00
				<u>4,473,291.00</u>		<u>4,473,291.00</u>
101009758	C9589	U S BANK CORP PAYMENT SYSTEMS	01/10/17-CALCARD STATEMENT	51,281.87	101 2601000	51,281.87
101009759	D1736	LEVEL 3 COMMUNICATIONS LLC	12/16-INTERNET/DATA-#50041351	3,948.22	101 4315651	3,948.22
101009760	D1736	LEVEL 3 COMMUNICATIONS LLC	11/16-INTERNET/DATA-#48870777	3,948.22	101 4315651	3,948.22
101009761	07109	SHELL ENERGY NORTH AMERICA LP	12/16-CAPACITY PRODUCT	47,600.00	490 4370653	47,600.00
101009762	A2089	SO CA EDISON-ACCTS REC	ST LGHT ACQSTN-PHS 1-TD1165092	1,012,002.38	483 4755753	1,012,002.38
101009763	05449	ACCELA, INC	USER SUBSCRIPTIONS(25)	67,512.65	251 4315302	67,512.65
101009764	07101	CALPINE ENERGY SERVICES L.P.	INV #CALP2017-03PREPAY	14,000.00	490 4370653	14,000.00

Chk Count 11

Check Report Total 5,825,625.85

AP482

Void Check Report
/ Sub Fund 000 000 CITY OF LANCASTER

Bank Dist.Code

Number	Date	Check Amount	Currency	Batch	Sheet	Code	Name	Vendor	Voided on Reason
7385195	01/13/17	225.00		36774	31	2106	U S POSTMASTER		01/18/17 Void Check Data Entry
7385207	01/13/17	147.50		36774	43	03353	BOZIGIAN, MARK		01/18/17 Void Check Data Entry
7385357	01/20/17	766.94		36785	65	A0925	DESERT HAVEN ENTERPRISES		01/24/17 Void Check Data Entry
Bank Total		1,139.44							

AP482

Void Check Report
For the Fund / Sub Fund 000 000 CITY OF LANCASTER

Fund / Sub Fund 000 000

From Period To

From Check Date 01/08/2017 To 01/21/2017

Bank Dist.Code

Print system cancelled Check (Y/N) Y

Print Check voided through data entry (Y/N) Y

Report to be sequenced by: Check Number

Bank Acct ID:

AP482
 Void Check Report
 For the Fund / Sub Fund 000 000 CITY OF LANCASTER

Bank Dist. Code 101 1000000 CASH - GENERAL FUND

Number	Date	Check	Amount	Currency	Batch	Sheet	Code	Name	Vendor	Voided on Reason

Total End/Sub 1,139.44

STAFF REPORT
City of Lancaster

CC 3
02/14/17
MVB

Date: February 14, 2017

To: Mayor Parris and City Council Members

From: Ronda Perez, Parks, Recreation and Arts Director

Subject: **Award of Informal Bid No. 651-17 – City Hall Fascia Improvements**

Recommendation:

Award Informal Bid No. 651-17, City Hall Fascia Improvements, to SoCal Design of Lancaster, CA in the amount of \$162,462 and authorize the City Manager or his designee to sign all documents.

Fiscal Impact:

Funding for this project was budgeted in fiscal year 16/17 Capital Improvement Project Number 11BS019, using a variety of funding sources.

Background:

The City Hall Fascia Improvements project will remove all of the wood planks on the east and north sides of City Hall and replace them with Reynobond aluminum exterior paneling. The existing fascia is more than 30 years old and the majority of the wood has rotted and several planks have fallen off exposing parts of the City Hall framework to the elements.

The City conducted an informal bid opening for Informal Bid No. 651-17 on August 22, 2016 at 4 p.m. No bid responses were received. Pursuant to California Public Contract Code, Section 22038(c), City staff subsequently negotiated with a local contractor to provide the scope of services requested in Informal Bid No. 651-17, City Hall Fascia Improvements. Following negotiations, a bid price of \$162,462 was submitted by SoCal Design of Lancaster, California.

JC;jzs

STAFF REPORT
City of Lancaster

CC 4
02/14/17
MVB

Date: February 14, 2017

To: Mayor Parris and City Council Members

From: Britt Avrit, CMC, City Clerk

Subject: **Consideration of adoption of Ordinance No. 1020**

Recommendation:

Adopt **Ordinance No. 1020**, amending Titles 15 and 17 of the Lancaster Municipal Code establishing requirements for the construction of Zero Net Energy (ZNE) single family residences.

Fiscal Impact:

Potential increase in revenue from ZNE mitigation fee, offset by reductions in other development fees.

Background:

The ordinance as proposed would provide single family residential developers with three basic options to meet the ZNE requirement:

- Install a solar system equal to 2 watts per square-foot minimum, which would meet the January 2017 Title 24 energy efficiency requirements.
- Meet the January 2017 Title 24 energy efficiency requirements, and pay a one-time ZNE mitigation fee based on the square-footage of the house. Homeowner will be included in Lancaster Choice Energy's (LCE) ZNE Home Rate.
- Install a solar system equal to 2 kW per home, and pay the one-time ZNE mitigation fee to cover the balance of the required watts per square-foot of the house. Homeowner will be included in LCE's ZNE Home Rate.

The proposed ordinance would establish ZNE requirements for new single family residential units earlier than the 2020 timeframe established by the State of California. The enactment of the requirement would also be consistent with the Lancaster's goal of becoming a net-zero city.

At the January 24, 2017 City Council meeting, the City Council approved the introduction of Ordinance No. 1020 by the following vote:

AYES: Council Members Mann, Underwood-Jacobs, Vice Mayor Crist, Mayor Parris
NOES: None
ABSTAIN: None
ABSENT: Malhi

Attachment:
Ordinance No. 1020

ORDINANCE NO. 1020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LANCASTER, CALIFORNIA, ESTABLISHING
REQUIREMENTS FOR THE CONSTRUCTION OF ZERO
NET ENERGY RESIDENCES

WHEREAS, the State of California Government Code requires zoning to be consistent with the City's General Plan; and

WHEREAS, the City of Lancaster has a goal to be a zero net energy city; and

WHEREAS, the Planning Commission is recommending to the City Council a revision to the Energy Code (Title 15, Chapter 28) and the Residential zoning ordinance (Title 17, Chapter 8) of the Lancaster Municipal Code, in order to implement zero net energy standards for new residential construction, in advance of California State's 2020 requirements; and

WHEREAS, notice of intention to consider the Residential Zero Net Energy ordinance has been given in accordance with Section 65090 of the Government Code of the State of California; and

WHEREAS, the City has made a diligent effort to achieve public participation for the Residential Zero Net Energy ordinance, and has held meetings with the building industry on October 18 and October 25, and December 5, 2016, and the Planning Commission has held a public hearing on the proposed ordinance on November 21, 2016, and December 19, 2016, and has received and considered all public testimony both oral and written; and

WHEREAS, staff has prepared a written report recommending approval of the proposed ordinance for implementation of zero net energy goals; and proposed ordinance will not have a significant effect on the environment since these proposed actions are within the scope of the Program Environment Impact Report (SCH #2007111003) prepared for the Lancaster General Plan, and no further environmental review is required; and

WHEREAS, the City Council, based upon evidence in the record hereby makes the following findings in support of the proposed ordinance:

1. The proposed ordinance is consistent with the City's General Plan, including:
 - a. Objective 3.6, which states, "Encourage efficient use of energy resources through the promotion of efficient land use patterns and the incorporation of energy conservation practices into new and existing development, and appropriate use of alternative energy."
 - b. Policy 3.6.2, which states, "Encourage innovative building, site design, and orientation techniques which minimize energy use."
 - c. Policy 3.6.3, which states, "Encourage the incorporation of energy conservation measures in existing and new structures."

- d. Specific Action 3.6.3(b), which states, “Explore the feasibility of requiring solar systems in new residential and non-residential construction. If practical, amend the municipal code to address requirements for solar energy use.”
- e. Policy 3.6.5, which states, “Reduce the amount of energy consumed by City operations and assist residents and businesses in reducing their energy consumption rates.”

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN, AS FOLLOWS:

Section 1. Amend Section 15.28.020.c, “Provision of solar energy systems,” to read as follows:

“Provision of solar energy systems.

1. A builder shall provide solar energy systems for new detached single family homes in accordance with the energy generation requirements as listed in Section 17.08.060 of the Lancaster Municipal Code. It is intended that no individual installed system shall produce less than 2 watts per square foot of each home built by the builder. For example a 2,000 square foot home would require builder to install a 4 kW system. A builder may also adjust the amount of solar installed after demonstrating to the building official that the zero net energy requirements can be met with the installation of a smaller system.
2. Installation of solar energy systems is required for all new single family detached homes within a production subdivision. A builder may also meet the solar requirement by paying a solar mitigation fee based on the square footage of the living space of each home that is built.
3. Builders shall demonstrate through building plan check their intention to meet the solar zero net energy requirement.
4. Builders shall build solar energy systems on model homes, reflective of the products that will be offered to homebuyers.
5. If a tract is built in phases, the solar energy generation requirement shall be fulfilled for each phase, or release of homes.
6. Solar energy systems shall meet the development standards and guidelines as described in the Lancaster Zoning Code.
7. Solar energy systems for multi-family developments may be provided on rooftops, or on solar support/shade structures.
8. Accessory dwelling units (ADU) are exempt from the zero net energy requirements.
9. New single family residential units that comply with the zero net energy requirements shall not be required to comply with the landscaping and irrigation requirements of Section 17.08.110.A.12 and Section 8.30.040.B of the Lancaster Municipal Code with respect to the rear yard area.”

Section 2. Amend Section 17.08.305.c, “Provision of solar energy systems,” to read as follows:

“Provision of solar energy systems.

1. A builder shall provide solar energy systems for new detached single family homes in accordance with the energy generation requirements as listed in Section 17.08.060 of the Lancaster Municipal Code. It is intended that no individual installed system shall produce less than 2 watts per square foot of each home built by the builder. For example a 2,000 square foot home would require builder to install a 4 kW system. A builder may also adjust the amount of solar installed after demonstrating to the building official that the zero net energy requirements can be met with the installation of a smaller system.
2. Installation of solar energy systems is required for all new single family detached homes within a production subdivision. A builder may also meet the solar requirement by paying a solar mitigation fee based on the square footage of the living space of each home that is built.
3. Builders shall demonstrate through building plan check their intention to meet the solar zero net energy requirement.
4. Builders shall build solar energy systems on model homes, reflective of the products that will be offered to homebuyers.
5. If a tract is built in phases, the solar energy generation requirement shall be fulfilled for each phase, or release of homes.
6. Solar energy systems shall meet the development standards and guidelines as described in the Lancaster Zoning Code.
7. Solar energy systems for multi-family developments may be provided on rooftops, or on solar support/shade structures.
8. Accessory dwelling units (ADU) that are exempt from the zero net energy requirements.
9. New single family residential units that comply with the zero net energy requirements shall not be required to comply with the landscaping and irrigation requirements of Section 17.08.110.A.12 and Section 8.30.040.B of the Lancaster Municipal Code with respect to the rear yard area.”

Section 3. Amend Section 17.08.305.d, “Off-site fulfillment of solar energy generation,” to read as follows:

“Alternative methods of compliance. If site-specific situations make it impractical for a builder to meet the requirements of this section, the builder may propose an alternative method of compliance with the intent of this section. An alternative method of compliance shall be approved where the building official finds that the proposed alternative is satisfactory and complies with the intent of the provisions of this section.”

Section 4. Delete “Solar Energy System Provision” by zone in the “Development standards” table from Section 17.08.060.A.1 and from Section 17.08.060.B.1.

Section 5. That the City Clerk shall certify to the passage of this Ordinance, and will see that it is published and posted in the manner required by law.

I, Britt Avrit, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 24th day of January, 2017, and placed upon its second reading and adoption at a regular meeting of the City Council on the 14th day of February, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

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

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 1020, for which the original is on file in my office.

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

(seal)

STAFF REPORT
City of Lancaster

CC 5
02/14/17
MVB

Date: February 14, 2017

To: Mayor Parris and City Council Members

From: Jeff Hogan, Development Services Director

Subject: **Final Map Approval – Tract Map No. 63201 (Located Approximately 338.66 Feet East of 21st Street West and North of Avenue J-8)**

Recommendation:

Approve the map and accept the dedications as offered on the map for Tract Map No. 63201, located approximately 338.66 feet east of 21st Street West and north of Avenue J-8.; make 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; and instruct 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.

Fiscal Impact:

None.

Background:

On July 18, 2016, the Planning Commission approved Tentative Tract Map No. 63201.

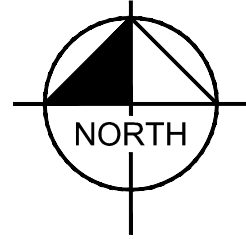
The Final Map is in substantial conformance with the approved tentative map. Tract Map No. 63201 has been examined by the City Engineer and is ready for Council approval. In addition, improvement securities have been submitted to ensure the installation of improvements.

JF:pjp

Attachment:

Map

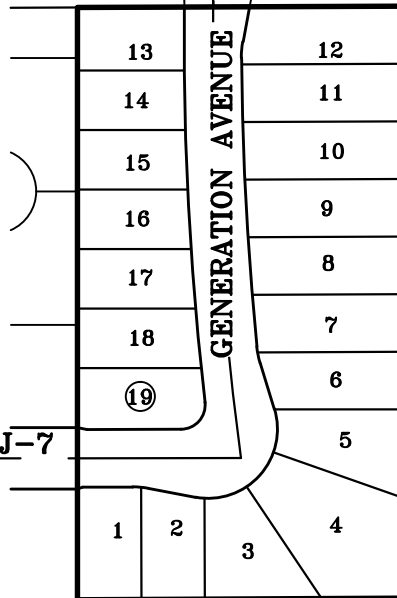
VICINITY MAP
TRACT NO. 63201



22ND STREET WEST

20TH STREET WEST

AVENUE
J-5



21ST STREET
WEST

AVENUE J-7

AVENUE J-8

Kimley»Horn

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21820 BURBANK BOULEVARD, SUITE 230
WOODLAND HILLS, CA 91367 (747)900-8400

STAFF REPORT
City of Lancaster

CC 6
02/14/17
MVB

Date: February 14, 2017

To: Mayor Parris and City Council Members

From: Britt S. Avrit, City Clerk

Subject: **Amendment to Conflict of Interest Code List of Designated Employment Classifications**

Recommendation:

Adopt **Resolution No. 17-07**, amending Resolution No. 16-48 and re-establishing the List of Designated Employment Classifications and the Disclosure Categories of the Conflict of Interest Code as provided in Section 2.40.030, Title 2, of the Lancaster Municipal Code.

Fiscal Impact:

None

Background:

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate or, alternatively, that the code must be amended. Government Code Section 87307 provides that an agency may at any time amend its Conflict of Interest Code.

The City reviewed and adopted its biennial Conflict of Interest Code on September 13, 2016. Upon review of the list of Designated Employees and comparing the list to the list of Designated Employee Classifications, it was determined that the List of Designated Employee Classifications should be further amended.

A designated employee is an officer, employee, member or consultant of an agency whose position is designated in the Conflict of Interest Code because the position entails the making or participation in the making of governmental decision which may foreseeably have a material effect on any financial interest.

Attachment:

Resolution No. 17-07

RESOLUTION NO. 17-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA AMENDING RESOLUTION NO. 16-48 AND RE-ESTABLISHING THE LIST OF DESIGNATED EMPLOYMENT CLASSIFICATIONS AND THE DISCLOSURE CATEGORIES OF THE CONFLICT OF INTEREST CODE AS PROVIDED IN SECTION 2.40.030, TITLE 2, OF THE LANCASTER MUNICIPAL CODE

WHEREAS, the Political Reform Act requires local government agencies to review its Conflict of Interest Code biennially;

WHEREAS, the City Council of the City of Lancaster, (the "City Council"), previously adopted Resolution No. 16-48 on September 13, 2016, thereby amending the List of Designated Employee Classifications of the Conflict of Interest Code;

WHEREAS, Section 2.40.030 of the Municipal Code provides that the City Council shall adopt a List of Designated Employee Classifications by resolution which may be amended from time to time;

WHEREAS, Section 87307 of the Government Code provides that an agency may at any time amend its Conflict of Interest Code;

WHEREAS, the City Council has determined that it is necessary to further revise the List of Designated Employee Classification and Disclosure Categories to reflect changes made by City Council action.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The Disclosure Categories referred to in Section 2.40.030 of the Municipal Code are provided herein for ease of reference and read as follows:

"DISCLOSURE CATEGORIES"

A. Category 1. Persons in this category shall disclose all investments and business positions held in business entities, all interests in real property and all sources of income from sources located in or doing business in the City (Title 9, Chapter 7, Article 2 of the California Government Code. Section 87200 et seq).

B. Category 2. Persons in this category shall disclose all interests in real property within the City. Real property shall be deemed to be within the City if the property or any part of it is within or not more than two miles outside the boundaries of the City.

C. Category 3. Persons in this category shall disclose all income from, business positions held and investments in business entities engaged in the acquisition or disposal of real property within the City.

D. Category 4. Persons in this category shall disclose all income from, business positions held and investments in business entities, which manufacture or sell goods, services, supplies, equipment or materials of the type utilized by the City.

E. Category 5. Persons in this category shall disclose all income from business positions held and investments in business entities engaged in the performance of building construction or design within the City.

F. Category 6. Persons in this category shall disclose all income from, business positions in and investments in business entities engaged in the performance of building or recreation construction or design within the City.

Section 2. The List of Designated Employee Classifications referred to in Section 2.40.030 of the Lancaster Municipal Code reads as follows:

DESIGNATED EMPLOYEE CLASSIFICATIONS

"Position; Disclosure Category"

Architectural/Design Planning Commissioners; 1
Assistant City Attorney; 1
Assistant Director of Parks, Recreation & Arts; 2, 3, 4, 6
Assistant Engineer; 1
Assistant Finance Director; 1
Assistant to the City Manager; 1
Assistant Traffic Engineer; 1
Assistant Utilities Services Manager; 1
Associate Civil Engineer; 1
Associate Engineer; 1
Associate Planner; 1
Associate Traffic Engineer; 1
Building Inspector I; 2, 3, 4, 5
Building Inspector II; 2, 3, 4, 5
Business License Enforcement Officer; 2, 3, 4, 5
Buyer; 2,3,4
Capital Program Manager; 1
Chief Building Official; 1
City Attorney; 1
City Clerk; 1
City Council Members; 1
City Engineer; 1
City Manager; 1
City Treasurer; 1
Code Enforcement Officer; 2, 3, 4, 5
Communications Manager; 1
Community Safety Supervisor; 1
*Consultants; 1
Crime Prevention Officer; 1

Criminal Justice Commissioners; 1
Deputy City Attorney; 1
Deputy City Clerk; 1
Deputy Executive Director of the Housing Authority; 1
Deputy City Manager; 1
Development Services Director; 1
Development Services Project Coordinator; 1
Director of Parks, Recreation & Arts; 1
Director of Planning; 1
Director of Public Safety; 1
Economic Development Director; 1
Energy Manager; 1
Executive Director of the Housing Authority; 1
Facility Maintenance Coordinator; 1
Finance Director; 1
Housing Authority Members; 1
Housing Authority Counsel; 1
Housing Authority Finance Officer; 1
Housing Authority Secretary; 1
Housing and Neighborhood Revitalization Counsel; 1
Housing and Neighborhood Revitalization Director; 1
Human Resources & Risk Management Director; 1
Human Resources Manager; 1
Information Technology & Customer Care Manager; 1
Land Surveyor; 1
Maintenance Services Coordinator; 1
Maintenance Services Manager; 1
Management Analyst I; 2, 3, 4
Management Analyst II; 2, 3, 4
Mayor; 1
Neighborhood Vitalization Commission; 1
Operations Manager; 1
Parks Manager; 2, 3, 4, 6
Parks Superintendent; 2, 3, 4, 6
Parks Supervisor; 2, 3, 4, 6
Performing Arts Manager; 2, 3, 4
Planning Commissioners; 1
Principal Plan Check Engineer; 1
Principal Planner; 1
Project Coordinator; 1
Public Safety Manager; 1
Public Safety Services Specialist; 1
Public Safety Services Director; 1
Public Works Inspector I; 2, 3, 4, 5
Public Works Inspector II; 2,3,4,5
Public Works Manager; 1
Public Works Supervisor; 2, 3, 4, 5
Purchasing Agent; 1

Senior Building Inspector; 2, 3, 4, 5
Senior Civil Engineer; 1
Senior Code Enforcement Officer; 1
Senior Construction Manager; 1
Senior Construction Projects Inspector; 1
Senior Criminal Justice Analyst; 1
Senior Engineer; 1
Senior Management Analyst; 2, 3, 4
Senior Operations Manager; 1
Senior Public Works Inspector; 2, 3, 4, 5
Senior Project Coordinator; 1
Theatre Supervisor; 1
Treasury Manager; 1
Utilities Division Manager; 1

*With respect to Consultants, the City Manager, however, may determine in writing that a particular consultant, although a "designated person" is hired to perform a range of duties that are limited in scope and thus is not required to comply with the disclosure requirements described in this Code. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. These written determinations shall remain on file in the same manner and location as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

PASSED, APPROVED and ADOPTED this 14th day of February, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT S. AVRIT, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

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

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster,
CA, do hereby certify that this is a true and correct copy of the original Resolution No. 17-07, 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)

STAFF REPORT
City of Lancaster

CC 7
02/14/17
MVB

Date: February 14, 2017

To: Mayor Parris and City Council Members

From: Jeff Hogan, Development Services Director

Subject: **Final Map Approval – Parcel Map No. 66627 (Located 499.46 Feet South of Avenue M-8, and 342.92 Feet East of 38th Street West)**

Recommendation:

Approve the map and accept the dedications as offered on Parcel Map No. 66627, located 499.46 feet south of Avenue M-8 and 342.92 feet east of 38th Street West, owned by Andrew J. Eliopoulos; approve the Undertaking Agreement and Improvement Securities required as a condition of recordation of the map; make 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; and instruct 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.

Fiscal Impact:

None.

Background:

On December 18, 2006, the Planning Commission approved Tentative Parcel Map No. 66627.

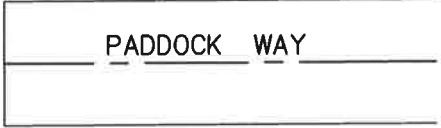
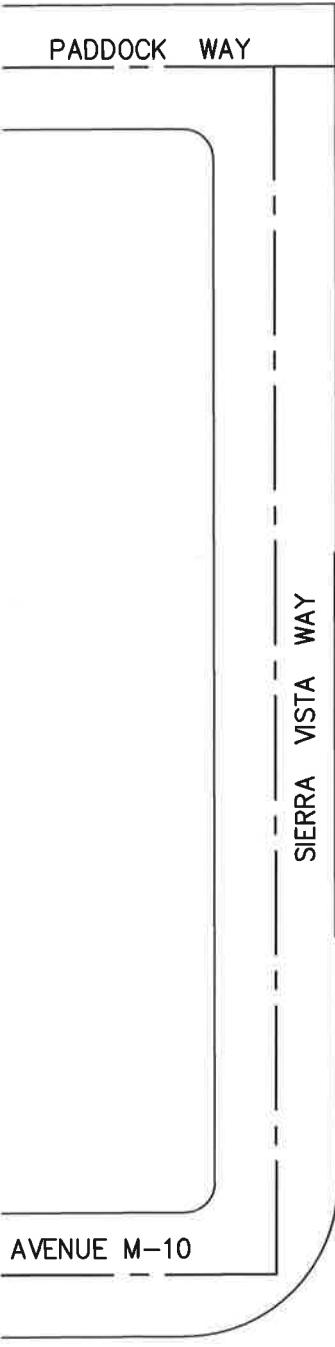
The Final Map is in substantial conformance with the approved tentative map. Parcel Map No. 66627 has been examined by the City Engineer, and is ready for Council approval. An Undertaking Agreement and Improvement Securities have been submitted to guarantee the installation of improvements.

JF:pjp

Attachments:

Maps
Subdivision Undertaking Agreement

PARCEL MAP NO. 66627



PARCEL MAP NO. 66627

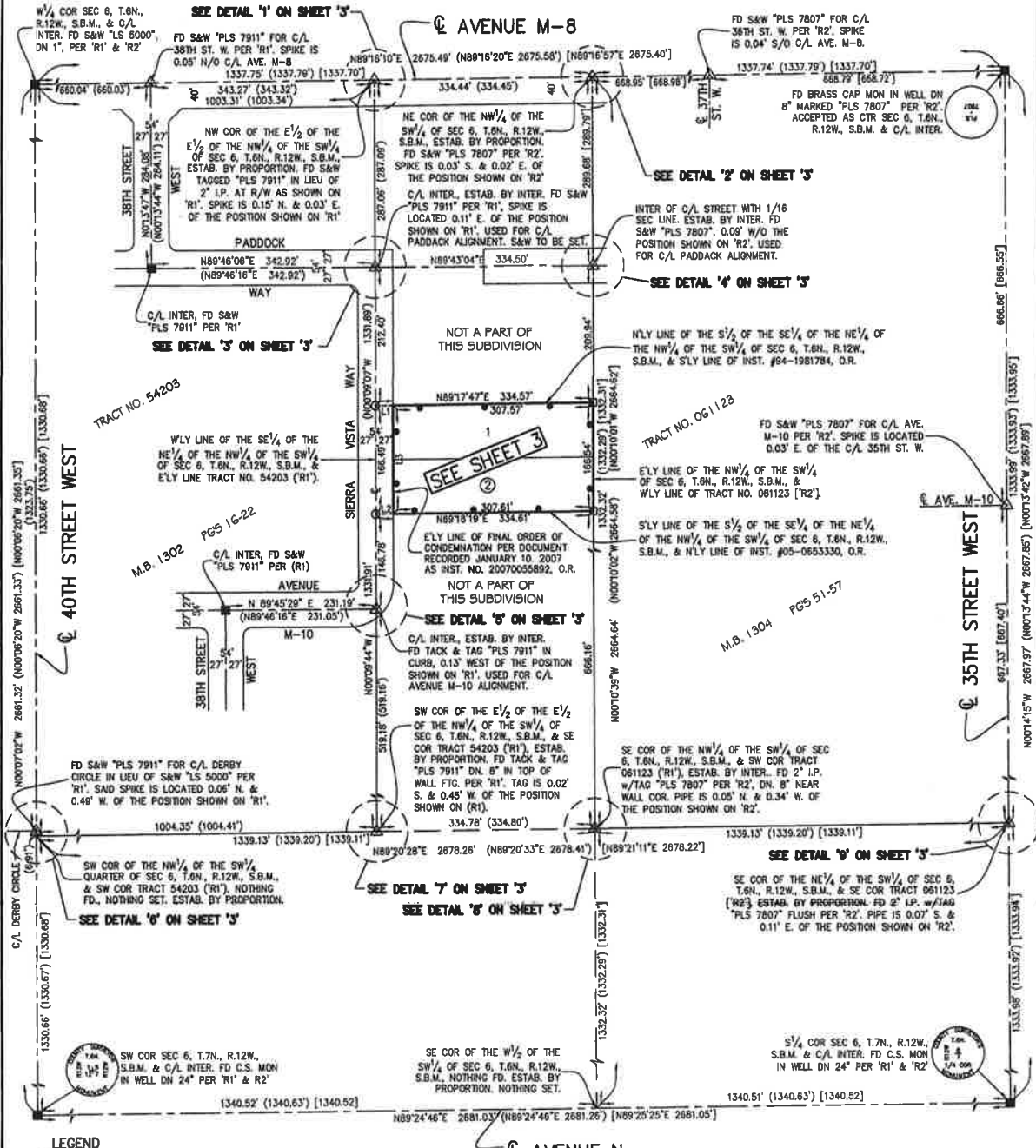
IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA

W.R. GORMAN L.S. 8767

SURVEY DETAIL & INDEX MAP

2 PARCELS

1.18 ACRES



- LEGEND**
- INDICATES FOUND MONUMENT AS DESCRIBED
 - △ INDICATES FOUND MONUMENT IN INCORRECT LOCATION AS DESCRIBED
 - INDICATES 6" SPIKE AND WASHER, TAGGED "LS 8767" TO BE SET.
 - INDICATES LEAD, TACK AND BRASS TAG, "LS 8767", TO BE SET IN EXISTING WALL FOOTING.
 - 'R1' & () INDICATES RECORD DATA PER TRACT NO. 54203, MB 1302, PG'S 16-22, AND CERTIFICATE OF CORRECTION RECORDED 8/04/08 AS INST. NO. 20081392928, O.R.
 - 'R2' & [] INDICATES RECORD DATA PER TRACT NO. 081123, MB 1304, PG'S 51-57, AND CERTIFICATE OF CORRECTION RECORDED 3/02/09 AS INST. NO. 20080290127, O.R.
 - INDICATES THE BOUNDARY OF THE LAND BEING SUBDIVIDED BY THIS MAP.

LINE	BEARING	LENGTH
L1	N89°17'47"E	27.00'
L2	N89°18'19"E	27.00'
L3	N00°09'44"W	166.49'

**UNDERTAKING AGREEMENT
(SUBDIVISION IMPROVEMENTS)**

TRACT NO. _____ PARCEL MAP NO. 66627

THIS AGREEMENT made this _____ day of _____, 20__ by and between the City of Lancaster, (the "City") and _____, (the "Subdivider").

RECITALS

A. The City approved Tentative Map No. 66627 on DECEMBER 18, 2006 (the "Tentative Map"), subject to certain conditions of approval set forth in Resolution No. 06-88, which conditions include construction of certain public improvements as set forth herein below.

B. Subdivider has presented to City for approval a final subdivision map (the "Map"), which Map is hereby referred to and incorporated herein as though set forth in full.

C. The Map has been filed with the City Engineer of the City (the "City Engineer") for presentation to the City Council of the City (the "City Council") for its approval.

D. Subdivider has requested approval of the Map prior to the fulfillment of all conditions of approval of the Tentative Map, specifically, prior to construction and completion of improvements, including all streets, highways, or public ways, grading, fences and public utility facilities which are a part of, or appurtenant to, the subdivision (the "Subdivision") designated in the Map, all in accordance with, and as required by, the plans and specifications for all or any of said improvements in, appurtenant to, or outside the limits of subdivision, which plans and specifications are now in the office of the City Engineer and which are hereby referred to an incorporated herein as though set forth in full.

E. This Agreement is executed pursuant to the provisions of the Subdivision Map Act of the State of California and applicable City ordinances.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and of the approval of the Map and of the acceptance of the dedications therein offered, and in order to insure satisfactory performance by Subdivider of Subdivider's obligations under said Subdivision Map Act and said ordinance, the parties agree as follows:

1. Performance of Work

Subdivider, at its sole cost and expense, will improve Tract No. _____ Parcel Map No. 66627 by the grading and paving of streets, construction of curbs and gutters, crossgutters and sidewalks, installation of drainage and

sanitary sewerage facilities, provision of an underground utility and street lighting system, installation of street signs, parkway trees, a water system and all related facilities, and such other improvements required by the ordinances of the City and/or the City Council in the approval of said Tract/Parcel Map, together with appurtenances, contingencies and engineering costs and as more particularly shown in the improvement plans for contingencies and engineering costs and as more particularly shown in the improvement plans for said Tract/Parcel Map (the "Improvements"). Subdivider will do all work and furnish all materials necessary, in the opinion of the City Engineer, to complete said Improvements in accordance with the plans and specifications on file in the office of the City Engineer or with any changes or modifications required or ordered by the City Engineer which, in his opinion, are necessary or required to complete the Improvements (the "Work"). Subdivider shall maintain the Improvements and adjacent public facilities clear of all debris, weeds, and other materials which inhibit the performance of the Improvements or become a public nuisance. Should the Subdivider fail to act promptly in accordance with this requirement the City may, at its option, perform the necessary work and the Subdivider shall pay to the City the actual cost of such maintenance plus fifteen (15) percent.

2. Work, Places, and Grades to be Fixed by Engineer

All of said Work is to be done at the places, of the materials, in the manner and at the grades, all as shown upon the plans and specifications therefor, heretofore approved by City Engineer and which are now on file in his office, and to the satisfaction of said City Engineer.

3. Time of Essence - Extension

Time is of the essence with respect to the performance by Subdivider of each and every obligation and condition of this Agreement; provided that in the event good cause is shown therefor, the City Council may in its sole and absolute discretion extend the time for completion of the improvements hereunder. Any such extension may be granted without notice to any surety securing all or any portion of Subdivider's obligations hereunder (a "Surety"), and extensions so granted shall not relieve any Surety of its liability under the Improvement Security or Monument Security (as hereinafter defined) or this Agreement to guarantee the faithful performance of this Agreement. The City Council shall be the sole and final judge as to whether or not good cause has been shown to entitle Subdivider to an extension.

4. Repairs and Replacements

Subdivider shall replace, or have replaced, or repair, or have repaired, as the case may be, all survey monuments, shown on the Map which have been damaged, disturbed, or destroyed, and shall replace, or have replaced, repair, or have repaired, as the case may be, or pay to the owner, the entire cost of replacement or repairs, of any and all property damaged or destroyed by reason of any work done hereunder. Any such repair or replacement or payment pursuant to this Section 4 shall be to the satisfaction of and subject to the approval of the Director of Public Works.

5. Permits: Compliance with Law

Subdivider shall, at Subdivider's expense, obtain all necessary permits and licenses for the construction of such Improvements, give all necessary notices and pay all fees and taxes required by law.

6. Supervision by Subdivider

Subdivider shall personally supervise the Work on said Improvements, or have a competent foreman or superintendent on the Work at all times during progress, with authority to act for Subdivider.

7. Inspection by City

City shall have the right at all times during performance of the Work to enter onto the Subdivision as necessary, and without charges or fees, to inspect the Work, so long as City representatives comply with all safety rules.

Subdivider shall at all times maintain proper facilities, and provide safe access for inspection by City, to all parts of the Work, and to the shops wherein the Work is in preparation. Inspection by the City or City representatives shall not constitute acceptance by the City nor shall such inspection result in a waiver.

8. Improvement Security

Concurrently with the execution hereof, Subdivider shall deposit with City an adequate and satisfactory improvement security which fully secures all the Subdivider's obligations under this Agreement (the "Improvement Security") in accordance with the provisions of Section 66499 of the Government Code of California, the City of Lancaster Subdivision Ordinance, Sections 16.32.020 of the Lancaster Municipal Code, and this Section. The Improvement Security shall be executed by a surety acceptable to the City and shall include the following: (1) security in an amount equal to at least one hundred (100) percent of the estimated cost of Improvements (as evidenced by a Bond Estimate Form approved by the City Engineer), including City inspection costs and costs of enforcement of this Agreement (the "Cost of Improvements") as security for the faithful performance of this Agreement; (2) separate security in an amount equal to at least fifty (50) percent of the estimated Cost of Improvements as security for the payment of all persons performing labor and furnishing materials in connection with this Agreement; and (3) security in the amount of ten (10) percent of the Cost of Improvements to guarantee the Improvements against defective work, labor or material for one (1) year following City's acceptance of the Improvements (which may be provided by a retention provision in the security as set forth in Section 9). If, at any time after deposit of the Improvement Security, the surety on said securities is no longer acceptable to the City, Subdivider agrees to replace said securities with securities of equal or greater value or penal sum, issued by an acceptable surety within ten days after receiving notice that said surety is unacceptable.

9. Retention of Improvement Security

Unless otherwise provided for under the Improvement Security, the City shall retain at least ten (10) percent of the Improvement Security for faithful performance for a period of one (1) year after final acceptance of the work performed under this Agreement, to guarantee corrective work throughout the warranty period described in Section 12 herein. The security for payment of labor and materials shall be retained by City for a period of ninety (90) days after final acceptance of the Improvement, after which the security for payment of labor and materials may be reduced to an amount equal to the amount of all claims, for which claims of lien have been recorded and notice given in writing to the City Council. The retained portion of the

security for payment of labor and materials shall continue to be retained until the settlement of all such claims and obligations for which security was given.

10. Monument Security

Concurrently with the execution hereof, Subdivider shall deposit with City a cash deposit or cashier's check in the amount of ONE THOUSAND FIFTY (\$ 1,050.00) dollars ("Monument Security") as security for the faithful performance of all work of setting monuments and as security for the payment of the engineer(s) or surveyor(s) who set said monuments. If Subdivider refuses or fails to complete the work of setting monuments, or if Subdivider refuses or fails to pay the engineer(s) or surveyor(s) for setting the monuments, the City shall have the right to expend all, or a portion of, the Monument Security without notice to Subdivider, for purposes of completing the setting of said monuments and/or paying said engineer(s) or surveyor(s). The Monument Security shall be retained by City until all of the following conditions have been met: (1) all work of setting monuments has been completed, (2) all work of setting monuments has been approved and accepted by City Council, and (3) City has received written verification from surveyor(s) or engineer(s) that he/she/they have been paid in full for such work.

11. Hold-Harmless Agreement

Subdivider hereby binds itself, its executors, administrators, successors, and assigns and agrees to indemnify, defend and hold City, its elective and appointive boards, commissions, officers, agents and employees, harmless from any liability for or claims for damage for personal injury, including death, as well as from any liability for or claims for damage to property, both real and personal, which may arise from or be caused by Subdivider's or Subdivider's contractor's, subcontractor's, agent's or employee's operations under this Agreement. Subdivider agrees to, and shall, defend City and its elective and appointive boards, commissions, officers, agents and employees from any suits or actions at law or in equity for damage caused, or alleged to have been caused, by reason of any of the aforesaid operations. It is understood that City does not, and shall not waive any right against Subdivider which it may have by reason of the aforesaid hold-harmless agreement, because of the acceptance by City, or the deposit with City by Subdivider, of the Improvement Security or Cash Charges (as hereinafter defined). It is further understood that this Section shall apply to all damages and claims for damages of every kind suffered, or alleged to have been suffered, by reason of any of the aforesaid operations referred to in this Section, regardless of whether the City has prepared, supplied or approved of, plans and/or specifications for the Subdivision.

12. Warranty, Repair or Reconstruction of Defective Work

Subdivider warrants that all Work and Improvements shall be free from defects in material or workmanship and shall perform satisfactorily for a period of one (1) year from the date on which the City accepts the Work and Improvements as complete in accordance with the plans and specifications approved by the City Engineer. If, within a period of one year after final acceptance of the work performed under this Agreement, any structure or part of any structure furnished and/or installed or constructed, or caused to be installed or constructed by Subdivider, or any of the work done under this Agreement, fails to fulfill any of the requirements of the Agreement or the specifications referred to herein, Subdivider shall, without delay and without cost to City, repair or replace or reconstruct any defective or otherwise unsatisfactory

part or parts of the work or structure. Should Subdivider fail to act promptly or in accordance with this requirement, or should the exigencies of the case require repairs or replacements to be made before Subdivider can be notified, City may, at its option, make the necessary repairs or replacements or perform the necessary work and Subdivider shall pay to the City the actual cost of such repairs plus fifteen (15) percent.

13. Subdivider Not Agent of City

Neither Subdivider nor any of the Subdivider's agents or contractors are or shall be considered to be agents of City in connection with the performance of Subdivider's obligations under this Agreement.

14. Cash Charges

Subdivider shall pay to the City in cash such subdivision fees ("Cash Charges") that have been established by ordinance or by the City Council in conferring approval or extension of time to said Subdivision.

15. Notice of Breach and Default

Subdivider shall be in default of this Agreement if Subdivider refuses or fails to commence and diligently prosecute to completion the Work, or any severable part thereof, with such diligence as will insure its completion within the time specified, or any extensions thereof, or fails to obtain completion of said Work within such time or if the Subdivider should be adjudged a bankrupt, or if the Subdivider should make a general assignment for the benefit of Subdivider's creditors, or if a receiver should be appointed in the event of Subdivider's insolvency, or if Subdivider, or any of Subdivider's contractors, subcontractors, agents or employees, should violate any of the provisions of this Agreement. In such case, City Engineer or City Council may serve written notice upon Subdivider and Subdivider's surety in accordance with Section 23, of Subdivider's default.

16. Default Remedies: Performance by Surety or City

In the event of any such notice of default, Subdivider's surety shall have the duty to take over and complete the Work and the Improvements herein specified; provided, however, that if the surety, within five (5) days after the serving upon it of such notice of default, does not give City written notice of its intention to take over the performance of said Work or does not, within five (5) days after giving City notice of such election, commence to complete the Work, City may take over the work and prosecute the same to completion, by contract or by any other method City may deem advisable, for the account and at the expense of Subdivider, and Subdivider's surety shall be liable to City for any costs or damages occasioned City thereby; and, in such event, City, without liability for so doing, may take possession of, and utilize in completing the Work, such materials, appliances, plant and other property belonging to Subdivider as may be on the site of the Work and necessary therefor.

17. Emergencies

If, in the judgment of the City Engineer, conditions exist that cause, or may cause, a hazard to life or property, the City Engineer may cause such conditions to be modified on an emergency basis without notice to the Subdivider. Neither the City Engineer, the City or its agents shall be held liable to the Subdivider for damages arising out of such emergency actions

and to the extent that the actions taken are for the maintenance of safety to life and property that would not have existed had the Subdivider's operations not been in progress, the cost of such emergency measures so taken by the City shall be reimbursed to the City by the Subdivider.

18. Completion

Subdivider shall complete all of said Work on or before _____, [Date to be 2 years from Council Mtg.] or within such further time as may be granted by the City Council.

19. Attorney's Fees

In addition to any other amounts to be paid by Subdivider hereunder, Subdivider shall pay all costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by the City in successfully enforcing the Improvement Security furnished by Subdivider hereunder.

20. Alteration of Agreement

Subdivider hereby stipulates and agrees that no addition, alterations or modifications to this Agreement or to the plans and specifications referred to herein, including any extension of time within which the Work hereunder may be completed, shall in any way affect its obligations on the Improvement Security furnished hereunder.

21. Surety to Include Issuer of Letter of Credit or Bond

The term surety as used herein shall include the issuer of any letter of credit or bond which is acceptable to the City as Improvement Security under this Agreement.

22. Severability

If any portion of this Agreement is declared by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect.

23. Notices

All notices and other communications hereunder shall be in writing and mailed or personally delivered to the appropriate party at the address set forth in this Section 23, or, as to any party, at any other address in the State of California as shall be designated by it in a written notice sent to the other party.

To City:

City of Lancaster
44933 North Fern Avenue
Lancaster, California 93534-2461
Attention: City Engineer

To Subdivider:

ANDREW ELIOPULOS
P.O. BOX 801087
SANTA CLARITA, CA. 91380-1087

24. Successors and Assigns

All of the terms and conditions of this Agreement shall be binding upon and shall inure to the benefit of the parties, their respective heirs, successors, representatives, assigns, officers, directors, agents, partners, servants, employees, and affiliated corporations or companies.

25. Headings

The headings contained in this Agreement have been inserted for convenience only and in no way define or limit the scope of interpretation of the Agreement.

26. Law

The laws of the State of California shall govern the interpretation and enforcement of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

APPROVED:

CITY OF LANCASTER

DEVELOPER

By: _____
City Engineer

(Subdivider's Name)

(Subdivider's Title

**DEVELOPER SIGNATURES MUST BE
ACKNOWLEDGED BY NOTARY**

APPROVED AS TO FORM:

By: _____
City Attorney

STAFF REPORT
City of Lancaster

CC 8
02/14/17
MVB

Date: February 14, 2017

To: Mayor Parris and Council Members

From: Jason Caudle, Deputy City Manager

Subject: Approve an Agreement with Antelope Valley Air Quality Management District for a Plug-in Infrastructure Incentive Program Grant and Appropriation of funds

Recommendations:

- a. Approve an agreement with Antelope Valley Air Quality Management District (AVAQMD) for a Plug-in Infrastructure Incentive Program Grant. The grant total is \$37,650, of which 80% (\$30,120) will be reimbursed by AVAQMD and 20% (\$7,530) will be matched by Lancaster Choice Energy.
- b. Appropriate \$37,650 to Lancaster Choice Energy expenditure account 490-4370-755 for the purchase of equipment, installation, and networking costs.
- c. Recognize revenue in the amount of \$30,120 to account 204-3750-100; appropriate a transfer of these funds from 204-4999-490 to 490-3990-204 for the purpose of reimbursing Lancaster Choice Energy for 80% of the purchase and installation costs of the equipment.

Fiscal Impact:

The grant amount for the Plug-in Infrastructure Incentive Program is \$37,650. Under this agreement, AVAQMD will reimburse Lancaster Choice Energy 80% (\$30,120) of the purchase, installation, and networking costs of the equipment. Lancaster Choice Energy will pay the required 20% match (\$7,530) from an appropriation from fund balance.

Background:

Approval of this grant will enable the City of Lancaster to partner with Southern California Edison (SCE) and AVAQMD to participate in SCE's ChargeReady pilot program, which will deploy infrastructure to serve qualified electric vehicle (EV) charging stations throughout our community. Through this program, SCE will install and fund all infrastructure costs. The City will procure the charging station equipment, and oversee installation and networking software. AVAQMD will reimburse the City up to 80% of equipment costs for the project as part of their Plug-in Infrastructure Incentive Program.

As our first pilot location, Antelope Valley Hospital will partner with the City to have six (6) level II dual-port charging stations installed for public use in their main parking lot. The City will own, maintain, and network these charging stations with all future electric vehicle charging station infrastructure. The total value of the infrastructure and equipment is approximately \$245,000, which includes a two-year maintenance agreement, and a one-year networking agreement.

This pilot project supports the City's goal of expanding the electrical vehicle charging station infrastructure in our community to align with the Governors Executive Order "to encourage the development and success of zero-emission vehicles" and the state's goal toward the long-term target of 1.5 million zero-emission vehicles on California roadways by 2025. In addition, this project supports the Transportation Initiative as part of Lancaster's Climate Action Plan. Higher electric vehicle adoption by residents will result in fewer carbon emissions and help the City reach our Net Zero Goals.

Attachments:

License and Memorandum of Agreement

Grant Agreement

LICENSE AND MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT ("Agreement") is entered into as of December ____, 2016, by and between the CITY OF LANCASTER, a municipal corporation and charter city ("City") and ANTELOPE VALLEY HOSPITAL, a facility of Antelope Valley Healthcare District, a California local healthcare district ("Hospital") (the City and Hospital are sometimes referred to herein individually as a "Party" and collectively as the "Parties").

RECITALS

A. The City desires to participate in the Charge Ready Program with Southern California Edison to install electric vehicle charging stations ("EV Stations") for public use at various locations throughout Lancaster.

B. Southern California Edison has approved a proposal submitted by the City to participate in the Charge Ready Program pilot project to deploy infrastructure to serve qualified electric vehicle (EV) charging stations throughout their service territory.

C. Antelope Valley Hospital, a public hospital located in Lancaster, California specializing in acute care and providing a full array of medical/surgical services, pediatric treatment, NICU, mental health, and cancer care, desires to partner with the City of Lancaster on the Charge Ready pilot project by allowing the City to install EV Stations on its property for public use ("Project").

D. The Antelope Valley Air Quality Management District (AVAQMD) offers a grant opportunity that will fund up to eighty percent (80%) of the Project cost to install the EV Stations at the Hospital.

E. It is the Parties' intent that the City will utilize the AVAQMD grant to fund up to eighty percent (80%) of the total Project costs. It is further the Parties' intent that the City shall be responsible for securing the funding for the remaining Project costs.

F. It is the Parties' understanding and belief that the installation and maintenance of the EV Stations will confer a financial benefit to the City and will further provide a service to the Hospital's staff and patients that is convenient, affordable and environmentally sound.

G. It is further the Parties' understanding and belief that the Project will confer a financial benefit to the City in the form of permanent infrastructure with a value of approximately \$245,000, the revenue generated by the public's metered payment for the use of the EV Stations, and will further confer a benefit to the City providing an alternative energy solution with respect to achieving the City's goal of becoming a Net Zero Community.

NOW, THEREFORE, the Parties agree as follows:

1. **License.** The Hospital hereby grants to the City, its employees, vendors, contractors and/or subcontractors a non-exclusive license to enter Hospital premises as necessary to undertake those actions associated with the Project that are within the City's responsibilities, specifically to install six (6) dual-port charger EV Stations (including the associated payment meters), to thereafter regularly maintain the EV Stations, and to erect certain signage related to the use of the EV Stations. The locations of the EV Stations have been determined and agreed to by the Parties, as depicted in the Site Plan attached hereto as Exhibit "A" and incorporated herein by reference.

2. **Responsibilities of City.**

a. The City will enter into a Charge Ready Program Participation Agreement with Southern California Edison for the Project, in the form set forth in Exhibit "C," attached hereto and incorporated herein by reference, and will timely and adequately undertake all obligations set forth in said Participation Agreement.

b. The City will enter into a Grant Agreement with the AVAQMD regarding its funding of up to 80% of the Project costs, and will timely and adequately undertake all obligations set forth in said Grant Agreement.

c. The Parties expressly understand and agree that the City shall be solely responsible for securing all funds necessary for the installation and ongoing operations, maintenance and repair of the EV Stations; under no circumstances shall the Hospital be responsible for financial obligations related to ongoing maintenance and/or repair of the EV Stations except where such financial obligation is a direct result of the willful misconduct by the Hospital or its board members.

d. The City will regularly maintain, service and/or coordinate and oversee the maintenance and service of the EV Stations, meters, signage and/or other equipment.

e. The City agrees to indemnify, defend and hold harmless the Hospital, its board members and employees (collectively for purposes of this Section, "City") from and against any and all claims, losses, obligations, or liabilities whatsoever, including reasonable attorney's fees, incurred in or in any manner arising out of or related to the Project, except where caused by the sole, active negligence or willful misconduct of the Hospital.

3. **Responsibilities of AV Hospital.**

a. The Hospital will execute a Grant of Easement to Southern California Edison Company, in the form set forth in Exhibit "B," attached hereto and incorporated herein by reference, for the construction, use, maintenance and other activities associated with the Project that are within Southern California Edison's responsibilities.

b. The Hospital will work in coordination with the City with respect to ensuring the proper and lawful use of the EV Stations by its staff and patients. The City will establish a charging fee schedule and a maximum time limit for parking in EV charging stalls, and may enforce parking violations per approved EV signage and/or use limitations.

c. The Parties expressly understand and agree that the Project duration is ten (10) years from the date the energy service to the EV Stations commences (the "service turn-on date"). The Hospital expressly understands and agrees that the Charge Ready Program Participation Agreement that the City will enter into with Southern California Edison provides that early termination of the Project may result in special conditions being imposed for noncompliance and for early termination costs, as set forth in the Southern California Edison tariff associated with the Charge Ready Program Pilot ("CRPP Tariff"), attached hereto as Exhibit "D" and incorporated herein by reference. In the event the Hospital unilaterally desires to terminate the Project before the end of the ten-year Project period, the Hospital agrees that it will be responsible for any and all costs imposed by Southern California Edison as a result of early termination and/or noncompliance as set forth in the CRPP Tariff.

d. The Hospital agrees to indemnify, defend and hold harmless the City, its elected officials, officers, employees, and volunteers (collectively for purposes of this Section, "City") from and against any and all claims, losses, obligations, or liabilities whatsoever, including reasonable attorney's fees, incurred in or in any manner arising out of or related to the Project, except where caused by the sole, active negligence or willful misconduct of the City.

4. **Notices.** Any notice, demand, request, consent, approval, or communication either party desires or is required to give to the other party or any person shall be in email to the contacts set forth below, with "delivered" receipt requests, and/or in writing and either served personally or sent by prepaid, first-class mail to the address set forth below. Notice shall be deemed communicated twenty-four (24) hours from receipt of confirmation of email delivery or forty-eight (48) hours from the time of mailing if mailed as provided in this section.

To City: City of Lancaster
c/o Kathy Wells, Energy Projects Assistant
kwells@cityoflancasterca.org

City of Lancaster
Attn: Mark V. Bozigian, City Manager
44933 North Fern Avenue
Lancaster, California 93534

To Hospital: Antelope Valley Hospital
c/o George Rowerdink, Director, Facilities
email: George.Rowerdink@avhospital.org

Antelope Valley Hospital
Attn: John Rossfeld, CEO
1600 West Avenue J
Lancaster, California 93534

5. **Assignment of Agreement.** The Parties hereto may not assign their obligations hereunder to any assignee without the knowledge and prior written consent of the other party, which other party shall not unreasonably withhold. Assignment may be made only to an assignee willing, financially capable and competent to carry out the assignor's obligations.

6. **General Provisions.**

a. Except as otherwise provided herein, the terms, conditions, covenants and agreements set forth herein shall apply to and bind the heirs, executors, administrators, assigns and successors of the Parties hereto.

b. The Parties to this Agreement do not rely upon any warranty or representation not contained in this Agreement and all exhibits attached thereto and incorporated by referenced therein.

c. This Agreement shall be governed by and interpreted with respect to the laws of the State of California.

d. Any failure or delay by any party in asserting any of its rights and remedies as to any default shall not operate as a waiver of any default or of any rights or remedies provided for herein.

7. **Term; Default; Remedies; Termination.**

a. This Agreement shall be effective upon execution of the Agreement by both Parties, and shall remain in full force and effect for a period of ten (10) years from the service turn-on date.

b. In the event of a breach by a Party (the Defaulting Party) of a material term of this Agreement that remains uncured for thirty (30) days after the other Party has provided written notice of a breach, the other Party may avail itself of any remedy available in law or in equity. In the event said breach results in a de facto or actual early termination of the Project, the Defaulting Party shall be responsible for any costs and/or penalties associated with said early termination in accordance with the CRPP Tariff.

8. **Amendments.** Any amendment, modification, or variation from the terms of this Agreement shall be effective only upon the mutual written approval of the Parties.

9. **Severability.** In the event that any provision or provisions of this Agreement are held unenforceable, all provisions not so held shall remain in full force and effect.

10. **Authority of Signatories.** The persons executing this Agreement on behalf of the Parties hereto warrant that they are duly authorized to execute this agreement on behalf of said Parties and that by so executing this Agreement, the Parties are formally bound to the provisions of this Agreement.

[Signatures begin on next page.]

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed and attested by their respective officers thereunto duly authorized.

ANTELOPE VALLEY HOSPITAL:

By:  CEO
(Name, Title)

Dated: 12-14-16

CITY OF LANCASTER:

By: 
Mark V. Bozigian, City Manager

Dated: 12-15-16

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

**GRANT AGREEMENT BETWEEN CITY OF LANCASTER AND
ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT**

This Agreement AV1216#10 is made this 6th day of January, 2017 between the Antelope Valley Air Quality Management District (hereinafter "AVAQMD") and City of Lancaster (hereinafter "Grantee"), Grantee and AVAQMD are hereafter collectively referred to as "the Parties".

WITNESSETH:

WHEREAS, on April 19, 2005 the AVAQMD established the Mobile Emissions Reduction Program pursuant to the authority granted by H & S Code §44223 and §44225, which authorizes air districts to collect an additional two-dollar registration surcharge fee on vehicles registered within the district; and

WHEREAS, pursuant to H & S Code §44229, the additional two dollar surcharge/motor vehicle fees per vehicle is to be used towards specific clean air mobile source emission reduction projects; and

WHEREAS, pursuant to Senate Bill (SB) 513 motor vehicle fees authorized under Assembly Bill (AB) 923 can be used to fund alternative fuel and electric infrastructure projects; and

WHEREAS, Grantee is participating in Southern California Edison's (SCE's) Charge Ready Pilot ("Project") to deploy infrastructure to serve Electric Vehicle (EV) charging throughout SCE's service area; and

WHEREAS, throughout this Project SCE will install and maintain the complete electric infrastructure service the charging stations; and

WHEREAS, Grantee has partnered with the Antelope Valley Hospital (Hospital) as a location for construction of EV infrastructure and installation of six (6) dual ChargePoint charging units for charging up to twelve (12) EVs to be located in the Hospital's main parking lot; and

WHEREAS, pursuant to H & S Code §44229, the AVAQMD is authorized to award grant funds to projects that reduce air pollution from motor vehicles and to carry out related planning, monitoring and enforcement; and

WHEREAS, Grantee submitted a proposal to the AVAQMD requesting funding for the purchase of EV charging units and installation costs for the Project that will provide additional electric vehicle charging solutions that benefit the public; and

1 WHEREAS, the AVAQMD Governing Board approved the Project proposed by Grantee; and

2 WHEREAS, The AVAQMD Governing Board's funding approval is contingent upon successful
3 completion of the Project and Grantee signing this Grant Agreement and fulfilling the grant terms and
4 conditions.

5 WHEREAS, Grantee is qualified and experienced in its professional field and is able to perform
6 the activities described in the Mobile Source Emissions Reduction projects submitted by Grantee and the
7 Project Scope of Work hereafter referred to as Scope of Work "Exhibit A" attached hereto and
8 incorporated herein.

9 NOW THEREFORE, in consideration of mutual covenants and conditions listed below, the
10 Parties agree as follows:

11 **GRANT TERMS AND CONDITIONS**

12 1. Due Diligence: Upon the commencement of the term of this Agreement, City of Lancaster agrees
13 to proceed with due diligence to perform as described in Exhibit A.

14 2. Purpose: The purpose of this Agreement is for Grantee to utilize the funds for the costs
15 associated with the purchase and installation of six (6) dual ChargePoint charging units for charging up
16 to twelve (12) EVs as specified in Exhibit A. The Project must be completed, operated and maintained
17 in a manner such that it does not void any warranty for five (5) years of the Project life also specified in
18 Exhibit A. Grantee certifies compliance with all applicable federal, state, and local air quality rules and
19 regulations at time of contract execution and shall maintain compliance with such rules and regulations
20 for the full contract term.

21 3. Schedule: Grantee shall follow the general schedule specified in Exhibit A.

22 4. Term: This Agreement shall commence on January 6, 2017 and terminate five (5) years
23 following completion of the Projects as specified in Exhibit A, or later date if approved in writing by the
24 AVAQMD. During the project life, either the AVAQMD or CARB or their designee have the authority
25 to inspect the Project, enforce the terms of this Agreement, conduct a fiscal audit, and seek any remedies
26 available under the law for non-compliance with the terms and conditions of this Agreement.

27 5. Cost: The total payment to Grantee shall not exceed Forty-Eight Thousand Eight Hundred
28 Nineteen Dollars and Twenty Cents (\$48,819.20) towards the purchase and installation of six (6) dual

1 ChargePoint charging units. Grantee shall obtain through other sources sufficient additional monies to
2 fund the total cost of the Project should additional funds be needed in excess of Forty-Eight Thousand
3 Eight Hundred Nineteen Dollars and Twenty Cents (\$48,819.20) or Eight Thousand One Hundred
4 Thirty-Six Dollars and Fifty-Three Cents (\$8,136.53) per unit of grant funds by the AVAQMD. In the
5 Project's Proposal, Grantee has disclosed all other sources of funding to be applied towards this Project.
6 Grantee shall not use this Project to generate credits or compliance extensions, and must be excluded
7 when determining regulatory compliance. Grantee shall provide written evidence of commitment for
8 such funding to AVAQMD and AVAQMD may not release any funds under this Agreement until it
9 finds such evidence satisfactory.

10 If an existing contract is amended to increase the total grant funding of the Project, AVAQMD must
11 reevaluate eligibility and consider all applicable regulations.

12 a. Payments.

13 i. AVAQMD shall not make any advance payment under this Agreement and all
14 payments to Grantee by AVAQMD as provided herein shall be paid out upon receipt of a
15 final itemized invoice along with all documentation as specific in the Exhibit A. Claims
16 for payment must be submitted to AVAQMD, Attention: Julie McKeehan.

17 ii. The amount to be paid to Grantee under this Agreement shall be the lower of the
18 contract amount or the final invoice amount and includes all sales and use taxes incurred
19 pursuant to this Agreement, including but not limited to any taxes due on equipment
20 purchased by Grantee. Grantee shall not receive additional funds for reimbursement of
21 such taxes and shall not decrease work to compensate therefore.

22 iv In the event there are any subcontractors, concurrently with the submission of any
23 claim for payment, Grantee shall certify that complete payment has been made to any
24 and all subcontractors. Grantee shall support such certification by appropriate copies of
25 invoices issued, checks, receipts, and similar documents.

26 b. Close-out Period.

27 i. All final claims shall be submitted by Grantee within sixty (30) days following
28 the final month of activities for which payment is claimed. AVAQMD will have no

1 obligation to pay or take any action on claims submitted after the 60-day close-out period.

2 c. Repayment of Grant.

3 i. Grantee agrees to repay AVAQMD if any of the following occur:

4 1. The Project specified in Exhibit A are sold and the buyer fails to accept
5 and perform the obligations of this Agreement for the remaining project lifetime
6 as set forth in Exhibit A; or

7 2. The Project specified in Exhibit A are destroyed or otherwise rendered
8 inoperable where operations will not be restored within 30 days during the project
9 lifetime.

10 ii. The amount of repayment shall be calculated as follows:

11
$$\text{Repayment amount} = \frac{G}{N}$$

12 Where:

13 G = "Grant amount" is the amount of money Grantee is reimbursed for the
14 equipment and installation under this Agreement.

15 N = "project life in years" for the purposes of this calculation, five (5) years or sixty
16 (60) months

17 6. Maintenance: Grantee shall operate and maintain the Projects pursuant to the manufacturer's
18 specifications for the entire project life. If during the project life the Project fails for any reason, the
19 owner shall immediately notify the AVAQMD of the failure and must repair or replace the non-
20 operating Project(s) promptly.

21 7. Independent Contractor:

22 a. The relationship of Grantee to AVAQMD under this Agreement is that of an independent
23 contractor. Grantee is to exercise its own discretion as to the method and manner of performing
24 its duties. AVAQMD will not exercise control over Grantee, its employees, agents, or
25 subcontractors, except regarding the result to be obtained and to verify compliance with the terms
26 of this Agreement. Grantee and AVAQMD shall comply with all applicable provisions of law
27 and the rules and regulations, if any, of governmental authorities having jurisdiction over matters
28 the subject thereof.

1 b. Grantee understands that this Agreement does not preclude Grantee from performing
2 services for other projects under the jurisdiction of the AVAQMD as long as such services are
3 not in conflict with this Agreement and as long as such services do not create conflict of interest
4 under applicable laws.

5 c. The Parties further agree that since the status of Grantee is that of an independent contractor,
6 Grantee shall not become entitled to any employment rights or benefits that are available to the
7 employees of AVAQMD. The Parties further agree that Grantee shall be solely responsible for
8 providing to itself, and on behalf of itself, all legally required employment benefits.

9 8. Termination:

10 a. Breach of Agreement: AVAQMD may immediately suspend or terminate this
11 Agreement, in whole or in part, where in the reasonable determination of AVAQMD there is:

- 12 i. An illegal or improper use of funds;
- 13 ii. A breach by Grantee of any material term of this Agreement and failure to cure
14 such breach within thirty (30) days following written notice from AVAQMD; or
- 15 iii. A substantially incorrect or incomplete report submitted to AVAQMD that is not
16 corrected within thirty (30) days following written notice by the AVAQMD of the report
17 deficiencies.
- 18 iv. A breach by sublet, transfer of any rights or obligations, modification or sale of
19 the Project equipment by Grantee under this Agreement in violation of paragraph 16c or
20 d of this Agreement prior to the fulfillment of all obligations under this Agreement.

21 In no event shall any reimbursement by AVAQMD constitute a waiver by AVAQMD of any
22 breach of this Agreement or any default which may then exist on the part of Grantee. Neither shall such
23 reimbursement impair or prejudice any remedy available to AVAQMD with respect to the breach or
24 default. AVAQMD shall have the right to demand of Grantee the repayment to AVAQMD of any funds
25 disbursed to Grantee under this Agreement which in the judgment of AVAQMD were not expended in
26 accordance with the terms of this Agreement. Grantee shall promptly refund any such funds upon
27 demand.

28 //

1 In addition to immediate suspension or termination, AVAQMD may seek any other remedies
2 available at law, in equity, or otherwise specified in this Agreement.

3 b. Without Cause: In the event of unavailability of funds because of fault or no fault of
4 either party, such party may terminate this Agreement upon giving written notice to the other
5 party at least thirty (30) days before the effective date of such termination.

6 c. For Cause: AVAQMD may terminate this Agreement upon the conviction for any
7 criminal act by Grantee, its agents, officers and employees if such act directly relates to this
8 Agreement.

9 9. Indemnification: Grantee agrees to indemnify, defend and hold harmless AVAQMD and its
10 authorized agents, officers, volunteers and employees against any and all claims or actions arising from
11 Grantee's acts, errors or omissions in performing services pursuant to this Agreement. Grantee agrees to
12 indemnify, defend, and hold harmless AVAQMD, its authorized agents, officers, volunteers and
13 employees against any and all losses sustained due to the use of the Project equipment pursuant to this
14 Agreement. AVAQMD agrees to indemnify, defend and hold harmless Grantee and its authorized
15 agents, officers, volunteers and employees against any and all claims or actions arising from
16 AVAQMD's acts, errors or omissions in performing services pursuant to this Agreement.

17 10. Insurance:

18 a. In order to accomplish the indemnification herein provided for, Grantee shall ensure that
19 Antelope Valley Hospital (site "Host") will procure and maintain throughout the term of this
20 Agreement, insurance against loss, destruction, vandalism, and breach of warranty on the
21 charging equipment including coverage for personal injury and property damage.

22 11. Audits, Inspections and Reports:

23 a. During the Project life, either or both the AVAQMD and CARB or their designee have
24 the authority to inspect projects, enforce terms of this Agreement, and pursue a refund for any
25 noncompliance with the terms and conditions of this Grant Agreement or applicable state laws or
26 regulations. Grantee shall make available to AVAQMD at any time during regular business
27 hours following reasonable notice from the AVAQMD, and as often as AVAQMD may deem
28 necessary, all of its records and data for examination with respect to the matters covered in this

1 Agreement. Grantee shall allow AVAQMD upon reasonable advance request at AVAQMD's
2 cost, to audit and inspect all of such records and data necessary to ensure Grantee's compliance
3 with the terms of this Agreement. In the event it becomes necessary, Grantee shall be subject to
4 an audit to determine if the funds received by Grantee were spent for the Project equipment and
5 to determine whether said funds were spent as provided by law and this Agreement. If after audit
6 AVAQMD makes a determination that funds provided to Grantee pursuant to this Agreement
7 were not spent in conformance with this Agreement or any other applicable provisions of law,
8 and following resolution of any appeal of such determination by Grantee to the Board of the
9 AVAQMD, Grantee agrees to immediately reimburse AVAQMD all funds determined to have
10 been expended not in conformance with said provisions.

11 b. Grantee shall deliver usage reports commencing twelve (12) months after the CNG
12 fueling station has been placed back into service with the new upgraded and annually thereafter
13 for the Project life as specified in Exhibit A. Failure to submit a report will result in on-site
14 monitoring or inspection(s).

15 c. Grantee shall retain all records and data for activities performed under this Agreement for
16 at least three (3) years beyond the performance of the final obligation pursuant to this Agreement
17 or until all state and federal audits are completed, whichever is later.

18 12. Notices: The persons and their addresses having authority to give and receive notices under this
19 Agreement are as follows:

20 City of Lancaster	AVAQMD	AVAQMD
21 Mark V. Bozigian	Julie McKeehan	Bret Banks
22 City Manager	Grants Program Coordinator	Executive Director
44933 Fern Avenue	14306 Park Avenue	43301 Division Street
Lancaster, CA 93534	Victorville, CA 92392	Lancaster, CA 93535

23
24 Any and all notices to AVAQMD and Grantee provided for or permitted under this Agreement
25 or by law shall be in writing and shall be deemed duly served when personally delivered, or in lieu of
26 such personal service, when actually received or when deposited in the United States mail, postage
27 prepaid, addressed to such party.

28 13. Political Activity Prohibited: None of the funds, materials, property, or services provided under
this Agreement shall be used for any political activity, or to further the election or defeat

1 of any candidate for public office contrary to federal or state laws, statutes, regulations, rules, or
2 guidelines.

3 14. Lobbying Prohibited: None of the funds provided under this Agreement shall be used for
4 publicity, lobbying, or propaganda purposes designed to support or defeat legislation before the
5 Congress of the United States of America or the Legislature of the State of California.

6 15. Conflict Of Interest: No officer, employee or agent of AVAQMD who exercises any function or
7 responsibility for planning and carrying out the services provided under this Agreement shall have any
8 direct or indirect personal financial interest in this Agreement. Grantee shall comply with all federal,
9 state and local conflict of interest laws, statutes, and regulations.

10 16. Succession:

11 a. Each party and the partners, successors, and legal representatives of each party, and to the
12 extent permitted herein the assigns of each party, are hereby bound to the other party and to the
13 partners, successors, legal representatives and assigns, of such other party, in respect to all
14 covenants, Agreements and obligations of this Agreement.

15 b. Neither Party will assign, sublet or transfer any rights or obligations under this
16 Agreement without the written consent of the other. However, Grantee is authorized to use
17 employees of or assign this Agreement to an affiliate as it may deem appropriate to assist in the
18 performance of services or as a result of an internal reorganization.

19 c. Grantee shall not sublet, transfer any rights or obligations, pertaining to the equipment
20 under this Agreement, for the full term of the Agreement without prior written authorization
21 from the AVAQMD.

22 d. Grantee shall not sell or otherwise modify the equipment under this Agreement, for the
23 full term of the Agreement without prior written authorization from the AVAQMD.

24 17. Time is of Essence: Time is of the essence in completion of the services in this Agreement.

25 18. Benefit to Parties: Nothing contained in this Agreement will be construed to give any rights or
26 benefits to any person other than the Parties, and all duties and responsibilities undertaken pursuant to
27 this Agreement will be for the sole and exclusive benefit of the Parties and not for the benefit of any
28 other person.

1 19. Change in Scope of Work: Changes or amendments to the Project application as it exists at the
2 time the Governing Board makes the grant award and or Scope of Work contained in this Agreement,
3 including any increase or decrease in the amount of program funds awarded, and changes in the terms of
4 this Agreement, shall be mutually agreed upon in writing by and between AVAQMD and Grantee, and
5 shall only be effective by duly-executed written amendments to this Agreement.

6 20. Severability: In the event that any word, phrase, clause, sentence, paragraph, section, article or
7 provision contained in this Agreement is held to be unenforceable for any reason by a court of
8 competent jurisdiction, such holding shall not affect the remaining portions of this Agreement, and the
9 Agreement shall then be construed as if such unenforceable provisions are not a part hereof.

10 21. Captions: The paragraph captions of this Agreement shall have no effect on its interpretations.

11 22. Entire Agreement: This Agreement, together with the Project application and Exhibit A,
12 constitutes the entire Agreement between the Parties and will supersede all prior written or oral
13 understandings. This Agreement and its Exhibits may only be amended, supplemented, modified or
14 canceled by a duly-executed written instrument signed by the Parties.

15 23. Rights to Emission Reductions: Grant funded projects cannot generate Emission Reduction
16 Credits (ERCs) pursuant to AVAQMD Regulation XIV or be used for offsets pursuant to Regulation
17 XIII.

18 24. Governing Law: This Agreement shall be interpreted under the laws of the State of California.
19 Venue for any action arising out of this Agreement shall only be in Los Angeles County, California.

20 //

21 //

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27 This Agreement was entered into in Lancaster, California.

28 ANTELOPE VALLEY AIR QUALITY
MANAGEMENT DISTRICT

CITY OF LANCASTER

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BRET BANKS
Executive Director

Dated: _____

Approved as to Legal Form:

KAREN K. NOWAK
District Counsel

Dated: _____

END OF CONTRACT



MARK V. BOZIGIAN
City Manager

Dated: _____

Approved as to Legal Form:



JOCELYN CORBETT
Asst. City Attorney

Dated: 1/24/17

Attest:

BRITT AVRIT
Lancaster City Clerk

**CITY OF LANCASTER AGREEMENT
WITH ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT
SCOPE OF WORK JANUARY 6, 2017**

Task I: Equipment Procurement and Installation

The City of Lancaster in partnership with Southern California Edison (SCE) will purchase from ChargePoint, Inc. electric vehicle charging units and installation services as described:

- 5 Dual Output, Bollard Units (10 ports); 208/240v @ 30A	\$43,250
- 1 Dual Output Gateway USA, Bollard Unit (2 ports) 208/240v @ 30A	\$ 9,374
- 12 Units-installation and site validation of electrical capacity, transformers, panels, breakers, wiring, and cellular coverage	<u>\$ 8,400</u>
Total Hardware and Installation	\$61,024

Project to be completed by: June 30, 2017

Task II: Project Implementation

Provide AVAQMD with copies of any agreements and/or purchase orders with SCE and ChargePoint.

Provide AVAQMD with copies of outreach materials such as ads, flyers and/or website links promoting the electric charging stations.

Provide AVAQMD Electric Charging Units Operation and Access details:

- Public access to the charging units (i.e. access cards, credit cards, etc.)
- Minimum and/or maximum charging time
- Enforcement methods (i.e. signage, penalty, tow away, etc.)

Provide warranty and maintenance documentation for the Charging Stations.

Grantee shall ensure that Antelope Valley Hospital (site “Host”) will procure and maintain throughout the term of this Agreement, insurance against loss, destruction, vandalism, and breach of warranty on the charging equipment including coverage for personal injury and property damage.

Notify AVAQMD when the Charging Stations installations are complete and placed into service to arrange for an on-site overview of the stations and obtain photos for the project file.

Submit reimbursement request along with a copy of the final invoice and grantee’s receipt showing full payment to the vendor.

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SCOPE OF WORK JANUARY 6, 2017**

City of Lancaster will organize a media event to help promote the AVAQMD's clean air efforts and support. City of Lancaster will organize a photo opportunity announcing the new Electric Vehicle Charging Stations. City of Lancaster will issue a press release, invite the Press, invite City officials, invite the AVAQMD, key officials they recommend, and provide a photo opportunity with the new Electric Vehicle Charging Stations in the background. City of Lancaster also consents to the AVAQMD to display photos and project information as needed.

Task III: Maintain Equipment and Monitor usage of the charging stations

Maintain the electric infrastructure serving the charging stations.

Maintain six (6) electric charging stations in accordance with manufacturer's recommendations.

Monitor usage level and operational experience.

Deliver operation and maintenance reports commencing twelve (12) months after the Charging Stations have been placed into service and annually thereafter for the five (5) year project life providing: 1) monthly or annual kilowatt usage; 2) number of transactions; and 3) any operational or maintenance performance problems which may have been encountered.

STAFF REPORT

City of Lancaster

Date: February 14, 2017

To: Mayor Parris and City Council Members

From: Jason Caudle, Deputy City Manager

Subject: **Adoption of the Climate Action Plan**

CC 9
02/14/17
MVB

Recommendation:

Adopt **Resolution No. 17-08**, approving the Climate Action Plan (CAP) and certifying the associated Initial Study.

Fiscal Impact:

None. Each project identified in the plan will be evaluated separately and brought before the City Council for approval as necessary or reviewed as part of the annual budget process.

Background:

In November 2015, staff was tasked with the development of a Climate Action Plan including a Greenhouse Gas (GHG) Inventory. The GHG inventory documented the City's GHG emissions and established a baseline inventory (2010) and current emissions (2015). City staff then developed a Climate Action Plan to document the progress the City has made through its alternative energy and sustainability programs, and identify projects that would enhance the quality of life in Lancaster while continuing to further reduce GHG emissions. While most cities utilize a consultant to prepare their CAP, staff was able to prepare the entire plan in-house, with just some outside technical assistance to calculate emission data. This approach saved the City approximately \$65,000.

A focused working group of City staff, representing each department, collaborated to develop projects which would enhance the community, improve government operation, and reduce emissions. A total of 61 projects across eight sectors were identified: traffic, energy, municipal operations, water, waste, built environment, community, and land use.

This plan is designed to focus on specific projects which will better our community, quality of life, reduce emissions, and save money. Additionally, Climate Action Plans can open doors to additional funding sources such as grants or partnerships which will allow staff to be more effective with City resources. The Draft CAP was released for public review in June 2016. During this time, staff met with several community organizations and stakeholders to receive feedback and address any potential concerns. These organizations included the Antelope Valley Transit Authority, Antelope Valley Air Quality Management District, Waste Management, the Architectural Design Commission, Planning Commission and Lancaster residents. The overall reaction to the Draft CAP was positive.

An Initial Study was prepared for the CAP in accordance with the California Environmental Quality Act (CEQA) and circulated for a 20-day public review period. The public review period was noticed in the Antelope Valley Press, and copies of the Initial Study were sent to local entities who have requested to be included in the distribution. This public review ended on February 13, 2017. Certification of the Initial Study will allow the CEQA process for other development projects to be streamlined.

Attachments:

Resolution No. 17-08

Initial Study

Climate Action Plan (available for review in the City Clerk Department)

RESOLUTION NO. 17-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING THE CITY OF LANCASTER CLIMATE ACTION PLAN AND CERTIFYING THE ASSOCIATED INITIAL STUDY

WHEREAS, several California laws and Executive Orders establish goals for the reduction of greenhouse gas emissions including the California Global Warming Solutions Act (AB 32); and

WHEREAS, staff was directed in November 2015 to prepare a Climate Action Plan for the City of Lancaster; and

WHEREAS, the preparation and adoption of a Climate Action Plan is consistent with the goals and objectives of the Lancaster General Plan 2030, adopted on July 14, 2009, specifically Specific Action 3.3.3(c) which states “consider the development of an action plan to address the requirements of the Global Warming Solutions Act of 2006 (AB 32) regarding the reduction of greenhouse gas emissions; and

WHEREAS, the Climate Action Plan identifies projects which would improve the quality life of the residents of Lancaster while reducing greenhouse gas emissions; and

WHEREAS, the Climate Action Plan was released for public review in June 2016, meetings were held with several organizations and members of the public including the Antelope Valley Air Quality Management District, Antelope Valley Transit Authority, and Waste Management; and comments on the Draft were accepted through December 2016; and

WHEREAS, an Initial Study and Negative Declaration were prepared for the Climate Action Plan in accordance with the California Environmental Quality Act (CEQA) and circulated for public review ending on February 13, 2017; and

WHEREAS, this Council makes the following findings:

1. The Climate Action Plan is consistent with the goals and objectives of the General Plan as it would implement Specific Action 3.3.3c.
2. The Climate Action Plan identifies projects to improve the quality of life of the City’s residents, reduce greenhouse gases and assist the City in achieving the reduction goals identified in AB 32.
3. The Initial Study/Negative Declaration prepared for the Climate Action will not have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

The City Council hereby adopts the City of Lancaster Climate Action Plan and approves the Initial Study/Negative Declaration.

PASSED, APPROVED and ADOPTED this 14th day of February, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT S. AVRIT, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

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

CERTIFICATION OF RESOLUTION
CITY COUNCIL

I, _____, _____ City of Lancaster,
CA, do hereby certify that this is a true and correct copy of the original Resolution No. 17-08, 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)

1. Project title and File Number: Climate Action Plan
2. Lead agency name and address: City of Lancaster
Planning Department
44933 Fern Avenue
Lancaster, California 93534
3. Contact person and phone number: Jocelyn Swain,
Principal Planner - Environmental
(661) 723-6100
4. Applicant name and address: City of Lancaster
44933 Fern Avenue
Lancaster, CA 93534
5. Location: The Climate Action Plan (CAP) inventories emissions from; provides a baseline for; identifies greenhouse gas reduction measures (projects) for, and is applicable to all property within the limits of the City of Lancaster.
6. General Plan designation: The CAP is applicable to all General Plan designations within the City of Lancaster.
7. Zoning: The CAP is applicable to all zoning designations within the City of Lancaster.
8. Description of project: The proposed project consists of the adoption and implementation of the City of Lancaster Climate Action Plan (CAP). The CAP identifies a City-wide greenhouse gas (GHG) emissions baseline for 2010, the current GHG emission levels (2015); and how the City will achieve the required reductions established in Assembly Bill (AB) 32 by 2020. Four different future scenarios were evaluated and the proposed measures were quantified for each scenario. Under all scenarios, the City meets its 2020 target goals and makes progress towards the 2030, 2040 and 2050 goals.

The CAP also lays the groundwork for the City to achieve its long-term GHG reduction goals, sustainability goals, and alternative energy goals. The CAP is broken down into six main sections plus an executive summary, references and glossary. The main sections of the CAP include the following:

- **Section 1 (Introduction):** This section provides a brief overview of the process, the regulations governing greenhouse gas reductions, and a description of how to use the document.
- **Section 2 (City of Lancaster):** This section provides a brief description of the City of Lancaster, summarizes the City's accomplishments to date with respect to alternative energy and sustainability, and provides an overview of climate change and the greenhouse gas effect.
- **Section 3 (Greenhouse Gas Inventory):** This section provides a discussion of the GHG inventory; forecasts for both community and government operations for 2020, 2030, 2040, and 2050; and a discussion of the reduction targets.

- **Section 4 (Greenhouse Gas Emissions Reduction Measures):** This section provides a description of each of the proposed measures by sector. Each of the measures in this section provide information on potential emissions reductions for each forecast year, cost, timing, other potential benefits, description of the measure, action items and indicators. Icons are used to describe the relative cost, timing, and other benefits.
- **Section 5 (Climate Action Plan Benefits):** This section describes the benefits of having an adopted Climate Action Plan.
- **Section 6 (Plan Implementation):** This section explains how the plan will be implemented and updated.

The copy of the CAP can be found on the City's website at www.cityoflancasterca.org.

In addition to achieving GHG reduction targets, the CAP is intended to streamline future environmental reviews in accordance with CEQA Guidelines Section 15183.5, Tiering and Streamlining the Analysis of Greenhouse Gas Emissions. This Initial Study provides a programmatic level analysis of the proposed CAP as the CAP does not include any specific development proposals and would not result in direct physical environmental impacts. The GHG reduction strategy contained in Chapter 4 of the CAP consists of measures in the following broad categories:

- Transportation: public transportation, infrastructure, and other measures (e.g., ride sharing)
- Energy: alternative energy, energy efficiency, and lighting measures
- Municipal Operations: green IT, operations and maintenance, and park upgrade measures
- Water: recycled water and water efficiency measures
- Waste: composting, recycling, and zero waste education measures
- Built Environment: green building
- Community: Climate Protection Institute, economic development, green landscaping, education, and habitat acquisition
- Land Use: zoning revisions

A total of 61 measures were identified across the eight listed sectors. Each of the measures provides information on potential emissions reductions for each forecast year, cost, timing, other potential benefits, and a description of the measure, action items and indicators. Icons are used to describe the relative cost, timing, and other benefits. Relative to CEQA review, the individual measures can be grouped into three categories:

1. Those which do not qualify as "projects" under CEQA, such as public outreach, pursuing funding for various GHG reduction programs, developing a recycling programs, education programs and energy audits.

2. Those which are ministerial actions and therefore statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15268. Items such as installing residential alternative energy systems and weatherizing buildings fall into this category.
3. Those which are discretionary and would be subject to full environmental review prior to their implementation. Projects resulting in physical construction such as a new and expanded recycling center, bike lanes, roundabouts, and other public infrastructure improvements fall into this category.

Most of the CAP's measures fall into the first two categories. Future projects that are subject to CEQA review would be required to demonstrate consistency with the goals and actions of the CAP for project-level GHG impacts to be deemed less than significant.

9. Surrounding land uses and setting:

The City of Lancaster is located within the Antelope Valley, in northern Los Angeles County, approximately 70 miles north of downtown Los Angeles. The City was incorporated in 1977 and encompasses approximately 94 square miles or 60,160 gross acres. It is bordered by unincorporated Los Angeles County and the City of Palmdale. Lancaster is served by State Route 14 and by two major grade-separated east-west thoroughfares: Avenue H and Avenue L.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement.)

Approvals from other public agencies for the proposed project include, but are not limited to, the following:

Adoption and implementation of the CAP would not require action by other agencies. Both the Antelope Valley Air Quality Management District (AVAQMD) and the Antelope Valley Transportation Authority (AVTA) have reviewed the Draft CAP and did not have any concerns regarding the proposed measures. Some of the measures, if it is decided to implement them, would be a joint effort between the City of Lancaster and either the AVAQMD and/or the AVTA.

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, has consultation begun?

In accordance with Assembly Bill (AB) 52, the City sent letters to a total of nine tribes (the seven identified by NAHC and two that have directly contacted the City for notification) via certified, return receipt mail on January 10, 2017. These letters included a brief description of the proposed Climate Action Plan, specifically the following statement:

“The City of Lancaster has been preparing a Climate Action Plan to establish a greenhouse gas baseline, emission reduction targets, and ideas to reduce greenhouse gases. No actual development would occur as a result of the adoption of the Climate Action Plan. Once the Climate Action Plan is approved and individual projects proposed; site/project specific consultation requests will be issued as part of the individual project approval process.”

Table 1 identifies the nine tribes and the person whose attention the letter was directed. As of January 24, 2017, the City has not received a response from any of the Native American Tribes.

**Table 1
 Tribal Notification**

Tribe	Person/Title
Fernandeno Tataviam Band of Mission Indians	Caitlin B. Gulley/ Tribal Historic and Cultural Preservation Officer
Serrano Nation of Mission Indians	Goldie Walker/ Chairperson
San Fernando Band of Mission Indians	John Valenzuela/ Chairperson
Gabrieleno Band of Mission Indians – Kizh Nation	Andrew Salas/ Chairman
Kern Valley Indian Council	Robert Robinson/ Chairperson Denisa Torres, Cultural Resources Manager
Colorado River Indian Tribe	Dennis Patch/ Chairman
Morongo Band of Mission Indians	Robert Martin/Chairperson
Tubatulabals of Kern County	Robert L. Gomez/ Chairperson
San Manuel Band of Mission Indians	Lee Clauss/ Director of Cultural Resources

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

DETERMINATION - On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared:

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in a earlier EIR or NEGATIVE DECLARATION pursuant to applicant standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Jocelyn Swain, Principal Planner

1/24/17

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation measures. For effects that are “Less than Significant with Mitigation Measures Incorporated”, describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significant.

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
I. <u>AESTHETICS</u> -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
II. <u>AGRICULTURE AND FOREST RESOURCES:</u> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:				

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined in Public Resources Code Section 4526)?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				X
III. <u>AIR QUALITY</u> -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable Air Quality Plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?			X	
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
V. <u>CULTURAL RESOURCES</u> -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of dedicated cemeteries?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VI. <u>GEOLOGY AND SOILS</u> -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for disposal of waste water?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
VII. <u>GREENHOUSE GAS EMISSIONS</u> -- Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				X
VIII. <u>HAZARDS AND HAZARDOUS MATERIALS</u> -- Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment through reasonably fore-seeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
<u>IX. HYDROLOGY AND WATER QUALITY</u> – Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site?			X	

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems?			X	
f) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate map or other flood hazard delineation map?			X	
g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
h) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
i) Inundation by seiche, tsunami, or mudflow?				X
X. <u>LAND USE AND PLANNING</u> -- Would the project:				
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?				X
XI. <u>MINERAL RESOURCES</u> – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X
XII <u>NOISE</u> -- Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X
XIII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIV. PUBLIC SERVICES				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Other public facilities?				X
XV. <u>RECREATION</u> --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X
XVI. <u>TRANSPORTATION/TRAFFIC</u> -- Would the project:				
a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
XVII. TRIBAL CULTURAL RESOURCES -- Would the project cause a substantial adverse change in the significance of a tribal cultural resources, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or				X
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set for in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significant of the resource to a California Native American tribe.				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVIII. UTILITIES AND SERVICE SYSTEMS -- Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing resources, or are new or expanded entitlements needed?				X
e) Have a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XIX. <u>MANDATORY FINDINGS OF SIGNIFICANCE</u> --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

DISCUSSION OF ENVIRONMENTAL CHECKLIST

I. a. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would potentially degrade the aesthetic quality of the environment. Some of the measures do document activities that are already occurring. The CAP does contain potential GHG reduction measures that would promote physical changes to the built environment such as alternative energy (roof top and utility scale) and green landscaping. Projects that result in a physical change such as utility scale solar, roundabouts, bike lanes, etc., would be subject to project specific environmental review. Most of the projects identified in the CAP would not result in a noticeable physical change such as improved public transit, educational programs, and building energy retrofits. Therefore, the adoption of the proposed CAP would result in less than significant aesthetic impacts.

b. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would potentially damage

scenic resources. Some of the measures do document activities that are already occurring. The CAP does propose some measures for reducing GHG emissions that would result in physical changes such as utility scale solar facilities, roundabouts, and bike lanes. Such changes would be subject to project specific environmental review under CEQA. Therefore, impacts are less than significant.

c. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development. Some of the measures do document activities that are already occurring. The CAP does propose some measures for reducing GHG emissions that would result in physical changes such as utility scale solar facilities, roundabouts, and bike lanes. Such changes would be subject to project specific environmental review under CEQA. Therefore, impacts are less than significant.

d. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development. Implementation of the measures identified in the CAP would not result in the development of new major sources of light. Some glare may be created by the development of solar facilities or roof top solar. However, the amount of glare from rooftop solar would be relatively minor and utility scale solar development is subject to project specific environmental review under CEQA. Therefore, impacts are less than significant.

II. a-e. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development. Some of the measures do document activities that are already occurring. The City does not have agricultural zoning nor does it have any Williamson Act contracts, forest land, or timberland; though it does have some agricultural uses which are allowed in the Rural Residential and Heavy Industrial zones. The CAP would not have a direct impact on the conversion of farmland to non-agricultural uses. None of the proposed CAP measures conflict with existing zoning for agricultural uses.

III. a-d. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development. Some of the measures do document activities that are already occurring. The CAP identifies specific measures that could be taken with respect to transportation, energy, municipal operations, water, solid waste, the built environment, community, and land use to reduce GHG consistent with AB 32. Many of these measures would not only reduce GHGs but would help to reduce air quality emissions overall. For example, development of alternative energy (solar facilities) would help to reduce emissions generated from traditional power plants (coal, natural gas, etc.) and improvements in building efficiency would reduce overall demand of electricity and natural gas. Development of an enhanced public transit and all electric bus fleet would help to remove cars from the roadway, thereby reducing overall emissions. These co-benefits support efforts to reduce pollutants in general, including criteria pollutants.

e. The CAP does not propose strategies or measures that would directly or indirectly result in the creation of objection odors that would affect a substantial number of people. However, the CAP does identify measures such as the development of bio-fuels and the promotion of residential composting which while they would not affect substantial numbers of people, may generate some odors. Residential composting is already allowed under the City's municipal code. The development of a bio-fuel facility and use of bio-fuels in the City fleets would be subject to project specific environmental review under CEQA. Therefore, impacts would be less than significant.

IV. a-d. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would potentially impact biological resources. The CAP does not promote new development. However, it does encourage potential development to occur within the more urban areas where more services such as public transit area available. It also identifies measures which would improve energy efficiency in buildings, improved public transit routes, and other measures which would reduce GHG emissions while also improving the quality of life of the City's residents. No development is proposed any specific locations and as such impacts to biological resources cannot be assessment. Some specific transportation improvements such as roundabouts, bike lanes, and pedestrian improvements are identified in the CAP. However, these are projects which have already been subject to project specific environmental review and were included in order to ensure that the reduction benefits were trackable. Additionally, some measures, such as continued habitat acquisition for conservation, are included in the CAP which would provide a benefit to biological resources. Therefore, no impacts would occur.

e-f. The City of Lancaster is not located in an area designated under an adopted Habitat Conservation plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development. The CAP does contain measures that are beneficial to biological resources including the continued acquisition of conservation habitat, and community gardens. Therefore, no impacts would occur.

V. a-d. Impacts to cultural resources tend to be site specific and as such resources are highly dependent upon specific project location and design. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development. Most measures identified in the CAP address such as topics as improved transit systems, increased building efficiency, water conservation, increased recycling, etc. Potential measures which would implement specific projects would undergo site/project specific environmental prior to implementation. Assessment of site specific cultural resource impacts at this time is not possible and would be speculative. Therefore, no impacts would occur.

VI. a-e. Impacts to geology and soils tend to be site specific and as such resources are highly dependent upon specific project location and design. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development. Most measures identified in the CAP address such as topics as improved transit systems, increased building efficiency, water conservation, increased recycling, etc. Potential measures which would implement specific projects would undergo site/project specific environmental prior to implementation. Additionally, all development projects in the City of Lancaster are required to comply with the City's Building Code and applicable rules and regulations from other agencies such as the AVAQMD. As such, site specific geologic conditions would be addressed. Therefore, no impacts would occur.

VII. a-b. Implementation of the CAP would allow the City to achieve a 15 percent reduction in GHG emissions below baseline emissions (2010) by 2020 consistent with AB 32. The measures identified in the CAP would also assist the City in achieving the reduction goals established by Executive Order (EO) B-30-15 and EO S-03-05. The CAP would not cause a direct or indirect increase in GHG emissions and would support policies and regulations adopted for the purpose of reducing GHGs.

VIII. a-d. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would result in the routine handling, generation, transportation, emission or release of hazardous materials. Most measures identified in the CAP address such as topics as improved transit systems, increased building efficiency, water conservation, increased recycling, etc. Potential measures which would implement specific projects would undergo site/project specific environmental prior to implementation. All development must comply with extensive hazardous materials regulations, which are codified in Titles 8, 22, and 26 of the California Code of Regulations, and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code. The purpose of these regulations is to minimize impacts related to hazardous materials.

e-f. Two airports are located in close proximity to the City of Lancaster: General William J. Fox Airfield located along Avenue G at approximately 45th Street West and Air Force Plant 42 located just south of the City. The CAP does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development in the vicinity of any public airport or private airfield. Development in and around these two airports must be consistent with the General Plan, and zoning, as well as the Fox Airfield Use Compatibility Plan or the Air Force Plant 42 AICUZ Study. This ensures the compatibility of any potential development with the existing airports. There are no conflicts between the CAP and either of these plans

g. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that could interfere with any emergency response or evacuation plans. None of the potential measures identified in the CAP conflict with any adopted emergency response or evacuation plan.

h. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would potentially expose people or structures to significant risk of loss, injury, or death regarding wildland fires. The CAP does not promote new development. However, it does encourage potential development to occur within the more urban areas where more services such as public transit area available. It also identifies measures which would improve energy efficiency in buildings, improved public transit routes, and other measures which would reduce GHG emissions while also improving the quality of life of the City's residents. There are large areas of the City that are undeveloped or adjacent to undeveloped parcels and areas of land. However, these areas are within the service areas of several existing fire stations which could provide service in the event of a brush fire. Additionally, any proposed development project is subject to site specific environmental review under CEQA. Therefore, no impacts from wildland fires associated with CAP would occur.

IX. a, c-f. Impacts related to hydrology and water quality are highly dependent on the location, design, and use of a particular project. The CAP is a policy-level document that does not include site-specific designs or proposals, nor does it grant entitlements or permits for development that would potentially impact water quality or drainage patterns, or increase runoff. Some measures identified in the CAP, such as alternative energy and infrastructure projects could alter drainage patterns, increase runoff, and/or impact water quality. However, these projects would be subject to existing federal, State, and local regulations related to drainage and water quality, such as the National Pollutant Discharge Elimination System (NPDES) and the City adopted building code. Additionally, these projects would be

subject to project specific review under CEQA which would identify potential impacts and the required mitigation measures. Therefore, impacts associated with the CAP would be less than significant.

b. The CAP includes water conservation measures intended to reduce water demand in general and an increased reliance on recycled water for non-potable uses. The CAP does not include measures that would require additional draw on groundwater supplies or interfere with groundwater recharge. Therefore, no impacts associated with the CAP would occur.

g-i. Portions of the City of Lancaster within the 100-year flood zones; however most of the City is not. Additionally, there are no dams or levees located within or immediately adjacent to the City limits. The California Aqueduct runs along the southern boundary of a portion of the City and responsibility for its maintenance lies with the California Department of Water Resources. However, none of the CAP's reduction measures specifically encourage development within such areas. Development in areas subject to flooding would occur whether or not the CAP was adopted and would be subject to General Plan, zoning, and City-adopted Building Code requirements.

The CAP is a policy-level document and does not grant approvals for development at any specific location; as such it would not increase the likelihood of a new project being inundated by flood or mudflow. The City is approximately 70 miles from the coast and is not subject to tsunamis. There are also no large enclosed bodies of water within the City limits. As such the City is not likely to be exposed to seiche. Therefore, no impacts associated with the CAP would occur.

X. a. Physical division of an established community most often occurs as a result of constructing barriers to easy and frequent travel between two or more parts of a community. For example, a freeway with few crossings could effectively split a community. The CAP does not propose any actual development or changes to the existing General Plan or zoning that could eventually lead to physical division of an established community. The CAP does identify measures such as improved public transit systems/frequency, increased bike lanes and pedestrian amenities, community gardens, and other measures to improve the quality of life of residents within the City. Therefore, no impacts would occur.

b. The purpose of the CAP is to achieve a 15 percent reduction in GHG emissions below 2010 (baseline) levels by 2020, consistent with AB 32 and to work towards achieving GHG reduction goals for 2030, 2040, and 2050. The CAP is a policy-level document which is consistent with other City adopted plans and regulations including the General Plan, Zoning Code, Master Plan of Trails and Bikeways, and other City policies and goals. The CAP does not change the General Plan, zoning, or any other plan or regulation in any way. It does identify measures such as energy audits and retrofits, bike lanes and pedestrian improvements, and alternative energy among others which could occur with or without the adoption of the CAP. Potential measures which would implement specific projects would undergo site/project specific environmental prior to implementation. Therefore, no impacts would occur.

c. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant any entitlements or permits for development. As noted under Item IV.e-f., the City is not subject to and would not conflict with a habitat conservation plan or natural communities conservation plan. Therefore, no impacts would occur. The CAP does encourage the acquisition of conservation habitat through the City's Biological Impact Fee.

XI. a-b. There are no mineral resources known to exist within the City of Lancaster. Additionally, the CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development. Therefore, no impacts would occur.

XII. a-d. The CAP is a policy-level document that does not include any site-specific designs or proposals, or grant any entitlements or permits for development. As a policy document, the CAP would have no direct impact related to noise or vibration. Future projects undertaken to implement the CAP's GHG reduction measures could result in noise and vibration. Some measures such as education programs and energy audits are ministerial and do not require review. Furthermore, these projects can move forward without the CAP being adopted. Site specific development projects would be subject to individual environmental review under CEQA. Potential noise impacts associated with such projects would be addressed, and mitigated if necessary, through a project-level CEQA review.

e-f. As noted above, in the vicinity of the City of Lancaster, Fox Airfield and Air Force Plant 42. The General Plan, Fox Airfield Land Use Plan and the Air Force Plant 42 AICUZ Study include provisions regarding noise compatibility. Any project implementing CAP measures in the vicinity of either airport must comply with these provisions and therefore would not result in a significant noise impact

XIII. a-c. The CAP is a policy-level document that does not include any site-specific designs or proposals, nor does it grant entitlements or permits for development that would lead to population growth or displacement of housing or residents. None of the proposed measures would promote specific new development and would not displace existing residences or businesses. Most of the measures identified in the CAP address improving transportation, energy efficiency, water conservation, recycling, and education related programs. Some measures would result in site specific development projects such as infrastructure improvements. These measures would be subject to project-specific CEQA review. Therefore, no impacts would occur.

XIV. The CAP does not include any site-specific designs or proposals, grant any entitlements or permits for development, or propose to change existing land use designations or zoning. There would be no increase in population or employment as a result of the CAP. Therefore, the CAP would have no impact on service ratios, response times, or other performance standards or objectives related to public services

XV. a-b. Implementing the CAP would not lead to population or employment growth that could result in increased physical deterioration of parks and recreational facilities. The CAP does identify community improvements to enhance the existing quality of life within the City such as bike paths, and improvements to park. The specific improvements and locations have not been identified and would be subject to project specific environmental review under CEQA. The CAP also has measures to encourage local economic development to help reduce the amount of commuting of its existing residents and hire the local population. These measures would not lead to an increase in the local population which utilizes existing parks. Potential impacts associated with those projects would be addressed through a project-level environmental review.

XVI. a-b. The primary purpose of the CAP is to reduce GHG emissions, and a large component of the anticipated reductions is a reduction in emissions from transportation sources, primarily single-occupant vehicles. The CAP encourages an improved public transportation system, pedestrian and bicycle facilities; car and bike sharing, and other improvements to the transportation system intended to reduce

vehicle trips and vehicle miles traveled. These measures are intended to help alleviate existing and projected traffic congestion throughout the county. As each of these measures would have a beneficial effect with regard to the performance of the City's circulation system, there would be no negative impact.

c. The CAP is a policy document that would have no direct effect on air traffic. None of the GHG reduction measures in the CAP relate to air traffic. Therefore, no impacts would occur.

d-e. The CAP is a policy-level document that does not include any site-specific designs or proposals, grant any entitlements or permits for development or change existing land use or zoning designations. As the CAP does not permit any development or require construction of any specific projects, its adoption would not increase in hazards or obstruct emergency access. Measures that would result in site specific improvements would be subject to separate project-level environmental review.

f. The CAP promotes identifies measures such as an improved public transit system and development of additional bike and pedestrian amenities. These measures are consistent with the City's General Plan and Master Plan of Trails and Bikeways. Specific infrastructure improvements would be subject to project level environmental review. No impacts associated with CAP adoption would occur.

XVII.a-b. The CAP is a policy-level document that does not include any site-specific designs or proposals, grant any entitlements or permits for development or change existing land use or zoning designations. As specific development projects such as bike lanes are identified, separate project level environmental review will be conducted along with project site AB 52 consultation requests. AB 52 Consultation letters were sent out to nine Native American Tribes with affiliations to the area. No tribal cultural resources have been identified by any of the Native American Tribes with cultural affiliations to the area. Therefore, no impacts would occur.

XVIII. a, b, d, e. The CAP would not increase population or employment, or result in development of land uses that would increase demand for water supplies, water treatment and conveyance, and wastewater treatment and conveyance. One of the goals of the CAP is to decrease water consumption, which would reduce GHG emissions by requiring less energy to pump, treat, collect, and discharge water, and to increase the use of recycled water for non-potable uses. With reduced demand for water, the demand for wastewater treatment capacity and conveyance infrastructure would also be expected to decrease. No new treatment capacity or conveyance lines would be necessary. As there would be no new discharge resulting from the CAP, the treatment requirements would not be exceeded

c. The CAP is a policy document that does not propose any specific projects and would not result in development that could potentially impact drainage patterns or increase surface runoff. Therefore, there would be no need to provide new or expanded stormwater drainage facilities as a result of the CAP's adoption. Discretionary projects would be required to comply with appropriate development regulations pertaining to drainage and stormwater runoff and also would be subject to project-level CEQA review, wherein any potential impacts would be identified and mitigated.

f-g. The CAP is a policy document that would not directly result in development of housing or other land uses that would generate solid waste. The CAP includes numerous action items aimed at reducing solid waste generation, and increasing recycling and composting. The CAP would be supportive of the Integrated Waste Management Plan and the AB 341 statewide goal of achieving 75 percent disposal reduction by 2020.

XIX.a-c. As stated throughout this Initial Study, the CAP is a policy-level document that does not include any site specific designs or proposals, nor does it grant any entitlements or permits for development that would have a direct impact on the physical environment. Every action item specified in the CAP could be implemented whether or not the CAP was adopted. Most of the action items either would not qualify as "projects" under CEQA or would be exempt from CEQA because they would be ministerial. The remaining action items would be subject to their own CEQA reviews upon implementation and any project-specific impacts would be addressed through those processes.

List of Referenced Documents and Available Locations*:

FIRM:	Flood Insurance Rate Map	DSD
GPEIR:	Lancaster General Plan Environmental Impact Report	DSD
LGP:	Lancaster General Plan	DSD
LMC:	Lancaster Municipal Code	DSD
LMEA:	Lancaster Master Environmental Assessment	DSD
SSHZ:	State Seismic Hazard Zone Maps	DSD
USGS:	United States Geological Survey Maps	DSD
USDA SCS:	United States Department of Agriculture Soil Conservation Service Maps	DSD

* DSD: Development Services Department
Lancaster City Hall
44933 Fern Avenue
Lancaster, California 93534

STAFF REPORT
City of Lancaster

NB 1
02/14/17
MVB

Date: February 14, 2017

To: Mayor Parris and City Council Members

From: Patti Garibay, Energy Manager - Programs

Subject: **Award of Request for Proposal (RFP) No. 650-17 – Streetlight LEDs**

Recommendation:

Award a multi-year contract in the amount of \$2,852,803.59 to BYD Energy LLC for **RFP No. 650-17 for Streetlight LEDs**, and authorize the City Manager, or his designee, to sign all documents.

Fiscal Impact:

\$1,080,000 in bond proceeds is budgeted in the adopted Fiscal Year 16/17 Budget to perform the LED fixture conversion. As this contract will likely be phased over two years, the budget is sufficient to cover the first phase.

Background:

The City of Lancaster is currently acquiring all of the streetlights within city limits from Southern California Edison (SCE) and expects the process to be completed in the first quarter of 2017. Staff began researching LED fixtures in 2014 and determined that there are many benefits to upgrading these fixtures, including lower maintenance costs and substantial energy savings over the current High Powered Sodium lights currently used on most of the streetlights. By installing LED fixtures, staff estimates the City will see a 30% energy savings which is equal to \$250,000 annually. Lancaster will also be eligible for a refund through SCE's streetlight fixture rebate program, which pays up to 80% of the cost of each LED light that is purchased and installed.

In July 2016, the City advertised a Request for Proposals for Streetlight LEDs to retrofit LED fixtures into an estimated 17,648 streetlights throughout the City of Lancaster. The fixtures will be delivered in phases over the next two years, as the City implements a phased fixture change-out schedule.

Nineteen proposals were received by August 19, 2016, which was the submission deadline. An evaluation committee, facilitated by Finance and with staff from Lancaster Choice Energy and Development Services, evaluated the proposals based on evaluation criteria identified in the Request for Proposal. These criteria are: pricing, overall quality of LED lights proposed (technical aspects), warranty, satisfaction of previous clients, and local preference. Based on the evaluation, the following three top-ranked respondents were short-listed for the evaluation phase of the sample LED lights.

Vendors:

1. BYD Energy LLC
2. Leotek Electronics USA LLC
3. Walter's Wholesale Electric Co.

Respondents who made it to the second round evaluation were asked to provide the City with sample lights to test additional characteristics including ease of installation, luminaire quality, aesthetics, and ease of maintenance. BYD Energy LLC received the highest overall ranking.

BYD Energy LLC has proven to be a valuable City partner. BYD currently employs over 400 people at their electric bus manufacturing facility in Lancaster and are in the middle of a multi-phase expansion for their Lancaster facility, which will triple their employment in the next three years. BYD Energy will assemble their streetlights in Lancaster and plan to grow their LED business over the next several years. Lancaster will benefit through the creation of local jobs and through the sales tax that will be generated each time BYD sells an LED light.

PG:te

STAFF REPORT
City of Lancaster

NB 2
02/14/17
MVB

Date: February 14, 2017

To: Mayor Parris and City Council Members

From: Patti Garibay, Energy Manager - Programs

Subject: **Award of Request for Proposal (RFP) No. 658-17 – Citywide Streetlight Conversion from High Pressure Sodium (HPS) to Light Emitting Diode (LED) Lights**

Recommendation:

Approve a one-time contract in the amount of \$739,980.64 to Taft Electric Company for **RFP No. 658-17 for the Citywide Streetlight Conversion from High Pressure Sodium (HPS) to Light Emitting Diode (LED) Lights**, and authorize the City Manager, or his designee, to sign all documents.

Fiscal Impact:

There are sufficient funds available in the fiscal year 16/17 budget to cover this expenditure.

Background:

The City of Lancaster is currently acquiring all of the streetlights within city limits from Southern California Edison (SCE) and expects the process to be completed in the first quarter of 2017. Staff began researching LED fixtures in 2014 and determined that there are many benefits to upgrading these fixtures including being eligible for a refund through SCE's streetlight fixture rebate program, which pays up to 80% of the cost of each LED light that is purchased and installed. Hiring a third party to install LED fixtures will accelerate the rebate process ensuring that the City obtains the maximum refund available. The City will also achieve additional energy savings once lights are converted to LED.

In January 2017, the City advertised a Request for Proposals for a Citywide Streetlight Conversion from High Pressure Sodium (HPS) to Light Emitting Diode (LED) Lights to retrofit an estimated 17,648 streetlights throughout the City of Lancaster. The conversion process is slated to start in the first quarter of 2017 with LED fixtures replacing all HPS fixtures on City streetlights by October 31, 2017.

Twelve proposals were received by January 25, 2017, which was the submission deadline. An evaluation committee, facilitated by Finance and with staff from Administration and Development Services, evaluated the proposals based on evaluation criteria identified in the Request for Proposal. These criteria are: pricing, company experience with a light conversion and local preference. Based on the evaluation criteria, Taft Electric Company received the highest overall score. Taft Electric Company has been in the street lighting industry for over 50 years working on various street lighting projects throughout Southern California during that period. Taft Electric Company is a union contractor, participating in local chapters of the International Brotherhood of Electrical Workers.

PG:te

STAFF REPORT

City of Lancaster

CPH 1
02/14/17
MVB

Date: February 14, 2017

To: Mayor Parris and City Council Members

From: Mark V. Bozigian, City Manager
Allison E. Burns, City Attorney

Subject: **Ordinance and Resolutions Regulating Medical Cannabis**

Recommendations:

- a. Introduce **Ordinance No. 1019**, (the “Ordinance”), adding Chapters 5.56 and 17.43 to the Lancaster Municipal Code relating to the regulation of medical cannabis; with specific prohibitions banning dispensaries, outdoor cultivation, distribution facilities, and delivery businesses in the City of Lancaster; and imposing stringent regulations upon indoor cultivation in limited zones.
- b. Adopt **Resolution No. 17-04**, establishing fees regarding regulation of medical cannabis.
- c. Adopt **Resolution No. 17-05**, establishing the maximum number of licenses and permits that may be issued for cultivation of medical cannabis.

Fiscal Impact:

There is no direct fiscal impact associated with the cost of administering this ordinance as all costs would be covered by application and other fees for services. There is the potential for substantial revenues to the City with the imposition of the annual surcharge recommended through Resolution No. 17-04

Background:

The Evolution of California’s Medical Cannabis Law

In 1996 the voters of the State of California approved Proposition 215, the “Compassionate Use Act of 1996” (the “CUA”), codified as Health and Safety Code Section 11362.5. The intent of the CUA was to enable persons who are in need of marijuana for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances. Senate Bill 420 (2004), codified as Health and Safety Code Sections 11362.7 *et seq.* (the “Medical Marijuana Program”), clarifies the scope of the CUA and provides qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes a limited defense to certain specified state criminal statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amend the Medical Marijuana Program to expressly recognize the authority of counties and cities to (i) adopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective, and (ii) civilly and criminally enforce such ordinances.

The CUA and Medical Marijuana Program, as amended, primarily address the criminal law, providing qualifying patients and primary caregivers a limited immunity from, and/or an affirmative defense to, state criminal prosecution under certain identified statutes; however, neither provides comprehensive civil regulation of premises used for marijuana cultivation or licensing of cultivators.

On October 9, 2015, the California Governor signed the “Medical Marijuana Regulation and Safety Act” (the “Act”) into law, which consists of the following: (i) Assembly Bill 243; (ii) Assembly Bill 266; and (iii) Senate Bill 643. The Act became effective January 1, 2016, and contains provisions that govern cultivating, processing, transporting, and distributing medical marijuana to qualified patients throughout the state. The Act also contains new statutory provisions that: (i) allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program pursuant to Health & Safety Code Section 11362.777 for the cultivation of marijuana (Cal. Health & Safety Code Section § 11362.777(c)(4)); and (ii) expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Cal. Bus. & Prof. Code § 19316(c)).

The City’s Prior and Current Regulation of Medical Cannabis

On December 8, 2009, the City Council adopted Ordinance No. 939 and imposed a moratorium on the use of real property for the sale or distribution of marijuana, which moratorium was extended on January 12, 2010, by Ordinance No. 940 and on November 9, 2010, by Ordinance No. 955. On February 9, 2016, the City Council adopted Ordinance No. 1012, which added Section 17.04.235 to the Lancaster Municipal Code and generally prohibits the operation of a medical marijuana dispensary, the indoor or outdoor cultivation of medical marijuana and the delivery of medical marijuana within the City.

The Ordinance Conditionally Permitting and Regulating Cultivation of Medical Cannabis

Earlier in 2016 when Proposition 64 qualified for the November 8, 2016 ballot, the City Council gave direction to staff and the Planning Commission to develop options and recommendations relative to the regulation of cannabis. Towards that end, the Planning Commission and staff undertook the subject of cultivation of medical cannabis within the City, with the purpose of providing a recommendation to Council (staff will provide recommendations to Council later this year which will specifically address now-approved Proposition 64). The Planning Commission met five times to discuss the issue of medical cannabis (8/15/16; 9/19/16; 10/3/16; 10/17/16; and 10/20/16) and to take public comment. Based on those discussions, the Commission and staff crafted the recommended Ordinance, which the Planning Commission voted 6-0 to recommend to Council. The Commission also took a separate vote on the broader question of whether to support the concept of allowing commercial medical cannabis facilities to locate within the City; the Commission voted 5-1 in the affirmative on this question.

Subject to various requirements and limitations, the Ordinance recommended by the Planning Commission conditionally permits the indoor cultivation of medical cannabis and requires that medical cannabis be cultivated only in appropriately secured, enclosed, and ventilated structures, so as not to be visible or accessible to the general public, to provide for the health, safety and welfare of the public, to prevent negative impacts to property values, to prevent odor created by cannabis plants from impacting adjacent properties, to prevent crime associated with cannabis, and to ensure that cannabis grown for medical purposes remains secure and does not find its way to non-patients, minors, or illicit markets. The Ordinance includes specific prohibitions such as banning dispensaries, outdoor cultivation, distribution facilities, and delivery businesses in the City of Lancaster.

The Ordinance would establish a comprehensive regulatory scheme requiring cultivators to apply for and obtain *both* (i) a City-issued cultivator's license *and* (ii) a conditional use permit. Under the Ordinance, a Cultivator's license would be subject to various requirements and limitations related to security and operation, including, but not limited to, the following:

- Compliance with all applicable restrictions and mandates set forth in state and local laws and regulations, as well as the operating plan and security plan submitted as part of the application;
- Payment of applicable sales tax pursuant to federal, state, and local law, and all other legally required taxes and fees;
- Compliance with all applicable rules, regulations, and laws including, but not limited to, the Lancaster Municipal Code, the California Revenue and Taxation Code, the Americans with Disabilities Act, and all applicable state laws;
- Books, records and all other documents related to its operation shall be available for inspection by any City officer or official for purposes of determining compliance;
- Medical cannabis shall be kept and stored in a secured manner within a limited access area or restricted access area at all times in compliance with the security plan approved as part of the application;
- No on-site smoking, ingestion, or consumption of cannabis;
- No sale or distribution of any item that would require a license issued by the California Department of Alcoholic Beverage Control;
- The City-issued license must be displayed;
- No physician may evaluate patients or provide recommendations for medical cannabis within the licensed premises;
- Must provide the Community Development Director with the name, phone number, facsimile number, and email address of an on-site community relations representative; and
- Until such a time that the State of California fully implements Section 19335 of the Business and Professions Code, must utilize third-party software that tracks all sales, transfers, purchases, receipts and deliveries of medical cannabis and medical cannabis products.

Under the Ordinance, a conditional use permit for the cultivation of cannabis would similarly be subject to various requirements and limitations, including, but not limited to, the following:

- An application that includes
 - An environmental plan;
 - An emergency response plan;
 - Proof that the Applicant has received a City-issued cultivator's license;
 - An aerial map stating the distances between the proposed medical cannabis cultivation facility and the nearest sensitive uses (e.g., schools, parks and churches);
 - The address of the location of the proposed cultivation facility;
 - A site plan and floor plan;
 - Owner and manager information;
 - Property owner information and acknowledgement;
 - An operating plan that includes, among other items, a description of the source of power (electric utility company, solar, diesel generators), the size of the electrical service or system, the total demand to be placed on the system by all proposed uses on-site, verification of all water sources, evidence of compliance with all applicable environmental laws and regulations and any additional document(s) or information reasonably requested by the City;
 - A security plan that, to the satisfaction of the City, addresses how the applicant intends to comply with and implement all requirements imposed by law, including, but not limited to, a description of how the security measures are sufficient to ensure the safety of medical cannabis patients, primary caregivers, employees and volunteers, protect the proposed licensed premises from diversion and theft, and ensure that all buildings where cannabis is cultivated or stored are secured sufficiently to prevent unauthorized entry; and
 - Verification that the proposed medical cannabis cultivation facility will be equipped with an odor filtration system.
- A distance requirement that prohibits a medical cannabis cultivation facility in the following locations:
 - Within six hundred (600) feet of a religious assembly;
 - Within one thousand (1,000) feet of a public or private school, college or university;
 - Within one thousand (1,000) feet of a day care center;
 - Within six hundred (600) feet of a residential use or residentially designated property;
 - Within six hundred (600) feet of a public park.

*The Ordinance Conditionally Permits **Medical** Cannabis Cultivation*

The Ordinance conditionally permits only *medical* cannabis cultivation facilities and allows the City Council to limit the number of such facilities by resolution. The Ordinance specifically prohibits cannabis manufacturing facilities, cannabis distribution facilities, cannabis dispensaries and/or cannabis delivery businesses.

Suggestions Made by Cannabis Industry Representatives after Planning Commission Consideration

The following suggestions from cannabis industry representatives were substantially offered after the Planning Commission review process, although some may have been discussed during Planning Commission deliberations. We briefly summarize each below, along with a staff recommendation where appropriate, **and ask for Council direction, which may result in revisions to the Ordinance and/or the Resolutions:**

- Definition of “School” – It was suggested that the definition of “school” should exclude colleges, universities, and trade schools for the purpose of imposing the distance requirements in the proposed CUP. The rationale for this request is that colleges, universities, and trade schools should not be grouped with schools in distance requirements for sensitive uses because the age for use of medical cannabis is 18 years of age and older and therefore, the facility would not pose the same potential threat to an adult of legal age for medical cannabis use. Staff would support and recommend the exclusion of trade schools. Because many colleges and universities now partner with high school districts in offering early college classes to students under 18 years of age, staff would not recommend excluding colleges and universities for purposes of a distance requirement.
- Manufacturing and Distribution – It was suggested that the City allow cannabis manufacturing and distribution operations or facilities, in addition to cultivation. For manufacturing, the rationale for this request is that manufacturing is highly regulated in terms of both public health and fire department approvals and therefore, poses no greater risk than cultivation operations; allowing manufacturing as well as cultivation would likely be more attractive to an operator wishing to site in Lancaster, without posing significantly more burdens upon the community. In contrast, distribution facilities will not even be allowed by the State until 2018. For that reason, staff would support the addition of medical cannabis manufacturing operations to the Ordinance if desired by Council.
- Maximum Number of Licenses – It was suggested that the City impose a limit on the maximum number of “projects” rather than licensed facilities because one licensee operating a single “project” may need to obtain several licenses. However, the Ordinance provides that the limitation imposed by the Council “...may be based on number of Local Licenses [or conditional use permits], the aggregate area of medical cannabis cultivation facilities, or any other measure determined by the City Council.” Consequently, while staff has no objection to the suggestion, staff does not believe this change is expressly necessary. Further, the Planning Commission did not recommend a specific maximum number of licenses. Proposed Resolution No. 17-05 would allow for a maximum of 10 local licenses and 10 conditional use permits under the Ordinance.

- Development Agreement / Municipal Surcharge – It was suggested that the certainty of a development agreement (in addition to the proposed conditional use permit) would encourage medical cannabis cultivators to purchase and develop land and create jobs within the City. Coupled with an annual municipal surcharge (in addition to a contemplated application fee and an annual regulatory compliance fee associated with the license) a well-crafted development agreement would provide both the cultivators and the City with an additional level of contractual standing along with a potentially significant revenue source for the City per license/CUP. Staff has researched this and is recommending that Council incorporate both the requirement for a development agreement and a municipal surcharge in the Ordinance. The Ordinance now before Council has been revised from that recommended by the Planning Commission to require a development agreement (as a condition to the effectiveness of the CUP) and payment of an annual surcharge.
- While not specifically raised as an issue by cannabis industry representatives, in light of the recent passage of California Proposition 64 related to the recreational use of cannabis, Council may soon need to address possible revisions to existing City ordinances, as well as the proposed Ordinance. It is our understanding that currently, cultivators will need to determine whether they will be growing marijuana for medical or commercial use before operating. Based on research, discussions with industry representatives, and the fact that the state has not yet developed regulations for the commercial cultivation of marijuana for recreational use, staff recommends that Council consider the Ordinance as presented, restricted to medical cultivation only. If desired, Council could amend the Ordinance at a later date to allow for commercial cultivation for recreational use.

While not specifically related to medical cannabis, the recent passage of California Proposition 64 related to the recreational use of cannabis will likely have a profound impact on cities and counties throughout California, including an increased need for law enforcement, regulatory and legal services, and other social and medical services. A benefit to the introduction and adoption of the recommended Ordinance and Resolutions could be a new revenue source for the City to more effectively address the likely impacts of Proposition 64.

More importantly, failing to reasonably and specifically regulate medical cannabis may unintentionally result in various types of medical cannabis businesses (e.g., businesses engaged in medical cannabis cultivation, dispensing, distribution, testing, or manufacturing) being deemed permitted within the City and subject only to the regulations imposed by state law. The City's current Ordinance regulating medical cannabis (Ordinance No. 1012) does not regulate many types of medical cannabis businesses and activities recognized and regulated by the state Medical Marijuana Regulation and Safety Act (MMRSA). Absent specific City regulation, it is possible that one of these types of medical cannabis businesses could operate within the City by claiming the business falls within one of the various general categories of businesses permitted by applicable zoning regulations.

For these reasons, staff joins the Planning Commission in recommending adoption of the Ordinance, and further recommends adoption of the Resolutions to further regulate medical cannabis.

Attachments:

Ordinance No. 1019
Resolution No. 17-04
Resolution No. 17-05

ORDINANCE NO. 1019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, ADDING CHAPTERS 5.56 AND 17.43 TO THE LANCASTER MUNICIPAL CODE RELATING TO THE REGULATION OF CANNABIS CULTIVATION

WHEREAS, in 1996 the voters of the State of California approved Proposition 215, the “Compassionate Use Act of 1996” (the “CUA”), codified as Health and Safety Code Section 11362.5; and

WHEREAS, the intent of the CUA was to enable persons who are in need of cannabis for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances; and

WHEREAS, Senate Bill 420 (2004), codified as Health and Safety Code Sections 11362.7 *et seq.* (the “Medical Cannabis Program”), clarifies the scope of the CUA and provides qualifying patients and primary caregivers who collectively or cooperatively cultivate cannabis for medical purposes a limited defense to certain specified state criminal statutes; and

WHEREAS, Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amend the Medical Cannabis Program to expressly recognize the authority of counties and cities to (i) adopt local ordinances that regulate the location, operation, or establishment of a medical cannabis cooperative or collective, and (ii) civilly and criminally enforce such ordinances; and

WHEREAS, the CUA and Medical Cannabis Program, as amended, primarily address the criminal law, providing qualifying patients and primary caregivers a limited immunity from, and/or an affirmative defense to, state criminal prosecution under certain identified statutes; however, neither provides comprehensive civil regulation of premises used for cannabis cultivation or licensing of cultivators; and

WHEREAS, on October 9, 2015, the California Governor signed the “Medical Marijuana Regulation and Safety Act” (the “Act”) into law, which consists of the following: (i) Assembly Bill 243; (ii) Assembly Bill 266; and (iii) Senate Bill 643; and

WHEREAS, the Act became effective January 1, 2016 and contains provisions that govern cultivating, processing, transporting, and distributing medical cannabis to qualified patients throughout the state; and

WHEREAS, the Act also contains new statutory provisions that: (i) allow local governments to enact ordinances expressing their intent to prohibit the cultivation of cannabis and their intent not to administer a conditional permit program pursuant to & Safety Code Section 11362.777 for the cultivation of cannabis (Cal. Health & Safety Code Section § 11362.777(c)(4)); and (ii) expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding cannabis (Cal. Bus. & Prof. Code § 19316(c)); and

WHEREAS, on December 8, 2009, the City Council adopted Ordinance No. 939 and imposed a moratorium on the use of real property for the sale or distribution of cannabis, which moratorium was extended on January 12, 2010, by Ordinance No. 940 and on November 9, 2010, by Ordinance No. 955; and

WHEREAS, on February 9, 2016, the City Council adopted Ordinance No. 1012, which, added Section 17.04.235 to the Lancaster Municipal Code and generally prohibits the operation of a medical cannabis dispensary, the indoor or outdoor cultivation of medical cannabis and the delivery of medical cannabis within the City of Lancaster (the “City”); and

WHEREAS, subject to certain requirements and limitations, the City now desires to allow the indoor cultivation of medical cannabis and require that medical cannabis be cultivated only in appropriately secured, enclosed, and ventilated structures, so as not to be visible or accessible to the general public, to provide for the health, safety and welfare of the public, to prevent negative impacts to property values, to prevent odor created by cannabis plants from impacting adjacent properties, to prevent crime associated with cannabis, and to ensure that cannabis grown for medical purposes remains secure and does not find its way to non-patients, minors, or illicit markets.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 5.56 (“Medical Cannabis Cultivators”) is hereby added to the Lancaster Municipal Code as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

Section 2. Chapter 17.43 (“Medical Cannabis Cultivation Facilities”) is hereby added to the Lancaster Municipal Code as set forth in Exhibit “B” attached hereto and incorporated herein by reference.

Section 3. Ordinance Nos. 939, 940, 955 and 1012 are each hereby repealed to the extent inconsistent with this Ordinance; provided, however, that each shall otherwise remain in full force and effect.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after adoption.

I, Britt Avrit, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 14th day of February, 2017, and placed upon its second reading and adopted at a regular meeting of the City Council on the ____ day of _____, 2017 by the vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

BRITT AVRIT, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

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

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of
Lancaster, California, do hereby certify that this is a true and correct copy of the original
Ordinance No. 1019, 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)

EXHIBIT "A"
CHAPTER 5.56
MEDICAL CANNABIS CULTIVATORS

Sections:

- 5.56.010 Purpose and intent.
- 5.56.020 Definitions.
- 5.56.030 Medical cannabis cultivation facilities permitted.
- 5.56.040 Manufacturing, distribution, delivery and retail sale of cannabis prohibited.
- 5.56.050 License in addition to other permit.
- 5.56.060 Permits required.
- 5.56.070 Local License application process.
- 5.56.080 Grounds for denial or revocation; conditions of approval.
- 5.56.090 Transfer of ownership interest, modification or other material changes.
- 5.56.100 Renewal of a Local License.
- 5.56.110 Limitations on City's liability.
- 5.56.120 Additional terms and conditions.
- 5.56.130 Medical cannabis cultivation facility operational requirements.
- 5.56.140 Inspections and enforcement.
- 5.56.150 Appeals.
- 5.56.160 Permits not transferable.
- 5.56.170 Violations.
- 5.56.180 Regulations

5.56.010 Purpose and intent.

Medical cannabis cultivation facilities shall be permitted, upon application and approval of a Local License in accordance with the criteria and procedures set forth in this code, which include the requirement to obtain and maintain a conditional use permit validly issued by the City pursuant to Chapter 17.43.

5.56.020 Definitions.

A. The following terms shall be defined as follows:

"Applicant" has the same meaning as that term is defined by Section 19300.5(b) of the Business and Professions Code.

"Cannabis" has the same meaning as Section 19300.5(f) of the Business and Professions Code. For the purpose of this Chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

"Cannabis concentrate" has the same meaning as Section 19300.5(g) of the Business and Professions Code and shall mean manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids.

"Cannabis cultivation facility" means a facility wherein cannabis is propagated, planted, grown, harvested, dried, cured, graded, labeled, tagged for tracking or trimmed, or that does all or any combination of those activities.

“Cannabis dispensary” or “dispensary” has the same meaning as Section 19300.5(n) of the Business and Professions Code and shall mean any business, office, store, or other retail “storefront” component of any medical cannabis cooperative or collective that dispenses, distributes, exchanges, sells or provides medical cannabis.

“Cannabis distribution facility” means any facility or location where the primary purpose is the procurement, sale, and transport of medical cannabis and medical cannabis products between entities.

“Cannabis facility” means collectively any cannabis cultivation facility, dispensary, distribution, testing laboratories or manufacturing facility, as those terms are defined in this Chapter.

“Cannabis manufacturing facility” has the same meaning as Section 19300.5(ae) of the Business and Professions Code and shall mean a facility where the production of cannabis concentrate, or preparation, propagation, or compounding of manufactured cannabis, either directly or indirectly or by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

“Canopy” means the total combined indoor area for all locations on a property where medical cannabis is being cultivated, as measured by the horizontal extent of the plant or combination of plants at the widest point and measured in a straight line. This does not include aisles or walkways.

“Cultivation” has the same meaning as Section 19300.5(k) of the Business and Professions Code and shall mean any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

“Delivery” has the same meaning as Section 19300.5(m) of the Business and Professions Code and shall mean the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the State of California, to a primary caregiver, qualified patient or a testing laboratory. “Delivery” also includes the use by a cannabis facility of any technology platform owned and controlled by the dispensary, that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

“Dispensary” has the same meaning as that term is defined by Section 19300.5(n) of the Business and Professions Code and shall mean a premises where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to Section 19340, medical cannabis and medical cannabis products as part of a retail sale.

“Distribution” has the same meaning as that term is defined by Section 19300.5(p) of the Business and Professions Code and shall mean the procurement, sale, and transport of medical cannabis and medical cannabis products between licensed cannabis business entities.

“Edible cannabis product” means has the same meaning as that term is defined by Section 19300.5(s) of the Business and Professions Code and shall mean manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible medical cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

“Good Cause” for purposes of refusing or denying a Local License, for revoking a Local License, or for refusing or denying a Local License renewal or reinstatement, includes, but is not limited to, the following:

1. The Licensee or Applicant has violated any of the terms, conditions or provisions of this Chapter, of state law, of any regulations and/or rules promulgated pursuant to state law, any applicable local rules and/or regulations, or any special terms or conditions placed upon its conditional use permit, state license, and/or Local License;

2. The Licensed Premises have been operated in a manner that adversely affects the public health, safety or welfare or the safety of the immediate neighborhood in which the establishment is located, causes adverse economic impacts, increased crime, increased incidence of communicable disease, decreased property values and/or an increase in the number of transients in the area;

3. The Licensee or Applicant has knowingly made false statements, misrepresentations or material omissions on an application form, renewal form, or any other document submitted to the City;

4. The Applicant or Licensee’s criminal history does not indicate that the Applicant or Licensee is of good moral character; or the Applicant or Licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the City may consider, among other, the factors as set forth in Section 19323(b) of the Business and Professions Code;

5. The Licensee or Applicant is employing or being financed in whole or in part by any person whose criminal history indicates that person is not of good moral character;

6. The Applicant or Licensee has failed or refused to allow City officials to inspect security recordings, activity logs, or business records, of the licensed premises;

7. The Applicant or Licensee is owned by, has an officer or director who is, or is employing or financed in whole or in part by, a licensed physician making recommendations for medical cannabis;

8. The Applicant or Licensee has had a Local License revoked or has had more than one suspension on its Local License by the City; or

9. The Applicant or Licensee operated a medical cannabis business in violation of this Chapter, Chapter 17.43, or any other applicable state or local law.

“Legal parcel” means a parcel of land for which one legal title exists. Where contiguous legal parcels are under common ownership or control, such legal parcels may at the option of the property owner be counted as a single parcel for purposes of this Chapter.

“Licensee” means a person who has been issued a state license, Local License and a conditional use permit pursuant to this Chapter.

“Local License” means a medical cannabis regulatory permit issued by the City pursuant to this Chapter.

“Manufacturer” has the same meaning as that term is defined by Section 19300.5(y) of the Business and Professions Code and shall mean a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container.

“State law(s)” shall mean and include California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 through 11362.83 (Medical Cannabis Program Act); Medical Marijuana Regulation and Safety Act (“MMRSA”), and all other applicable laws of the state of California.

“State license,” “license,” or “registration” means a state license issued pursuant to the Medical Marijuana Regulation and Safety Act, as codified in Business and Professions Code Sections 19300 *et seq.*

“State licensing authority” shall mean the Bureau of Medical Cannabis Regulation within the Department of Consumer Affairs, the State Department of Public Health, or any other state agency responsible for the issuance, renewal, or reinstatement of a license issued under MMRSA or the agency authorized to take disciplinary action against such license.

B. Words and phrases not specifically defined in this code shall have the meaning ascribed to them as defined in the following sources:

1. The Compassionate Use Act of 1996 (California Health and Safety Code Section 11362.5);
2. The Medical Cannabis Program Act (California Health and Safety Code Sections 11362.7 through 11362.83); and
3. The Medical Marijuana Regulation and Safety Act (California Business & Professions Code Sections 19300 through 19360) as may be amended from time to time.

5.56.030 Medical cannabis cultivation facilities permitted.

A. Subject to this Chapter, Chapter 17.43 and all other applicable state and local laws and regulations, medical cannabis cultivation facilities may be operated within the City.

B. All medical cannabis cultivation facilities shall be owned and operated by bona fide non-profit organizations such as a cooperative or a collective, unless otherwise permitted under California law, subject to the provisions of the Medical Marijuana Regulation and Safety Act (California Business & Professions Code Sections 19300 through 19360) (“MMRSA”), Compassionate Use Act of 1996 (California Health and Safety Code Section 11362.5), the Medical Cannabis Program Act (California Health and Safety Code Sections 11362.7 through 11362.83), and any other state laws pertaining to cultivating medical cannabis.

C. The maximum number of Local Licenses issued by the City may be limited by resolution of the City Council. Such limitation may be based on number of Local Licenses, the aggregate area of medical cannabis cultivation facilities, or any other measure determined by the City Council.

D. A Local License issued pursuant to this Chapter shall specify the date of issuance, the period of licensure, the name of the Licensee, and the address of the medical cannabis cultivation facility.

5.56.040 Manufacturing, distribution, delivery and retail sale of cannabis prohibited.

Within the City, it shall be unlawful to operate a cannabis manufacturing facility, cannabis distribution facility, cannabis dispensary and/or cannabis delivery business.

5.56.050 License in addition to other permit.

The Local License required under the terms of this Chapter shall be in addition and supplemental to any business license or any permit required by any ordinance of the City. Notwithstanding anything herein to the contrary, the issuance of a Local License under this Chapter shall satisfy any requirements of Chapter 5.04.

5.56.060 Permits required.

A. Prior to initiating operations and as a continuing requisite to operating a medical cannabis cultivation facility, the legal representative of the persons wishing to operate a medical cannabis cultivation facility shall first obtain a Local License from the City Manager or designee and then a conditional use permit pursuant to Chapter 17.43. The Applicant shall file an application with the City Manager or designee upon a form provided by the City and shall pay an application fee as established by resolution adopted by the City Council as amended from time to time.

B. Nothing in this section shall permit a medical cannabis cultivation facility to operate at any time in a manner that is in violation of this Chapter, Chapter 17.43, the City Building Code, Fire Code, or any other applicable state or local law or regulation.

C. Except as otherwise permitted by the MMRSA, beginning January 1, 2018, or on the date that state licensing becomes available, it shall be unlawful for a medical cannabis cultivation facility to operate in the City unless it has been granted a state license.

D. Notwithstanding subsection 5.56.050(C), any medical cannabis cultivation facility that has: (1) submitted an application for a state license once such applications become available; and (2) been in operation and good standing on or before January 1, 2018, may continue operations until its state license has been approved or denied by the state licensing authority. A medical cannabis cultivation facility shall be considered to be "in operation," "in good standing," and "operating in compliance with local zoning ordinances and other state and local requirements" for purposes of this section and Section 19321(c) of the Business and Professions Code if the business has been issued and is exercising the privileges of a Local License pursuant to this Chapter and a conditional use permit pursuant to Chapter 17.43, and has applied for a state license on or before January 1, 2018.

5.56.070 Local License application process.

All applications for Local Licenses pursuant to this Chapter shall be made upon current forms prescribed by the City and shall include a statement by the Applicant that he or she certifies under penalty of perjury that all of the information contained in the application is true and correct. The City shall not receive or act upon an application for the issuance of a Local License pursuant to this Chapter until a completed application and the fee established by resolution of the City Council is submitted to the City. An Applicant shall have an opportunity to cure any incomplete application within thirty (30) days of written notice of incompleteness by the City. An application for a Local License shall include at least the following:

1. Proof of organizational status, such as articles of incorporation, taxpayer or employer identification number, by-laws, organizational minutes, partnership agreements, and other documentation as may be required by the City.

2. A written report prepared by the Los Angeles County Sheriff's Department or its designee concerning the acceptability of the background of the Applicant. The written report shall include a criminal background check of any Applicant for a Local License, including background checks on any management personnel who are responsible for the day-to-day operations and activities of the medical cannabis cultivation facility and any shareholder, partner, member, officer and/or director.

3. Documentation establishing that the Applicant is, or will be, entitled to possession of the premises for which application is made. Evidence of lawful possession consists of a properly recorded deed, lease, evidence of ownership of the premises, or other written documents acceptable to the City. The licensed premises shall only be the geographical area that is specifically and accurately described in executed documents verifying lawful possession. Licensees are not authorized to relocate to other areas or units within a building structure without first filing a change of location or modification of premises application, obtaining a conditional use permit for the new premises, paying the fee established by resolution of the City Council and obtaining approval from the City.

4. An operating plan for the proposed medical cannabis cultivation facility including the following information:

a. A general description of the types of products and services to be provided by the facility;

b. A floor plan designating all interior dimensions and the layout of the medical cannabis cultivation facility, including all limited access areas, areas of ingress and egress, and all security camera locations. Such floor plan shall also show the principal uses of the floor area depicted therein and shall identify all areas where plants will be located;

c. An employee list; and

d. Name of third-party tracking software the medical cannabis cultivation facility will use to track the medical cannabis.

5. A security plan for the proposed medical cannabis cultivation facility including the following security requirements:

a. Video surveillance. The medical cannabis cultivation facility must be equipped with a video surveillance system that meets all of the requirements set forth in this subsection.

i. Security cameras and digital storage of recordings shall be maintained in good condition and used in an on-going manner, twenty-four hours per day, seven (7) days per week.

ii. The security system must maintain at least 120 concurrent hours of digitally recorded video for each security camera in the Licensed Premises. Security footage should be stored in an MPEG4, MJPEG, H.264, or another format approved by the City in writing.

iii. Security Cameras must provide adequate and sufficient coverage for the facility, which must include but need not to be limited to, all restricted and limited access areas, all areas of ingress and egress, the public areas, storage areas, and any other areas as required by this Chapter and the MMRSA.

iv. The video surveillance system must be equipped with a failure notification system that provides prompt notification to a security company licensed by the Department of Consumer Affairs, Bureau of Security & Investigative Services, of any surveillance interruption or complete failure of the surveillance system that lasts longer than fifteen (15) minutes. The licensed alarm company must promptly report any such notification to the Los Angeles County Sheriff's Department.

v. The video surveillance system shall have sufficient battery backup to support a minimum of one (1) hour of recording in the event of a power outage.

vi. The video surveillance system shall stream a live feed accessible to the City and Los Angeles County Sheriff's Department via a secure Internet portal, virtual private network or other form of secure remote access.

b. Alarm system. The medical cannabis cultivation facility shall have an audible interior and exterior security alarm system installed on all perimeter entry points and perimeter windows, operated, and monitored by a security company licensed by the Department of Consumer Affairs, Bureau of Security & Investigative Services, and approved by the City. "Perimeter entry points" includes, regardless of size, all doors, windows, hatches and/or points at which systems (such as HVAC systems) enter a structure.

c. Signage requirement. The medical cannabis cultivation facility must comply with the following signage requirements.

i. A sign shall be posted in a conspicuous place near each point of public access which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than one inch in height, stating "All Activities Monitored by Video Camera."

ii. Limited access areas shall be clearly identified by the posting of a sign which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than a half inch in height, which shall state, "Limited Access Area- Authorized Personnel Only."

d. Lighting. The medical cannabis cultivation facility's entrance(s) and all window areas shall be illuminated during evening hours. The Applicant shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, and other restrictions, and secure the necessary approvals and permits as needed.

e. Commercial-grade locks. All points of ingress and egress to a medical cannabis cultivation facility shall ensure the use of commercial-grade, nonresidential door locks and/or window locks.

f. Onsite security staff 24 hours a day, seven days a week.

6. Written Authorization for the City to seek verification of the information contained within the application and authorization for the Los Angeles County Sheriff's Department to conduct the background check(s).

7. Any additional information that the City may request to process and fully investigate the application. The additional information must be provided to the City no later than thirty (30) days after the date of the request unless otherwise specified by the City. Failure to provide such additional information by the requested deadline may result in denial of the application.

5.56.080 Grounds for denial or revocation; conditions of approval.

A. The City Manager or designee shall reject an application for a Local License upon a finding of Good Cause.

B. The City Manager or designee may place conditions upon the approval of any Local License which are, in the opinion of the City Manager or designee, reasonably related to the protection of the health, safety and welfare of (i) the neighborhood in which the proposed medical cannabis cultivation facility is to be located and/or (ii) the general public.

C. All persons who are engaged in or who are attempting to engage in a medical cannabis activity in any form shall do so only in strict compliance with the terms, conditions, limitations and restrictions of the MMRSA, this Chapter, Chapter 17.43, and all other applicable state and local laws and regulations.

D. The City Manager or designee is authorized to make policies and procedures consistent with this Chapter concerning the applications, the application process, the information required of Applicants, the application procedures, and the administration and procedures to be used and followed in the application process.

E. A Local License issued by the local licensing authority constitutes a revocable privilege. The Applicant has the burden of proving its qualifications for a Local License at all times.

5.56.090 Transfer of ownership interest, modification or other material changes.

In addition to any requirements in this Chapter, the transfer of ownership interest, modification of a medical cannabis cultivation facility, and/or change of manager, location or other material change of the medical cannabis cultivation facility shall comply with the following:

A. The Licensee shall report the transfer of ownership interest, modification of medical cannabis cultivation facility, and/or change of manager, location or other material change of the medical cannabis cultivation facility to the City Manager or designee on forms prescribed by the local licensing authority, pay the fee established by resolution of the City Council and receive written approval from the City Manager or designee prior to any such transfer or change.

B. A Licensee shall not make physical change, alteration, or modification of the medical cannabis cultivation facility that materially or substantially alters the medical cannabis cultivation facility from the plans approved by the City without paying the fee established by resolution of the City Council and obtaining the prior written approval of the City. Material changes include, but are not limited to: a decrease in the number of security cameras, the relocation of a security camera identified in the application submitted pursuant to Section 5.56.070, an increase or decrease in the total square footage of the medical cannabis cultivation facility or the addition, sealing off, or relocation of a wall, common entryway, doorway, or other means of public ingress and/or egress. Applications for modifications of a medical cannabis cultivation facility shall be made on forms prescribed by the City.

C. For a transfer of ownership interest or change of manager, the City shall require a criminal background check for any new owner or manager of a medical cannabis cultivation facility that was not previously performed pursuant to this Chapter. The medical cannabis cultivation facility shall report by written notification of any change in owner or manager within ten (10) business days of the change.

D. For a change of location, a Licensee may apply to the City to change the location previously approved for such Local License to any other place in the City. Applications for changes of location shall be made on forms prescribed by the City. A change in location of a medical cannabis cultivation facility is subject to all zoning and distance requirements set forth in this Chapter and Chapter 17.43 and any and all other applicable local and state laws and regulation. It is unlawful to relocate any medical cannabis cultivation facility at any such place or location until the City grants express permission and the City has issued a conditional use permit to the Licensee at the new location.

E. No Licensee may sublet any portion of a Licensed Premises for any purpose without prior written City approval.

5.56.100 Renewal of a Local License.

A. A medical cannabis cultivation facility may apply for the renewal of a Local License no less than thirty (30) days prior to the Local License's expiration date. If the medical cannabis cultivation facility files a renewal application within thirty (30) days prior to expiration, the medical cannabis cultivation facility must provide a written explanation detailing the circumstances surrounding the late filing. The City may accept or reject such late filing in its discretion. The City may elect to administratively continue a Local License past its expiration date, provided that the Licensee has submitted a renewal application that is complete and pending final action.

B. An application for renewal will only be accepted if it is accompanied by the requisite licensing fees.

C. Each application for renewal shall include updated information for any part of the application that has undergone a change in circumstance since the original application or last renewal filing and shall recertify all information submitted in prior application(s).

D. Unless the City has expressly authorized in writing the renewal of the Local License, a Local License is immediately invalid upon expiration and the medical cannabis cultivation facility shall cease operations.

E. All Local Licenses are valid for one year. A Local License may be valid for less than the applicable license term if revoked, suspended, voluntarily surrendered, or otherwise disciplined.

5.56.110 Limitations on City's liability.

To the fullest extent permitted by law, the City shall not assume any liability whatsoever, with respect to approving any Local License pursuant to this Chapter or the operation of any medical cannabis cultivation facility approved pursuant to this Chapter. As a condition of approval a Local License as provided in this Chapter, the Applicant or its legal representative shall:

A. Execute an agreement indemnifying the City from any claims, damages, liabilities or other obligations of any kind whatsoever, associated with the operation of the medical cannabis cultivation facility;

B. Maintain insurance in the amounts and of the types that are acceptable to the City Manager or designee;

C. Name the City as an additional insured on all City required insurance policies;

D. Agree to defend, at its sole expense and with counsel of the City's choice, any action against the City, its agents, officers, and/or employees related to the approval of a Local License; and

E. Agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to the City's approval of a Local License.

F. Deposit with the City and maintain security of at least Twenty Thousand Dollars (\$20,000.00) that may be used by the City as, when and to the extent necessary to satisfy the Applicant's obligations under this Section 5.56.110. The security required by this paragraph shall be in the form of cash or any other form approved by the City in its sole and absolute discretion.

G. Expressly acknowledge in writing that (i) the City incurs no liability whatsoever as a result of the City's issuance of a Local License pursuant to this Chapter, a conditional use permit pursuant to Chapter 17.43 and/or approval of the security plan required by this Chapter, (ii) the Applicant is aware that the cultivation of cannabis may violate federal law, including, without limitation, the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, and the Applicant assumes all liability for such violation.

5.56.120 Additional terms and conditions.

Based on the information set forth in the application, the City Manager or designee may impose reasonable terms and conditions on the proposed operations of the medical cannabis cultivation facility in addition to those specified in this Chapter.

5.56.130 Medical cannabis cultivation facility operational requirements.

A medical cannabis cultivation facility must comply with the requirements set forth in this Chapter. Failure to comply with any of these requirements shall be considered grounds for suspension and/or revocation of a Local License.

A. General obligation to operate in compliance. A medical cannabis cultivation facility shall comply fully with all of the applicable restrictions and mandates set forth in applicable state and local laws and regulations, as well as the operating plan and security plan submitted pursuant to Section 5.56.070.

B. General obligation to pay taxes. A medical cannabis cultivation facility shall pay any applicable sales tax pursuant to federal, state, and local law, and all other legally required taxes and fees required by this Code.

C. General obligation for compliant facilities. A medical cannabis cultivation facility, as well as all operations as conducted therein, shall fully comply with all applicable rules, regulations, and laws including, but not limited to, this Chapter and Chapter 17.43 of the Code requiring application and issuance of a conditional use permit, the California Revenue and Taxation Code, the Americans with Disabilities Act, and all applicable state laws.

D. Inspection of records. A medical cannabis cultivation facility shall make its books, records and all other documents related to its operation available for inspection by any City officer, city official and/or law enforcement officer for purposes of determining compliance with the requirements of this Chapter.

E. Secure storage of product. Medical cannabis possessed by a medical cannabis cultivation facility shall be kept and stored in a secured manner within a limited access area or restricted access area at all times in compliance with the security plan approved pursuant to Section 5.56.070.

F. Prohibition on cannabis consumption on premises. On-site smoking, ingestion, or consumption of cannabis shall be prohibited on the premises of all medical cannabis cultivation facilities. The term “premises” as used in this subsection includes the actual building, as well as any accessory structures, common areas and parking areas. A sign shall be posted at each entrance of a medical cannabis cultivation facility that clearly and legibly states, “Smoking, ingestion, or consumption of cannabis on these licensed premises or in their vicinity is prohibited and a violation of the Lancaster Municipal Code.”

G. Prohibition on alcohol sales, distribution, or consumption on licensed premises. A medical cannabis cultivation facility shall not sell, provide, store, or distribute any product that would require that the seller possess a license issued by the California Department of Alcoholic Beverage Control.

H. Display of license and conditional use permit. A medical cannabis cultivation facility shall display a copy of its Local License issued pursuant to this Chapter and conditional use permit issued pursuant to Chapter 17.43 in a conspicuous place at the entrance to the licensed premises.

I. No physician evaluations on licensed premises. A medical cannabis cultivation facility shall not permit a physician to evaluate patients or to provide recommendations for medical cannabis within its licensed premises. Medical cannabis cultivation facilities shall not offer or provide any form of remuneration to a physician who recommends medical cannabis.

J. Community relations designee. A medical cannabis cultivation facility must provide the Community Development Director with the name, phone number, facsimile number, and email address of an on-site community relations representative or staff person or other representative to whom the City can provide notice if there are operating problems associated with the medical cannabis cultivation facility or refer members of the public who may have complaints or concerns regarding the medical cannabis cultivation facility.

K. Seed to sale tracking required. Until such a time that the State of California fully implements Section 19335 of the Business and Professions Code, a medical cannabis cultivation facility must utilize third-party software that tracks all sales, transfers, purchases, receipts, deliveries of medical cannabis and medical cannabis products. The software must be capable of producing electronic shipping manifests, tracking all medical cannabis inventory in possession of the medical cannabis cultivation facility, promptly identifying a discrepancy in the stock, and tracking medical cannabis from a qualified patient, or primary caregiver back to its source in the event of a serious adverse event.

L. Unique identifiers. A medical cannabis cultivation facility must comply with the unique identification program promulgated by the City Manager; provided, however, that any unique identification program promulgated by the City Manager shall, pursuant to Section 11362.777(f)(2) of the Health and Safety Code, adhere to the requirements set by the California Department of Food and Agriculture and be the equivalent to those administered by the California Department of Food and Agriculture.

M. Employee permits. No person shall be employed by or at medical cannabis cultivation facility, without a valid medical cannabis cultivation facility employee permit issued by the City to such person. A medical cannabis cultivation facility shall promptly supplement the information provided as part of its application pursuant to Section 5.56.070 with the names of all employees within 30 days of any change in the information originally submitted.

1. The city manager shall grant, deny and renew medical cannabis cultivation facility employee permits. The application for a permit shall be made on a form provided by the City Manager, or his or her designee. An original and 2 copies of the completed and sworn permit application shall be filed with the City Manager. The completed application shall contain the following information and be accompanied by the following documents:

- a. The employee's legal name and any other names used by the employee;
- b. The employee's age, date and place of birth;
- c. The employee's present residence address and telephone number;
- d. Whether the employee has been convicted of a criminal offense in the past 5 years as of the date of the application;
- e. Date, issuing state and number of state issued driver's license or identification card and social security number;
- f. Satisfactory written proof that the employee is at least 18 years of age;
- g. The employee's fingerprints on a form provided by the Los Angeles County Sheriff's Department, and a color photograph clearly showing the employee's face;
- h. If the application is made for the purpose of renewing a license, the employee shall attach a copy of the license to be renewed.

2. The completed application shall be accompanied by a non-refundable application fee as set by resolution of the City Council.

3. Upon receipt of an application and payment of the application fees, the City Manager shall immediately stamp the application as received, issue a temporary license to the employee which shall be valid for 15 days unless earlier terminated by the denial of a medical cannabis cultivation facility employee permit, and promptly investigate the application.

4. If the City Manager determines that the employee has completed the application improperly or the application is otherwise incomplete, the City Manager shall notify the employee of such fact within 10 business days of the date of receipt of the application, including the reasons the application is not complete. The city manager shall, in such event, grant the employee an extension of time of 10 days to complete the application properly. In addition, the employee may request an extension, not to exceed 10 days, of the time for the City Manager to act on the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension.

5. Within 15 days after receipt of the properly completed application, the City Manager shall grant or deny the application and so notify the employee. The City Manager shall grant the application and issue the permit unless the application is denied for one or more of the following reasons:

- a. The employee has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a permit or in any report or document required to be filed with the application or has omitted information reasonably necessary for issuance of the permit;
- b. The employee is under 18 years of age;
- c. The medical cannabis cultivation facility employee permit is to be used for employment in a business prohibited by state or local laws, ordinances, or regulations;

d. Within the preceding 10 years, the employee has been convicted of one or more of the following crimes that, if committed on the date of application, would be subject to prosecution as a felony:

1. Possession of a controlled substance for sale pursuant to Health and Safety Code Section 11351.
2. Sale of a controlled substance pursuant to Health and Safety Code Section 11352.
3. Any violent crime, as defined by Penal Code Section 667.5.
4. Any crime considered a “strike” pursuant to Penal Code Section 1192.7(c).
5. Such other crimes or offenses as may be determined by the City Council by resolution.

e. The City Manager or his/her designee determines issuance of the license would impair the health, safety or welfare of the public, cause negative impacts to property values, cause odor created by cannabis plants to impact adjacent properties, impair the City’s ability to prevent crime associated with cannabis, and/or impair the City’s ability to ensure that cannabis grown for medical purposes remains secure and does not find its way to non-patients, minors, or illicit markets.

6. The medical cannabis cultivation facility employee permit, if granted, shall state on its face the name of the person to whom it is granted, and the expiration date. The City Manager shall provide each person issued a medical cannabis cultivation facility employee permit with an identification card containing the employee’s name, address, photograph, and permit number. Both the permit and identification card shall be available for inspection at all times during which the employee is on the premises of the medical cannabis cultivation facility.

7. The City Manager or his/her designee may revoke an employee permit for Good Cause and/or for any of the following reasons:

- a. The employee knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a permit or in any report or document required to be filed with the application or has omitted information reasonably necessary for issuance of the permit;
- b. The employee is under 18 years of age;
- c. The medical cannabis cultivation facility employee permit has been used for employment in a business prohibited by state or local laws, ordinances, or regulations;

d. Within the preceding 10 years, the employee has been convicted of one or more of the following crimes that, if committed on the date of application, would be subject to prosecution as a felony:

1. Possession of a controlled substance for sale pursuant to Health and Safety Code Section 11351.
2. Sale of a controlled substance pursuant to Health and Safety Code Section 11352.
3. Any violent crime, as defined by Penal Code Section 667.5.
4. Any crime considered a “strike” pursuant to Penal Code Section 1192.7(c).
5. Such other crimes or offenses as may be determined by the City Council by resolution.

e. The City Manager or his/her designee determines the license has been used to impair the health, safety or welfare of the public, cause negative impacts to property values, cause odor created by cannabis plants to impact adjacent properties, impair the City's ability to prevent crime associated with cannabis, and/or impair the City's ability to ensure that cannabis grown for medical purposes remains secure and does not find its way to non-patients, minors, or illicit markets.

5.56.140 Inspections and enforcement.

Recordings made by security cameras, books, records and all other documents related to a medical cannabis cultivation facility's operation shall be made immediately available to the City Manager or designee upon written request; no search warrant or subpoena shall be needed to view the recorded materials.

A. Operation of the medical cannabis cultivation facility in non-compliance with any conditions of approval or the provisions of this Chapter shall constitute a violation of the municipal code and shall be enforced pursuant to the provisions of this Code.

B. The City Manager or designee may summarily suspend or revoke a Local License if any of the following, singularly or in combination, occur:

1. The City Manager or designee determines that the medical cannabis cultivation facility has failed to comply with this Chapter or any condition of approval or a circumstance or situation has been created that would have permitted the City Manager or designee to deny the Local License;

2. Operations cease for more than ninety (90) calendar days, including during change of ownership proceedings;

3. Ownership is changed without securing a Local License;

4. The medical cannabis cultivation facility fails to maintain 120 concurrent hours of security recordings;

5. The medical cannabis cultivation facility fails to allow inspection of the premises, security recordings, books, records or other documents by authorized City officials; and/or

6. Beginning January 1, 2018, or on the date that state licensing becomes available, the medical cannabis cultivation facility fails to possess and/or maintain a valid state license.

5.56.150 Appeals.

Any decision regarding the denial, suspension or revocation of a Local License may be appealed pursuant to the provisions set forth in Chapter 2.44.

5.56.160 Permits not transferable.

Notwithstanding any provision to the contrary set forth in this Chapter, Local Licenses issued pursuant to this Chapter are not transferable.

5.56.170 Violations.

A. Any violation of any of this Chapter is unlawful and a public nuisance.

B. Any violation of any of the provisions of this Chapter shall constitute a misdemeanor violation and upon conviction thereof any violation shall be punishable by a fine not to exceed \$1,000, or by imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

C. In lieu of issuing a misdemeanor citation, the City may issue an administrative citation for each violation of this Chapter pursuant to the procedures set forth in Chapter 9.48; provided, however, that notwithstanding the provisions of Section 9.48.060(E), the penalty amounts of administrative citations issued for violations of this Chapter shall be as follows, which city council may periodically adjust by resolution:

1. For the first administrative citation, the penalty shall be ten thousand dollars (\$10,000.00);

2. For the second and any subsequent administrative citation, the penalty shall be twenty thousand dollars (\$20,000.00).

D. The remedies provided herein are not to be construed as exclusive remedies, and in the event of violation, the City may pursue any proceedings or remedies otherwise provided by law.

5.56.180 Regulations.

The City Manager is authorized to promulgate such regulations as may be necessary or convenient to implement this Chapter.

EXHIBIT "B"
CHAPTER 17.43
MEDICAL CANNABIS CULTIVATION FACILITIES

Sections:

- 17.43.010 Purpose.
- 17.43.020 Relationship to other laws.
- 17.43.030 Definitions.
- 17.43.040 Manufacturing, distribution, delivery and retail sale of cannabis prohibited.
- 17.43.050 Medical cannabis cultivation facilities conditionally permitted; maximum number limited by City Council.
- 17.43.060 Local License and conditional use permit required to operate.
- 17.43.070 Conditional use permit application process; Development Agreement requirement..
- 17.43.080 Grounds for denial of conditional use permit.
- 17.43.090 Transfer of ownership interest to a new owner, modification of licensed premises and other material changes.
- 17.43.100 Appeals.
- 17.43.110 Permitted zones, distance requirements and other conditions for approval.
- 17.43.120 Confidentiality of information.
- 17.43.130 Limitations on City's liability.
- 17.43.140 Inspections.
- 17.43.150 Violations and enforcement.
- 17.43.160 Revocation of conditional use permit.
- 17.43.170 Public nuisance.
- 17.43.180 Regulations

17.43.010 Purpose.

A. The purpose of this Chapter is to regulate all "commercial cannabis activity" in the City, as that term is defined in Section 19300.5(k) of the Business and Professions Code, to the extent authorized by state law and in a manner designed to minimize negative impacts on the City and neighboring uses, and promote the health, safety, morals, and general welfare of residents and businesses within the City.

B. This Chapter is further adopted and established pursuant to the specific authority granted to the City in Section 7 of Article XI of the California Constitution and Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code. This Chapter, together with Chapter 5.56 and all other applicable law, shall govern all commercial cannabis activity that occurs within the City.

17.43.020 Relationship to other laws.

Except as otherwise specifically provided herein, this Chapter incorporates the requirements and procedures set forth in Chapter 3.5 (commencing with Section 19300) of Division 8 of the Business and Professions Code. In the event of a conflict between the provisions of this Chapter and the provisions of that Chapter or any other applicable state or local law, the more restrictive provision shall control.

17.43.030 Definitions.

A. The following terms shall be defined as follows:

“Applicant” has the same meaning as that term is defined by Section 19300.5(b) of the Business and Professions Code.

“Cannabis” has the same meaning as Section 19300.5(f) of the Business and Professions Code. For the purpose of this Chapter, “cannabis” does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

“Cannabis concentrate” has the same meaning as Section 19300.5(g) of the Business and Professions Code and shall mean manufactured cannabis that has undergone a process to concentrate one or more active cannabinoids.

“Cannabis cultivation facility” means a facility wherein cannabis is propagated, planted, grown, harvested, dried, cured, graded, labeled, tagged for tracking or trimmed, or that does all or any combination of those activities.

“Cannabis dispensary” or “dispensary” has the same meaning as Section 19300.5(n) of the Business and Professions Code and shall mean any business, office, store, or other retail “storefront” component of any medical cannabis cooperative or collective that dispenses, distributes, exchanges, sells or provides medical cannabis.

“Cannabis distribution facility” means any facility or location where the primary purpose is the procurement, sale, and transport of medical cannabis and medical cannabis products between entities.

“Cannabis facility” means collectively any cannabis cultivation facility, dispensary, distribution, testing laboratories or manufacturing facility, as those terms are defined in this Chapter.

“Cannabis manufacturing facility” has the same meaning as Section 19300.5(ae) of the Business and Professions Code and shall mean a facility where the production of cannabis concentrate, or preparation, propagation, or compounding of manufactured cannabis, either directly or indirectly or by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

“Cultivation” has the same meaning as Section 19300.5(k) of the Business and Professions Code and shall mean any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

“Delivery” has the same meaning as Section 19300.5(m) of the Business and Professions Code and shall mean the commercial transfer of medical cannabis or medical cannabis products from a dispensary, up to an amount determined by the State of California, to a primary caregiver, qualified patient or a testing laboratory. “Delivery” also includes the use by a cannabis facility of any technology platform owned and controlled by the dispensary, that enables qualified patients or primary caregivers to arrange for or facilitate the commercial transfer by a licensed dispensary of medical cannabis or medical cannabis products.

“Development Agreement” means a development agreement entered into by and between the City and Applicant pursuant to Section 65864 *et seq.* of the Government Code. The City Manager or his or her designee shall prepare a form of Development Agreement to be used for the purpose of this Chapter; provided, however, that the form of Development Agreement must at a minimum provide that the Applicant: (i) agrees to and shall pay to the City an annual surcharge determined by resolution of the City Council; (ii) covenants to not challenge the validity, enforceability or seek a refund of such surcharge; (iii) agrees that failure to timely pay such surcharge shall result in the immediate termination of the Development Agreement and revocation of the conditional use permit issued pursuant to this Chapter; and (iv) pay the first annual surcharge at the time the Development Agreement is submitted to the City for approval.

“Dispensary” has the same meaning as that term is defined by Section 19300.5(n) of the Business and Professions Code and shall mean a premises where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to Section 19340, medical cannabis and medical cannabis products as part of a retail sale.

“Distribution” has the same meaning as that term is defined by Section 19300.5(p) of the Business and Professions Code and shall mean the procurement, sale, and transport of medical cannabis and medical cannabis products between licensed cannabis business entities.

“Edible cannabis product” means has the same meaning as that term is defined by Section 19300.5(s) of the Business and Professions Code and shall mean manufactured cannabis that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible medical cannabis product is not considered food as defined by Section 109935 of the Health and Safety Code or a drug as defined by Section 109925 of the Health and Safety Code.

“Good Cause” for purposes of refusing or denying an initial conditional use permit, for revoking a conditional use permit, or for refusing or denying conditional use permit renewal or reinstatement, includes, but is not limited to, the following:

1. The Licensee or Applicant has violated any of the terms, conditions or provisions of this Chapter, of state law, of any regulations and/or rules promulgated pursuant to state law, any applicable local rules and/or regulations, the terms of an approved Development Agreement, or any special terms or conditions placed upon its conditional use permit, state license, and/or Local License;

2. The Licensed Premises have been operated in a manner that adversely affects the public health, safety or welfare or the safety of the immediate neighborhood in which the establishment is located, causes adverse economic impacts, increased crime, increased incidence of communicable disease, decreased property values and/or an increase in the number of transients in the area;

3. The Licensee or Applicant has knowingly made false statements, misrepresentations or material omissions on an application form, renewal form, or any other document submitted to the City;

4. The Applicant or Licensee's criminal history does not indicate that the Applicant or Licensee is of good moral character; or the Applicant or Licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made. In determining which offenses are substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, the City may consider, among other, the factors as set forth in Section 19323(b) of the Business and Professions Code;

5. The Licensee or Applicant is employing or being financed in whole or in part by any person whose criminal history indicates that person is not of good moral character;

6. The Applicant or Licensee has failed or refused to allow City officials to inspect security recordings, activity logs, or business records, of the licensed premises;

7. The Applicant or Licensee is owned by, has an officer or director who is, or is employing or financed in whole or in part by, a licensed physician making recommendations for medical cannabis;

8. The Applicant or Licensee has had a Local License revoked or has had more than one suspension on its Local License by the City;

9. The Applicant or Licensee operated a medical cannabis business in violation of this Chapter, Chapter 5.56, or any other applicable state or local law; or

10. Beginning January 1, 2018, or on the date that state licensing becomes available, the Applicant or Licensee fails to possess and/or maintain a valid state license.

"Legal parcel" means a parcel of land for which one legal title exists. Where contiguous legal parcels are under common ownership or control, such legal parcels may at the option of the property owner be counted as a single parcel for purposes of this Chapter.

"Licensee" means a person who has been issued a state license, Local License and a conditional use permit pursuant to this Chapter.

"Local License" means a medical cannabis regulatory permit issued by the City pursuant to Chapter 5.56.

"Manufacturer" has the same meaning as that term is defined by Section 19300.5(y) of the Business and Professions Code and shall mean a person that conducts the production, preparation, propagation, or compounding of manufactured medical cannabis or medical cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages medical cannabis or medical cannabis products or labels or relabels its container.

"State law(s)" shall mean and include California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996); California Health and Safety Code Sections 11362.7 through 11362.83 (Medical Cannabis Program Act); Medical Marijuana Regulation and Safety Act ("MMRSA"), and all other applicable laws of the state of California.

"State license," "license," or "registration" means a state license issued pursuant to the Medical Marijuana Regulation and Safety Act, as codified in Business and Professions Code Sections 19300 *et seq.*

"State licensing authority" shall mean the Bureau of Medical Cannabis Regulation within the Department of Consumer Affairs, the State Department of Public Health, or any other state agency responsible for the issuance, renewal, or reinstatement of a license issued under MMRSA or the agency authorized to take disciplinary action against such license.

B. Words and phrases not specifically defined in this code shall have the meaning ascribed to them as defined in the following sources:

1. The Compassionate Use Act of 1996 (California Health and Safety Code Section 11362.5);

2. The Medical Cannabis Program Act (California Health and Safety Code Sections 11362.7 through 11362.83); and

3. The Medical Marijuana Regulation and Safety Act (California Business & Professions Code Sections 19300 through 19360) as may be amended from time to time.

17.43.040 Manufacturing, distribution, delivery and retail sale of cannabis prohibited.

Within the City, it shall be unlawful to operate a cannabis manufacturing facility, cannabis distribution facility, cannabis dispensary and/or cannabis delivery business.

17.43.050 Medical cannabis cultivation facilities conditionally permitted; maximum number limited by City Council.

Medical cannabis cultivation facilities shall be conditionally permitted within the City, subject to the requirements of this Chapter, Chapter 5.56 and all other applicable state and local laws; provided, however, that the maximum number of medical cannabis cultivation facilities conditionally permitted within the City may be limited by resolution of the City Council. Such limitation may be based on number of medical cannabis cultivation facilities, the aggregate area of medical cannabis cultivation facilities, or any other measure determined by the City Council.

17.43.060 Local License and conditional use permit required to operate.

A. Medical cannabis cultivation facilities shall only be permitted to operate in the City following application, investigation, verification, notice and public hearing, approval and issuance of both a Local License issued by the City in accordance with the criteria and procedures set forth in Chapter 5.56 and a conditional use permit issued in accordance with the criteria and procedures set forth in this Chapter. No land use entitlement, permit (including building permit) approval, site plan, certificate of occupancy, zoning clearance, or other land use authorization for a medical cannabis cultivation facility shall be granted, permitted or valid unless a conditional use permit is first obtained and issued under this Chapter.

B. All persons who are engaged in or who are attempting to engage in medical cannabis cultivation shall do so only in strict compliance with the terms, conditions, limitations and restrictions of the MMRSA, Chapter 5.56, this Chapter and all other applicable state and local laws and regulations.

C. The City Manager is authorized to make policies and procedures consistent with this Chapter concerning the applications, the application process, the information required of Applicants, the application procedures and the administration and procedures to be used and followed in the application and hearing process.

17.43.070 Conditional use permit application process; Development Agreement requirement.

A. Prior to initiating operations and as a continuing requisite to operating a medical cannabis cultivation facility, the Applicant shall obtain a conditional use permit under the terms and conditions set forth in this Chapter. The Applicant shall file an application for a conditional use permit with the City's Development Services Department on the official form supplied by the City and shall pay the applicable application fee as established by resolution of the City Council, as may be amended from time to time. The provisions of Chapter 17.32 that govern conditional use permits generally shall apply to conditional use permits applied for and/or issued under this Chapter; provided, however, that to the extent of any conflict or inconsistency between Chapter 17.32 and this Chapter, the provisions of this Chapter shall control.

B. An application for a conditional use permit shall include at least the following information:

1. Environmental plan. An environmental plan indicating how cultivation will be conducted in accordance with state and local laws related to hazardous material disposal, land conversion, grading, electricity usage, water usage, and agricultural discharges.

2. Emergency response plan. An emergency response plan which complies with this Code and California Fire Code Section 401, and sets out standard operating procedures to be followed by all individuals in case of a fire, chemical release, chemical spill, or other emergency.

3. Local License. Proof that the Applicant has received a Local License for the proposed licensed premises, or a statement that the Applicant is applying for a Local License for the proposed licensed premises concurrently with the conditional use permit application.

4. Context aerial map. An aerial map stating the distances between the proposed medical cannabis cultivation facility and the nearest school, park and church.

5. Address of medical cannabis cultivation facility. The address of the location of the proposed medical cannabis cultivation facility.

6. Site plan and floor plan. A site plan and floor plan of the proposed medical cannabis cultivation facility denoting all uses of areas of the medical cannabis cultivation facility, including any and all storage, employee areas, exterior lighting, restrooms, security cameras, areas of ingress and egress, signage, limited access areas, and restricted access areas.

7. Interior improvements. Plans and specifications for the interior of the proposed licensed premises if the building to be occupied is in existence at the time of the application. If the building is not in existence or alteration to the building is required at the time of the application, the Applicant shall file a plot plan and a detailed sketch for the interior and shall further submit an architect's drawing of the building to be constructed or renovated.

8. Owner and manager information. The name and address of any person who is an owner, a manager and person responsible for the day-to-day operations of the proposed medical cannabis cultivation facility. If a Local License has been issued to the Applicant prior to the submission of the application for a conditional use permit, the application shall also contain a statement as to whether, subsequent to the issuance of the Local License, any individual included in this list has been convicted of a crime or crimes, the nature of such offense(s), and the sentence(s) received for such conviction(s).

9. Property owner information and acknowledgement. The name and address of the person that owns the real property upon which the proposed medical cannabis cultivation facility is to be operated. In the event the Applicant does not legally own the property, the application must be accompanied by a notarized acknowledgement from the person that owns the property that a medical cannabis cultivation facility will be operated on his or her property.

10. Operating plan. An operating plan for the proposed medical cannabis cultivation facility that includes at least the following information:

a. A description of the design of the proposed licensed premises evidencing that the design conforms to applicable City laws.

b. A description of the source of power (electric utility company, solar, diesel generators), the size of the electrical service or system, and the total demand to be placed on the system by all proposed uses on-site.

c. Verification of all water sources used by the proposed medical cannabis cultivation facility and verification that the proposed medical cannabis cultivation facility does not and will not utilize water that has been or is illegally diverted from any stream, creek, or river.

d. Evidence of compliance with all applicable environmental laws and regulations, including, without limitation, those pertaining to air and water quality.

d. Any additional document(s) or information reasonably requested by the City.

11. Security plan. A security plan that, to the satisfaction of the City, addresses how the Applicant intends to comply with and implement all requirements of this Chapter, Chapter 5.56 (including, but not limited to, Section 5.56.070(5)) and the MMRSA, including, but not limited to, a description of how the security measures are sufficient to ensure the safety of medical cannabis patients, primary caregivers, employees and volunteers, protect the proposed licensed premises from diversion and theft, and ensure that all buildings where medical cannabis is cultivated or stored are secured sufficiently to prevent unauthorized entry, and not less than the following requirements:

a. A diagram indicating all areas to be covered by the twenty-four-hour security cameras which shall include, but are not limited to, all limited and restricted access areas, all areas of ingress and egress, the public areas, storage areas, all doors and windows, and any other areas as required by this Chapter and the MMRSA.

b. An explanation of the methods the medical cannabis cultivation facility will undertake to ensure medical cannabis is under secure control of the medical cannabis cultivation facility's staff at all times.

12. Odor filtration system. Verification that the proposed medical cannabis cultivation facility will be equipped with an odor filtration system that meets the following requirements:

a. A medical cannabis cultivation facility shall install or provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the medical cannabis cultivation facility that is distinctive to its operation is not detected or detectable outside the medical cannabis cultivation facility, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breeze-ways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the medical cannabis cultivation facility.

b. For enforcement purposes, the standard for determining what constitutes an unlawful odor under this subsection shall be whether such an odor would be deemed offensive to a reasonable individual on an ongoing or periodic basis and personally detectable by City staff or law enforcement personnel.

13. Declaration. A statement in writing by the Applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

14. Acknowledgement. Authorization for the City to seek verification of the information contained within the application.

15. Any such additional and further information as is deemed necessary by the City to administer this Section or this Chapter.

C. The City staff shall review, verify and investigate all information on the application and prepare a report for the Planning Commission incorporating the findings of such investigation and verification, including, but not limited to, the suitability of the proposed location, and the Applicant's compliance with the requirements of this Chapter, Chapter 5.56 and all other applicable state and local laws and regulations. The Applicant shall be solely responsible for the cost of any environmental report, study or other document determined by the City to be necessary in order to process the application. Upon the City's demand, the Applicant shall deposit with the City the estimated cost of the environmental report, study or other document determined by the City to be required by applicable law.

D. An application for a conditional use permit shall be accompanied by a Development Agreement completed and executed by the Applicant, which shall be subject to the notice, public hearing, approval and other requirements set forth in Section 65864 *et seq.* of the Government Code. The City's approval of the Development Agreement shall be a condition precedent to the effectiveness of a conditional use permit under this Chapter.

17.43.080 Grounds for denial of conditional use permit.

A. The Planning Commission shall not hold a public hearing on or approve any application for a conditional use permit to operate a medical cannabis cultivation facility unless the Applicant holds a current and valid Local License issued pursuant to Chapter 5.56.

B. In addition to the findings set forth in Section 17.32.090 of this Code, a conditional use permit shall only be granted subject to certain conditions to protect the health, safety and general welfare of the neighborhood or community, subject to the following findings:

1. The medical cannabis cultivation facility as well as all operations as conducted therein, fully comply with all applicable environmental, building, electrical, zoning and fire Codes, accessibility requirements of the Americans with Disability Act, and all other applicable City and state laws and regulations; and

2. The medical cannabis cultivation facility complies with and meets all operating criteria required pursuant to state laws, Chapter 5.56 of this Code, any other applicable provisions of this Code, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in the conditional use permit.

C. Following the public hearing, the Planning Commission shall deny an application for a conditional use permit upon making any of the following findings, which shall be made part of the record of the meeting/public hearing:

1. The findings required by Section 17.32.090 or subsection A for the granting of a conditional use permit cannot be made; or

2. Good Cause, as defined in this Chapter.

D. Based on the information set forth in the application, the staff report presented by City staff and testimony presented at the public hearing, the Planning Commission may impose reasonable terms and conditions on a proposed medical cannabis cultivation facility in addition to those specified in and required to be included in every conditional use permit granted under this Chapter.

17.43.090 Transfer of ownership interest to a new owner, modification of licensed premises and other material changes.

In addition to any requirements in Chapter 5.56 of this Code, the following requirements for transfer of ownership to a new owner, or modification of a medical cannabis cultivation facility apply.

A. Change of ownership interest to a new owner. A conditional use permit approved in compliance with the provisions of this Chapter shall continue to be valid upon a change of ownership interest in the medical cannabis cultivation facility in the same area, configuration, and manner as it was originally approved in compliance with this Chapter. Notwithstanding anything in this Code to the contrary, a new owner of a medical cannabis cultivation facility may not commence operations at the premises until the transfer of ownership interest to a new owner has been approved by the City and been issued a Local License.

B. Modification of licensed premises. A medical cannabis cultivation facility shall not make physical change, alteration, or modification that materially changes the medical cannabis cultivation facility from the plans approved by the City and/or Planning Commission without paying the fee established by resolution of the City Council and obtaining the prior written approval of the City and Planning Commission. Material changes shall comply with all current building and safety Codes as determined by the fire chief and building official. Material changes include, but are not limited to: a decrease in the number of security cameras, the relocation of any security camera included in the security plan approved pursuant to Section 17.43.070, an increase or decrease in the total square footage of the licensed premises or the addition, sealing off, or relocation of a wall, common entryway, doorway, or other means of public ingress and/or egress.

17.43.100 Appeals.

Any decision regarding the Planning Commission's approval, conditional approval, denial, or revocation of a conditional use permit for a medical cannabis cultivation facility may be appealed to the City Council in accordance with the provisions of Chapter 2.44 of this Code.

17.43.110 Permitted zones, distance requirements and other conditions for approval.

- A. Distance requirements.
1. No medical cannabis cultivation facility shall be located:
 - a. Within six hundred (600) feet of a religious assembly;
 - b. Within one thousand (1,000) feet of a public or private school, college or university;
 - b. Within one thousand (1,000) feet of a day care center;
 - c. Within six hundred (600) feet of a residential use or residentially designated property;
 - d. Within six hundred (600) feet of a public park.

2. An Applicant for a conditional use permit pursuant to this Chapter may request, in conjunction with the conditional use permit, a waiver of the foregoing distance requirements. In considering such request, the Planning Commission may approve a waiver if it makes the following findings:

- a. The medical cannabis cultivation facility will serve a specific community need;
- and
- b. The distance waiver approved for the medical cannabis cultivation facility is not expected to result in an adverse effect on adjacent property, uses or residents.

3. Subject to the distance and other requirements of this Chapter, a medical cannabis cultivation facility may only be located on a property within the Light Industrial (LI) zone, Heavy Industrial (HI) zone, or any adopted specific plan that permits industrial uses, and following the application for and granting of a conditional use permit in accordance with this Chapter. In addition to the other required findings, the Planning Commission shall also consider whether approval of the proposed medical cannabis cultivation facility will violate the minimum requirements set forth in this Section.

4. All cultivation of medical cannabis shall occur in an enclosed locked structure that shall not exceed 22,000 square feet of Canopy area. All cultivation of medical cannabis outdoors within the City is prohibited.

5. A medical cannabis cultivation facility shall not exceed the square footage authorized pursuant to the conditional use permit.

6. From a public right-of-way, there should be no exterior evidence of the medical cannabis cultivation facility except for any signage authorized by this Chapter.

7. All medical cannabis cultivation facilities shall comply with the City's exterior lighting standards.

8. All doors and windows on medical cannabis cultivation facilities shall be appropriately secured and all medical cannabis securely stored in compliance with the security plan approved pursuant to Section 17.43.070

B. Any medical cannabis cultivation facility established or operating in the City in violation of the ban established by Ordinance No. 1012, shall not be considered a lawful or permitted nonconforming use. Further, any such unlawfully established medical cannabis cultivation facility shall constitute a public nuisance subject to abatement by the City.

C. All distances specified in this Section shall be measured in a straight line, without regard to intervening structures or topography, from the nearest point of the building or structure in which the medical cannabis cultivation facility is, or will be located, to the following locations.

- 1. Setbacks from schools, parks, churches and, shall be measured to the nearest property line of the parcel where such use is located.

- 2. If the medical cannabis cultivation facility is, or will be located, in a multi-unit building, the distances shall be measured from the nearest point of the unit in which the medical cannabis cultivation facility is or will be located.

17.43.120 Confidentiality of information.

A. The City's review of information submitted or maintained pursuant to this Chapter shall preserve the confidentiality of all information about Applicants, Licensees, owners, employees, volunteers, medical cannabis patients or primary caregivers to the maximum extent consistent with state and local law. The City shall incur no liability for the inadvertent or negligent disclosure of such information. Disclosure of any Applicant or Licensee information to the City for purposes of this Chapter shall not be deemed a waiver of confidentiality.

B. The City shall treat all financial information provided pursuant to this Chapter as financial data in accordance with the California Public Records Act (California Government Code Section 6254(n)).

C. Notwithstanding Section 56.10 of the California Civil Code, neither a medical cannabis cultivation facility, nor a City official, shall disclose, the names, addresses, or social security numbers of medical cannabis patients, their medical conditions, or the names of their primary caregivers, sooner than the tenth (10th) day after which the medical cannabis patient whose records are sought to be disclosed has been contacted.

D. To the extent permitted by law, recordings from security cameras, as well as operating plans and security plans required by this Chapter shall be confidential and shall not be subject to public inspection or disclosure except to City employees.

17.43.130 Limitations on City's liability.

To the fullest extent permitted by law, the City shall not assume any liability whatsoever, with respect to approving any Local License pursuant to this Chapter or the operation of any medical cannabis cultivation facility approved pursuant to this Chapter. As a condition of approval a Local License as provided in this Chapter, the Applicant or its legal representative shall:

A. Execute an agreement indemnifying the City from any claims, damages, etc., associated with the operation of the medical cannabis cultivation facility;

B. Maintain insurance in the amounts and of the types that are acceptable to the City Manager or designee;

C. Name the City as an additional insured on all City required insurance policies;

D. Agree to defend, at its sole expense and with counsel of the City's choice, any action against the City, its agents, officers, and/or employees related to the approval of a Local License; and

E. Agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to the City's approval of a Local License.

F. Expressly acknowledge in writing that (i) the City incurs no liability whatsoever as a result of the City's issuance of a Local License pursuant to this Chapter 5.56, a conditional use permit pursuant to this Chapter and/or approval of the security plan required by this Chapter, (ii) the Applicant is aware that the cultivation of cannabis may violate federal law, including, without limitation, the Controlled Substances Act, 21 U.S.C. § 801 *et seq.*, and the Applicant assumes all liability for such violation.

17.43.140 Inspections.

A. Recordings made by security cameras at any medical cannabis cultivation facility shall be made immediately available to the City's Development Services Department, the City Manager, the Los Angeles County Sheriff's Department or their designee upon verbal request for enforcement and/or criminal investigation purposes.

B. The City Manager, or his or her designee, law enforcement officers, City Development Services Department personnel and City code enforcement officers shall have the right to enter all medical cannabis cultivation facilities from time to time unannounced for the purpose of making reasonable inspections to observe and enforce compliance with this Chapter. Such inspections shall be limited to observing the licensed premises for purposes of determining whether the medical cannabis cultivation facility is being operated or maintained in compliance with this Code, state law, and other applicable laws and regulations.

17.43.150 Violations and enforcement.

A. Operation of a medical cannabis cultivation facility in non-compliance with any conditions of approval or the provisions of this Chapter, Chapter 5.56 or any other applicable state or local law or regulation shall constitute a misdemeanor and upon conviction thereof any violation shall be punishable by a fine not to exceed \$1,000, or by imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.

B. In lieu of issuing a misdemeanor citation, the City may issue an administrative citation for each violation of this Chapter pursuant to the procedures set forth in Chapter 9.48; provided, however, that notwithstanding the provisions of Section 9.48.060(E), the penalty amounts of administrative citations issued for violations of this Chapter shall be as follows, which city council may periodically adjust by resolution:

1. For the first administrative citation, the penalty shall be ten thousand dollars (\$10,000.00);

2. For the second and any subsequent administrative citation, the penalty shall be twenty thousand dollars (\$20,000.00).

C. In lieu of or in addition to the foregoing, the City may collect any and all abatement and related administrative costs pursuant to the provisions of Section 8.28.210.

D. The remedies provided herein are not to be construed as exclusive remedies, and in the event of violation or non-compliance, the City may pursue any proceedings or remedies otherwise provided by law.

E. Applicants and Licensees shall cooperate with employees and investigators of the City who are conducting inspections or investigations of or pertaining to the enforcement of laws and regulations related to this Chapter. No Applicant or Licensee shall by any means interfere with, obstruct or impede the City's Development Services Department, City Manager, law enforcement, or other City official from exercising their duties under the provisions of this Chapter and all rules promulgated pursuant to it.

17.43.160 Revocation of conditional use permit.

Revocations of a conditional use permit issued under this Chapter shall be governed by Section 17.32.890, *et seq.* of this Code. In addition to the grounds for revocation set forth in Section 17.32.890, the Planning Commission and/or the City Council may suspend or revoke a conditional use permit if the Planning Commission and/or the City Council find:

A. Good Cause;

B. The building, structure, equipment, location or manner of operation of such business does not comply with the requirements of or fails to meet the standards of the health, zoning, fire and safety laws of the state and ordinances of the City applicable to such business operations; or

C. The medical cannabis cultivation facility has failed to comply with this Chapter or any condition of approval or a circumstance or situation has been created that would have permitted the Planning Commission to initially deny the conditional use permit, including, but not limited to, failure to comply with the operating plan or safety plan approved pursuant to Section 5.56.070.

17.43.170 Public nuisance.

It is unlawful and shall constitute a public nuisance to establish, maintain, or operate a medical cannabis cultivation facility within the City without having first received a Local License pursuant to Chapter 5.56 and a conditional use permit pursuant to this Chapter.

17.43.180 Regulations.

The City Manager is authorized to promulgate such regulations as may be necessary or convenient to implement this Chapter.

RESOLUTION NO. 17-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LANCASTER, CALIFORNIA, ESTABLISHING FEES
REGARDING REGULATION OF MEDICAL CANNABIS

WHEREAS, the City Council (“City Council”) of the City of Lancaster (“City”) has introduced Ordinance No. 1019, which, if adopted, will add Chapters 5.56 and 17.43 to the City’s Municipal Code relating to the regulation of medical cannabis; and

WHEREAS, the Ordinance authorizes the City Council to establish certain application fees with respect to a local license pursuant to Chapter 5.56 of the City’s Municipal Code and conditional use permit pursuant to Chapter 17.43 of the City’s Municipal Code; and

WHEREAS, to determine the appropriate amount of each of the foregoing fees, the City has commissioned a study of the cost of administering the Ordinance; and

WHEREAS, in addition to the local License Application fee, the Ordinance requires payment of a Conditional Use Permit Application fee upon application for a conditional use permit for operation of a medical cannabis cultivation facility within the City; and

WHEREAS, the processing of a conditional use permit for operation of a medical cannabis cultivation facility within the City will require considerable expenditure of staff time and resources; and

WHEREAS, the City Council has previously adopted a Planning Fee Schedule setting forth the fees charged for conditional use permit applications; and

WHEREAS, the Ordinance further provides for the establishment of an annual surcharge to offset any impacts the operation of a medical cannabis cultivation facility may have on the City; and

WHEREAS, subject to the Ordinance’s adoption, the City Council now desires to establish the amount of each of the foregoing fees.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The foregoing recitals are a substantive part of this Resolution.

Section 2. The City Council has reviewed and hereby approves the fee study (“Fee Study”) prepared and submitted by NBS, a copy of which is attached hereto as Exhibit “A” and incorporated herein.

Section 3. Based on and consistent with the Fee Study, the initial application fee for a local license pursuant to Chapter 5.56.060 of the City’s Municipal Code shall be \$70,888, which amount may be amended from time to time by resolution of the City Council.

Section 4. Based on and consistent with the Fee Study, the annual application renewal fee for a local license pursuant to Chapter 5.56.060 of the City's Municipal Code shall be \$69,592, which amount may be amended from time to time by resolution of the City Council.

Section 5. Based on and consistent with the Fee Study, the fee for modification of a local license pursuant to Chapter 5.56.090 of the City's Municipal Code shall be \$1,201, which amount may be amended from time to time by resolution of the City Council.

Section 6. Based on and consistent with the Fee Study, the fee for transfer of ownership of a local license pursuant to Chapter 5.56.090 of the City's Municipal Code shall be \$1,201, which amount may be amended from time to time by resolution of the City Council.

Section 7. Based on and consistent with the Fee Study, the fee for change of location of a local license pursuant to Chapter 5.56.090 of the City's Municipal Code shall be \$1,201, which amount may be amended from time to time by resolution of the City Council.

Section 8. Based on and consistent with the Fee Study, the application fee for a conditional use permit pursuant to Chapter 17.43.070 of the City's Municipal Code shall be the amount set forth on line S-011 (Conditional Use Permit) of the City's Planning Fee Schedule, as the same may be amended from time to time by resolution of the City Council.

Section 9. The annual surcharge pursuant to Chapter 17.43.030 of the City's Municipal Code shall be \$15.00 per square foot of Canopy area, which amount may be amended from time to time by resolution of the City Council.

Section 10. This Resolution shall take effect immediately upon the City Council adopting Ordinance No. 1019. In the event the City Council does not adopt Ordinance No. 1019, this Resolution shall be of no force or effect.

PASSED, APPROVED, and ADOPTED this 14th day of February, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

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

I, _____, _____ City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. 17-04, 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)



870 Market Street, Suite 1223
San Francisco, CA 94102

Toll free: 800.434.8349

nbsgov.com

Date: January 10, 2017

To: Jason Caudle, Deputy City Manager, City of Lancaster

From: Nicole Kissam, Director, NBS

Subject: Summary of Lancaster's Cannabis Cultivation Regulatory Fee Analysis

The City of Lancaster (City) retained NBS to provide assistance in establishing fees for services to license, permit, and routinely monitor cannabis cultivation facilities within City limits. This Study identified the full cost of service required for these regulatory activities and translated those costs into a list of fees for service for the City Council to consider. The Council may decide whether to adopt fee amounts at 100% recovery of their costs, or less. The following sections summarize the approach and outcomes of this effort.

1. Background

It is generally accepted in California that cities are granted the authority to impose user fees and regulatory fees for services and activities they provide through provisions of the State Constitution. First, cities are granted the ability to perform broad activities related to their local policing power and other service authority as defined in Article XI, Sections 7 and 9. Second, cities are granted the ability to establish fees for service through the framework defined in Article XIII C, Section 1. Under this latter framework, a fee may not exceed the estimated reasonable cost of providing the service or performing the activity. For a fee to qualify as such, it must relate to a service or activity under the control of the individual/entity on which the fee is imposed. For example, the individual/entity requests service of the municipality or his or her actions specifically cause the municipality to perform additional activities. In this manner, the service or the underlying action causing the municipality to perform service is either discretionary and/or is subject to regulation. As a discretionary service or regulatory activity, the user fees and regulatory fees considered in this Study fall outside requirements that must otherwise be followed by the City to impose taxes, special taxes, or fees imposed as incidences of property ownership.

The City's chief purpose in conducting this Study were to ensure that any fees charged as a result of adoption a local Ordinance to regulate cannabis cultivation are calibrated to reflect the costs of providing City services.

2. Methods of Analysis

There were two phases of analysis required for this Study: a Fee Design exercise, and a Cost of Service Analysis.

First, NBS reviewed the City's most current draft Ordinance for cannabis cultivation. NBS identified the areas of the Ordinance which either required or warranted a fee for service, and interviewed relevant City staff to understand the level of effort and processes required for completing licensing, permitting, or annual monitoring activities which meet the requirements set forth in the Ordinance. The Study process also provided the opportunity for the City to propose fees for evaluation, as well as rename and classify fees differently as needed.

Second, NBS performed a Cost of Service Analysis. A cost of service analysis is a quantitative effort that compiles the full cost of providing governmental services and activities. Nearly all of the fees under review in this Study require specific actions on the part of City staff to provide the service or conduct the activity. Because labor is an underlying factor in these activities, the full cost of service was most appropriately expressed as a fully burdened cost per hour (fully burdened hourly rate). At the request of the City's project manager, NBS did not calculate the fully burdened hourly rates shown in the Study's outcomes. Instead, NBS relied on existing and recent documentation that provided a full suite of fully burdened hourly rates for all City staff positions. This Study was completed by another consulting firm, RCS, in Fiscal Year 2015-16.

The RCS rates were used in the Study to estimate the average full cost of providing each fee related service or activity included identified as a new fee item. This step required the development of staff time estimates for the services and activities listed. Because these services for cannabis cultivation regulation are new to the City, interviews and questionnaires were used to develop the necessary data sets describing estimated labor time. In most cases, City staff were asked to describe the processes required to meet the Ordinance's requirements, and then estimate the average amount of time (in minutes and hours) per typical occurrence of each service or activity considered. Every attempt was made to ensure that each program area having a direct role in the provision of each fee for service activity provided a time estimate.

Development of these time estimates was not a one-step process: estimates were reviewed to assess the reasonableness of such estimates. Based on this review, sometimes estimates were reconsidered until all parties were comfortable that they reasonably reflected average efforts required. Once finalized, the staff time estimates were then applied to the fully burdened rate to yield an average full cost of the service or activity.

3. Study Outcomes

Attachment "A" presents the results of the detailed cost recovery analysis for fee recoverable services. The "Cost of Service per Activity Column" establishes the maximum at which a fee could be charged for the corresponding service identified in the "Fee Description" list. The Attachment also provides detail regarding which City Department and/or City staff position provides services for each fee item, and an estimate of how long each service requires.

This Cost of Service Analysis provides the estimated total cost of providing each service. However, determining the resulting "price" charged for each service and/or establishing targeted level of cost recovery for an existing or new fee is not an analytical exercise. Instead, the resulting fee amounts adopted from this Study typically reflect agency-specific judgments linked to a variety of factors, such as existing City policies, agency-wide or departmental revenue objectives, economic goals, community values, market conditions, level of demand, and others. The only requirement for establishing a "price" that is different from the cost calculation outcome established by this Study is that the adopted fee amount does not exceed the cost calculation outcome.

Because this element of the Study is subjective, the consultant in charge of the analytical outcomes of this Study has provided the full cost of service information and the framework for considering fees, while those closest to the fee-paying population – the City departments and City Council – are tasked with providing initial recommendations and subsequent decisions regarding appropriate cost recovery levels at or below that full cost. As shown in Attachment “A,” the “Recommended Fee Level / Deposit” defaults to 100% of the “Cost of Service per Activity”. Please consult the City’s staff report for further discussion on the topic of pricing for services.

4. Conclusion

The initial outcomes of this Study will be presented to City Council for review and comment. The City’s staff report will include a recommended fee schedule document that considers the outcomes of this Study.

As a final note in this Study, it is worth acknowledging the path that fees in general have taken in California. The public demands ever more precise and equitable accounting of the basis for governmental fees and a greater say in when and how they are imposed. It is inevitable in the not too distant future that user fees and regulatory fees will demand an even greater level of analysis and supporting data to meet the public’s evolving expectations. Technology systems will play an increased and significant role in an agency’s ability to accomplish this. Continuous improvement and refinement of time tracking abilities will greatly enhance the City’s ability to set fees for service and identify unfunded activities in years to come.

In preparing this report and the opinions and recommendations included herein, NBS has relied on a number of principal assumptions and considerations with regard to financial matters, conditions and events that may occur in the future. This information and assumptions, including the City’s fully burdened hourly rates and time estimate data, were provided by sources we believe to be reliable; however, NBS has not independently verified such information and assumptions. While we believe NBS’ use of such information and assumptions is reasonable for the purpose of this report, some assumptions will invariably not materialize as stated herein and may vary significantly due to unanticipated events and circumstances. Therefore, the actual results can be expected to vary from those projected to the extent that actual future conditions differ from those assumed by us or provided to us by others.

CANNABIS CULTIVATION REGULATORY FEE STUDY

Cost of Service Analysis

Fee No. / Dept.	Fee Description	Notes	Estimated Average Labor Time Per Activity (hours)	Fully Burdened Hourly Rate	Cost of Service Per Activity (Maximum Fee Amount)	Recommended Fee Level / Deposit	Recommended Cost Recovery %
1	Local License Application Approval						
	a. Initial Application Processing						
FIN	Business Svcs Tech I/II		1.22	\$ 95	\$ 115.90		
FIN	Finance Director		0.17	\$ 316	\$ 53.72		
FIN	Senior Operations Manager (Purchasing and Business Services)		0.33	\$ 210	\$ 69.30		
ATTY	Assistant City Attorney		1.80	\$ 171	\$ 307.80		
ATTY	Paralegal (Mgmt. Analyst I)		1.00	\$ 140	\$ 140.33		
PLN	Planning - Assistant Planner		0.12	\$ 167	\$ 20.04		
PLN	Community Development Technician		0.12	\$ 102	\$ 12.24		
PS	Public Safety Services Specialists		2.40	\$ 128	\$ 307.20		
DEV	Planning Director		0.17	\$ 340	\$ 57.80		
PS	Public Safety Director		0.17	\$ 241	\$ 41.01		
MGR	City Manager		0.17	\$ 345	\$ 58.65		
DEV	Development Services Director		0.17	\$ 100	\$ 17.00		
					\$ -		
	Total		7.84		\$ 1,201	\$ 1,201	100%
	b. Annual Site-Regulation Services						
POL	Public Safety Services Specialists		440.00	\$ 128	\$ 56,320		
POL	Assistant City Attorney		12.00	\$ 171	\$ 2,052		
FIN	Business Svcs Tech I/II		12.00	\$ 95	\$ 1,140		
FIN	Senior Operations Manager (Purchasing and Business Services)		12.00	\$ 210	\$ 2,520		
	Plan Check Engineer II (SR Plan Check Engineer)		12.00	\$ 215	\$ 2,580		
PLN	Community Development Technician		12.00	\$ 102	\$ 1,224		
PLN	Assistant Planner		12.00	\$ 167	\$ 2,007		
PLN	Admin Assistant		12.00	\$ 87	\$ 1,044		
	Total		524.00		\$ 68,887	\$ 68,887	100%
2	Local License Application Renewal						
	a. Application Renewal Processing						
FIN	Business Svcs Tech I/II		0.42	\$ 95	\$ 39.90		
FIN	Finance Director		0.17	\$ 316	\$ 53.72		
FIN	Senior Operations Manager (Purchasing and Business Services)		0.16	\$ 210	\$ 33.60		
ATTY	Assistant City Attorney		0.40	\$ 171	\$ 68.40		
ATTY	Paralegal (Mgmt. Analyst I)		0.20	\$ 140	\$ 28.07		
PS	Public Safety Services Specialists		2.40	\$ 128	\$ 307.20		
DEV	Planning Director		0.17	\$ 340	\$ 57.80		
PS	Public Safety Director		0.17	\$ 241	\$ 41.01		
MGR	City Manager		0.17	\$ 345	\$ 58.65		
DEV	Development Services Director		0.17	\$ 100	\$ 17.00		
	Total		4.43		\$ 705	\$ 705	100%
	b. Annual Site-Regulation Services						
POL	Public Safety Services Specialists		440.00	\$ 128	\$ 56,320		
POL	Assistant City Attorney		12.00	\$ 171	\$ 2,052		
FIN	Business Svcs Tech I/II		12.00	\$ 95	\$ 1,140		
FIN	Senior Operations Manager (Purchasing and Business Services)		12.00	\$ 210	\$ 2,520		
	Plan Check Engineer II (SR Plan Check Engineer)		12.00	\$ 215	\$ 2,580		
PLN	Community Development Technician		12.00	\$ 102	\$ 1,224		
PLN	Assistant Planner		12.00	\$ 167	\$ 2,007		
PLN	Admin Assistant		12.00	\$ 87	\$ 1,044		
	Total		524.00		\$ 68,887	\$ 68,887	100%

CANNABIS CULTIVATION REGULATORY FEE STUDY

Cost of Service Analysis

Fee No. / Dept.	Fee Description	Notes	Estimated Average Labor Time Per Activity (hours)	Fully Burdened Hourly Rate	Cost of Service Per Activity (Maximum Fee Amount)	Recommended Fee Level / Deposit	Recommended Cost Recovery %
3	Transfer of Ownership						
FIN	Business Svcs Tech I/II		1.22	\$ 95	\$ 115.90		
FIN	Finance Director		0.17	\$ 316	\$ 53.72		
FIN	Senior Operations Manager (Purchasing and Business Services)		0.33	\$ 210	\$ 69.30		
ATTY	Assistant City Attorney		1.80	\$ 171	\$ 307.80		
ATTY	Paralegal (Mgmt. Analyst I)		1.00	\$ 140	\$ 140.33		
PLN	Planning - Assistant Planner		0.12	\$ 167	\$ 20.04		
PLN	Community Development Technician		0.12	\$ 102	\$ 12.24		
PS	Public Safety Services Specialists		2.40	\$ 128	\$ 307.20		
DEV	Planning Director		0.17	\$ 340	\$ 57.80		
PS	Public Safety Director		0.17	\$ 241	\$ 41.01		
MGR	City Manager		0.17	\$ 345	\$ 58.65		
DEV	Development Services Director		0.17	\$ 100	\$ 17.00		
	Total		7.84		\$ 1,201	\$ 1,201	100%
4	Change of Location						
FIN	Business Svcs Tech I/II		1.22	\$ 95	\$ 115.90		
FIN	Finance Director		0.17	\$ 316	\$ 53.72		
FIN	Senior Operations Manager (Purchasing and Business Services)		0.33	\$ 210	\$ 69.30		
ATTY	Assistant City Attorney		1.80	\$ 171	\$ 307.80		
ATTY	Paralegal (Mgmt. Analyst I)		1.00	\$ 140	\$ 140.33		
PLN	Planning - Assistant Planner		0.12	\$ 167	\$ 20.04		
PLN	Community Development Technician		0.12	\$ 102	\$ 12.24		
PS	Public Safety Services Specialists		2.40	\$ 128	\$ 307.20		
DEV	Planning Director		0.17	\$ 340	\$ 57.80		
PS	Public Safety Director		0.17	\$ 241	\$ 41.01		
MGR	City Manager		0.17	\$ 345	\$ 58.65		
DEV	Development Services Director		0.17	\$ 100	\$ 17.00		
	Total		7.84		\$ 1,201	\$ 1,201	100%
5	Modification Request / Other Request						
FIN	Business Svcs Tech I/II		1.220	\$ 95	\$ 115.90		
FIN	Finance Director		0.170	\$ 316	\$ 53.72		
FIN	Senior Operations Manager (Purchasing and Business Services)		0.33	\$ 210	\$ 69.30		
ATTY	Assistant City Attorney		1.800	\$ 171	\$ 307.80		
ATTY	Paralegal (Mgmt. Analyst I)		1.000	\$ 140	\$ 140.33		
PLN	Planning - Assistant Planner		0.120	\$ 167	\$ 20.04		
PLN	Community Development Technician		0.120	\$ 102	\$ 12.24		
PS	Public Safety Services Specialists		2.400	\$ 128	\$ 307.20		
DEV	Planning Director		0.170	\$ 340	\$ 57.80		
PS	Public Safety Director		0.170	\$ 241	\$ 41.01		
MGR	City Manager		0.170	\$ 345	\$ 58.65		
DEV	Development Services Director		0.170	\$ 100	\$ 17.00		
	Total		7.84		\$ 1,201	\$ 1,201	100%
6	Enforcement Investigation Activities						
	TBD Phase 2						

RESOLUTION NO. 17-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, ESTABLISHING THE MAXIMUM NUMBER OF LICENSES AND PERMITS THAT MAY BE ISSUED FOR CULTIVATION OF MEDICAL CANNABIS

WHEREAS, the City Council (“City Council”) of the City of Lancaster (“City”) has introduced Ordinance No. 1019, which, if adopted, will add Chapters 5.56 and 17.43 to the City’s Municipal Code relating to the regulation of medical cannabis cultivation; and

WHEREAS, the Ordinance authorizes the City Council to establish a maximum number of local licenses and conditional use permits that may be issued; and

WHEREAS, subject to the Ordinance’s adoption, the City Council now desires to establish the maximum number of local licenses and conditional use permits that may be issued.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The foregoing recitals are a substantive part of this Resolution.

Section 2. The City Manager shall have the authority to determine the maximum number of licenses and permits that may be issued pursuant to Chapters 5.56 and 17.43 of the City’s Municipal Code; provided, however, that under no circumstances shall more than ten (10) local licenses issued pursuant to Chapter 5.56 of the City’s Municipal Code and ten (10) conditional use permits issued pursuant to Chapter 17.43 of the City’s Municipal Code be issued and valid at any give time within the City. The provisions of this Section may be amended from time to time by resolution of the City Council.

Section 3. This Resolution shall take effect immediately upon the City Council adopting Ordinance No. 1019. In the event the City Council does not adopt Ordinance No. 1019, this Resolution shall be of no force or effect.

PASSED, APPROVED, and ADOPTED this 14th day of February, 2017, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

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

I, _____, _____ City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original Resolution No. 17-05, 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)

**MEMORANDUM
CITY OF LANCASTER, CA**

TO: Mayor Parris and City Council Members

FROM: Councilmember Ken Mann

DATE: February 14, 2017

SUBJECT: **Report on the Activities of the Board of Directors for District No. 14 of the County Sanitation Districts of Los Angeles County**

Recommendation:

Receive a report of the proceedings and issues discussed at the January 19, 2017 District No. 14 Board of Directors meeting of the County Sanitation Districts of Los Angeles County (District).

Background:

District No. 14 of the County Sanitation Districts of Los Angeles County is organized to receive through their trunk sewers the wastewater from all of the City of Lancaster, a small region of the westerly portion of the City of Palmdale, and a smaller region of the unincorporated County of Los Angeles. A Board of Directors comprised of a representative from each city and the County generally meets monthly to review and decide upon the business of the District.

The Board of Directors considered the following agenda items at January 19, 2017 meeting:

Approved received order filed as follows:

- (a) Certificate of Mr. Mark Ridley-Thomas, Presiding Officer of the Board of Supervisors of the County of Los Angeles
 - (b) Action Appointing Ms. Kathryn Barger as Alternate Director from the County of Los Angeles
- Approved minutes of meetings held November 17, 2016.
 - Approved Estimated November and December 2016 Expenses in Total Amount of \$5,230,000

Local District Expenses:

Operations & Maintenance (O & M) \$1,913,000
Capital 2,829,000

District No. 14's Share of Allocated Expenses for O & M and Capital:
Joint Administration 207,000
Technical Support 281,000
Total Expenses \$5,230,000

Voted for *Closed Session Conference with Real Property Negotiators*– Pursuant to Provisions of California Government Code Section 54956.8, Board of Directors will Meet in Closed Session to Discuss Potential Lease Terms and Water Rights for Approximately 4,480 Acres of District Property Located in Lancaster, California, and Identified on Attachments 1 and 2; District Negotiators: Grace R. Hyde, Robert C. Ferrante, and Ray Tremblay