CC 2	
10/09/07	
RSL	

LANCASTER CITY COUNCIL REGULAR MEETING MINUTES September 25, 2007

CALL TO ORDER

Mayor Hearns called the regular meeting of the City Council to order at 6:03

p.m.

ROLL CALL

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

Visokey, Mayor Hearns

Staff Members: City Manager, Assistant City Manager, Interim Assistant

City Manager, City Attorney, City Clerk, Planning Director, Assistant Public Works Director, Assistant Parks, Recreation & Arts Director, Finance Director, Economic Development Director, Housing Director,

Human Resources Director

AGENDA ITEMS TO BE REMOVED

None

APPROVAL OF CONSENT CALENDAR Vice Mayor Visokey requested that Consent Calendar Item Nos. CC 2 and CC 8 be pulled from the Consent Calendar for separate discussion and action.

Mayor Hearns requested that Consent Calendar Item Nos. CC 3 and CC 7 be pulled from the Consent Calendar for separate discussion and action, per the request of a citizen.

On a motion by Council Member Jeffra and seconded by Mayor Hearns, the City Council approved the Consent Calendar with the exception of Item Nos. CC 2; CC 3; CC 7; CC 8, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: None

CC 1.
ORDINANCE
WAIVER

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

CC 2. MINUTES

Vice Mayor Visokey stated that he felt that the minutes did not accurately reflect his concerns regarding New Business Item No. 1 which pertained to analysis of expenditures for FY 05/06 through FY 07/08. He requested that the minutes be amended as follows:

Vice Mayor Visokey stated that he was concerned, looking at the numbers for registration/travel/per diem more than publications, based on comparisons and as a public official he is supposed to watch the citizen's pocket book and he had concerns about the budgeted numbers.

On a motion by Council Member Smith and seconded by Council Member Jeffra the City Council minutes of September 11, 2007 were approved as amended, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: None

CC 3. CHECK AND WIRE REGISTERS

Addressing the Council on this matter:

J. Bartee – Inquired as to the process for the Check and Wire Registers and the fact that the City is spending approximately \$250,000.00 per day. Requested clarification of expenditures and the process.

The City Manager stated that the Council has approved a \$180 million dollar annual operating and capital budget including the Redevelopment Agency. There are multi-million dollar construction projects; there is payroll to be met; the periodic purchase of equipment, supplies, fuel that is made and over the course of the year, that \$180 million dollars is spent down. He stated that if Mr. Bartee was interested he could arrange for staff to discuss the fundamental concepts of the budget with him.

Vice Mayor Visokey explained that as Council Members there is no way as individuals that they can go into detail on each and every budget item when the City Council Agendas are distributed. He stated that he does review the agenda, he reviews the Check and Wire Registers and if he sees items of concern he makes a phone call to staff to get answers and makes sure it is all in line with what is in the budget.

CC 3. CHECK AND WIRE REGISTERS (continued)

The City Manager stated that the City has very thorough policies and procedures regarding the encumbrance of City dollars for anything. These procedures must be adhered to and there are also checks and balances within the system. It would be very difficult for staff to abuse those funds and the Council has adopted rules and regulations regarding procurement and how money is used to purchase goods and services when it is required to have sealed competitive bidding. When departments submit bills they are required to submit invoices and proof of acquisitions of those goods and certain spotchecks and audits are done on these activities. There is a high degree of accountability for the public's money.

Vice Mayor Visokey stated that he appreciated Mr. Bartee's interest and inquiry into this issue and into the expenditures of the City's money.

On a motion by Council Member Jeffra and seconded by Vice Mayor Visokey, the City Council approved the Check and Wire Registers (August 26, 2007 through September 8, 2007) in the amount of \$3,193,271.65, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: None

CC 4. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the July, 2007 Monthly Report of Investments.

CC 5. RESO. NO. 07-173 AUTHORIZATION OF DESTRUCTION OF CERTAIN RECORDS

Adopted **Resolution No. 07-173,** authorizing the destruction of certain records (Insurance, Subpoenas, Public Records Requests, Nomination Papers, Election Related Documents, Roster of Voters, Speaker Cards, Closed Session, Claims, City Property Claims, Statement of Economic Interest, Original Report and Statements, Accident/Incident/Damage Reports, Door Access Code Printouts, Refunds-Recreation Programs, Recreation Facility Use, Registration-Recreation Programs, Sports, Cares Program, Poppy Festival, Summer Day Camp, Payroll-Registers).

CC 6. RESO. NO. 07-174 ACQUISITION OF COUNTY TAX DEFAULTED PROPERTIES PARCELS CONTRACT NO. 2588

Adopted **Resolution No. 07-174**, authorizing the acquisition of County Tax Defaulted Properties and declaring the public purpose thereof. (Tax Deeded Parcels Contract No. 2588)

CC 7.

AWARD OF PWCP NO. 07-015 MALL LOOP ROAD IMPROVEMENTS TO ANM

CONSTRUCTION &

ENGINEERING

Addressing the City Council on this matter:

J. Bartee – Inquired as to the Engineer's Estimate which is mentioned within the staff report. He inquired as to why projects are sent out for bid when there is an Engineer on staff.

The City Attorney stated that the City is required by law to request bids on projects. He stated that the City has a number of Engineers but the City is absolutely required by law to bid Public Works Contracts.

The City Manager stated that the actual construction work and design is usually done by outside experts that the City does not keep on staff. To keep such experts on staff would be far too expensive for a City this size and the level of construction and design work that this undertakes. It is more economical and it saves the taxpayers money to handle it this way. Small, simple work, wherever it can be done, is done in-house with the people on staff.

On a motion by Council Member Jeffra and seconded by Vice Mayor Visokey, the City Council awarded **Public Works Construction Project No. 07-015**, Mall Loop Road Improvements, to ANM Construction & Engineering in the amount of \$1,248,018.00 (plus a 10% contingency) for the construction of Mall Loop Road Improvements and authorized the City Manager, or his designee, to sign all documents, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: None

CC 8. APPROPRIATION OF FUNDS FOR UNDERGROUND TANK REMOVAL PROJECT

Vice Mayor Visokey inquired as to why the \$130,000.00 expenditure was coming from the General Fund Balance for this project. He stated that he is concerned that this will cause a \$130,000,00 reduction from the reserve.

The Finance Director stated that other funding sources were looked at and there were no other sources that were eligible to be used for this particular project and due to this reason, it was necessary to take the money from the General Fund.

Vice Mayor Visokey stated that this \$130,000.00 plus the \$150,000.00 reduction to televise City Council meetings reduces the General Fund by \$280,000.00 and inquired as to what percent this leaves the reserve at. He stated that he is very concerned about the spending.

CC 8.
APPROPRIATION OF
FUNDS FOR
UNDERGROUND
TANK REMOVAL
PROJECT
(continued)

The Finance Director stated that there is a 10% operating reserve and the financial stability reserve. Staff is in the process of closing year-end and there is more than the 10% based on the year-end projections. Typically the General Fund is not the first choice to look at for funding.

Council Member Smith stated that since the other funding sources were not available why staff didn't consider cutting something else from the CIP budget.

The Assistant Public Works Director stated that all the other projects were approved to move forward on and this particular project was somewhat of an emergency. He stated that he was not sure if there were other projects that the money could have been pulled from, however he felt there may not be other monies available that would fit the criteria of this project. He stated that staff is looking into State Orphan - UST Underground Storage fund to see if the City is eligible as well as the Brownfield funds to see if there is a possibility of replacement funding for this project. This item is of an urgent matter as the City has a date of October 15, 2007 to report to the Regional Board about the water quality assessment that lies underneath these tanks.

Council Member Jeffra inquired – is this the best that the City could have done.

The Assistant Public Works Director stated that under the circumstances this is the best solution.

On a motion by Vice Mayor Visokey and seconded by Council Member Jeffra, the City Council appropriated \$130,000.00 additional funds from the General Fund balance to Account No. 101-17ZZ001-924 for the Underground Tank (UST) Removal Project located at 501 West Avenue J on the northwest corner of Sierra Highway and Avenue J, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: None

This project requires groundwater monitoring involving drilling and installation of five groundwater monitoring wells to determine ground-water parameters and flow direction and to assess potential impact of USTs to groundwater. Groundwater monitoring will continue quarterly for a period of one year and be reported to the Lahontan Regional Water Quality Control Board (Water Board) as required.

CITY COUNCIL REGULAR MEETING MINUTES SEPTEMBER 25, 2007

Page 6

INCREASE IN CONTRACT WITH SIM ENGINEERING, INC. FOR PWCP NO. 07-023

Approved Change Order No. 1 and increased the total amount of the contract with SIM Engineering, Inc. for **Public Works Construction Project No. 07-023**, Avenue J-1 Storm Drain Improvements, by \$3,058.00 for a total revised contract amount of \$87,478.00.

CC 10. ACCEPTANCE OF MAINTENANCE FOR DRAINAGE IMPROVEMENTS FOR TRACT NOS. 53184; 53184-01; 54411: 060943

Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District Annexation Nos. 03-40, 05-08, 05-84, installed for Tract No. 53184, located at the northeast corner of Avenue J-8 and 45th Street West, Owner: Western Pacific Housing, Inc., Tract No. 53184-01, located at the southeast corner of Avenue J-8 and 45th Street West, Owner: Western Pacific Housing, Inc., Tract No. 54411, located on the south side of Avenue K-8 approximately 770 feet east of 30th Street West, Owner: AV Housing Corporation, and Tract No. 060943, located on the south side of Avenue K-8 approximately 660 feet east of Challenger Way, Owner: Richmond American Homes.

CC 11. ACCEPTANCE OF MAINTENANCE FOR LANDSCAPE IMPROVEMENTS FOR

TRACT NO. 54315

Approved and accepted for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, Annexation No. 300, installed for Tract No. 54315, located at the southwest corner of Newgrove Street and 30th Street East, Owner: Avalon Meadows, LLC.

APPROVAL OF COMPLETED SEWER SYSTEMS FOR TRACT NOS. 31613: 061079: 060427

Approved the completed sewer systems installed by the developers of Tract No. 31613, located on the south side of Lancaster Boulevard approximately 330 feet west of 25th Street East, Owner: Regency Hills Homes, III, LLC; Tract No. 061079, located at the southwest corner of Avenue K-6 and Carpenter Drive, Owner: Richmond American Homes of CA; and Tract No. 060427, located at the northeast corner of 40th Street West and Avenue J-12, Owner: Lancaster Palms, LLC.

CC 13. APPROVAL OF COMPLETED WATER SYSTEMS FOR TRACT NOS. 54315; 060948; 060857; 060450-01; 060512

Approved the completed water systems installed by the developers of Tract No. 54315, located on the southwest corner of Newgrove Street and 30th Street East, Owner: Avalon Meadows, LLC; Tract No. 060948, located at the northeast corner of Avenue I and 5th Street East, Owner: Avalon Meadows LLC; Tract No. 060857, located at the northwest corner of 30th Street East and Nugent Street, Owner: Avalon Meadows, LLC; Tract No. 060450-01, located on the west side of 60th Street West, approximately 660 feet south of Avenue K, Owner: Capital Pacific Holdings, Inc.; and Tract No. 060512, located at the southwest corner of 17th Street East and Avenue J, Owner: KB Homes Greater Los Angeles, Inc.

CC 14. AGREEMENT WITH THIRDWAVE CORP. FOR IT MANAGEMENT SERVICES

Approved Professional Services Agreement with ThirdWave Corporation for Information Technology (IT) Project Management Services.

Proposed Annexations to Lancaster Drainage Benefit Assessment District

CC 15. RESO. NOS. 07-175 AND 07-176 ANNEX. NOS. 05-76 AND 07-09 TO LDBAD

Annexation No. 05-76, Permit No. 05-03518, located on the north side of Avenue L-8 between 20th Street West and 15th Street West. Owner: Herb D. Knight, an unmarried man.

Annexation No. 07-09, Permit No. 06-03443, located at the northeast corner of 5th Street East and Woodington Avenue. Owner: Brista Acosta, as trustee of the Sancroft Trust #3140-001-028 UDT 3-1-06.

- A) Adopted **Resolution No. 07-175**, initiating proceedings for the annexation of territories to Lancaster Drainage Benefit Assessment District to be established pursuant to the Benefit Assessment Act of 1982 and California Constitution Article XIIID (Annexation Nos. 05-76 and 07-09.)
- B) Adopted **Resolution No. 07-176**, approving the Engineer's Report and the time and place for Public Hearing, and declaring its intention to annex territories into Lancaster Drainage Benefit Assessment District and to levy and collect assessments pursuant to the Benefit Assessment Act of 1982 and California Constitution Article XIIID (Annexation Nos. 05-76 and 07-09.)

Proposed Annexations to Lancaster Lighting Maintenance District

CC 16. RESO. NOS. 07-177 AND 07-178 ANNEX. NOS. 607 AND 778 TO LLMD Annexation No. 607, Permit No. 05-03518, located on the north side of Avenue L-8 between 20th Street West and 15th Street West. Owner: Herb D. Knight, an unmarried man.

Annexation No. 778, Permit No. 06-03443, located at the northeast corner of 5th Street East and Woodington Avenue. Owner: Brista Acosta, as trustee of the Sancroft Trust #3140-001-028 UDT 3-1-06.

- A) Adopted **Resolution No. 07-177**, initiating proceedings for the annexation of territories into Lancaster Lighting Maintenance District, an Assessment district established pursuant to the Landscaping and Lighting Act of 1972 and California Constitution Article XIIID (Annexation Nos. 607 and 778.)
- B) Adopted **Resolution No. 07-178**, approving the Engineer's Report and the time and place for Public Hearing, and declaring its intention to annex territories into Lancaster Lighting Maintenance District and to levy and collect assessments pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California and California Constitution Article XIIID (Annexation Nos. 607 and 778.)

Page 8

PH 1. RESO. NO. 07-179 CONFIRMING DIAGRAMS AND ASSESSMENTS FOR ANNEX. NOS. 05-76 AND 07-09 TO LDBAD

Mayor Hearns opened the Public Hearing. The Assistant Public Works Director presented the staff report regarding proposed annexations to the Lancaster Drainage Benefit Assessment District. There being no further testimony, Mayor Hearns closed the Public Hearing.

On a motion by Council Member Sileo and seconded by Council Member Jeffra, the City Council adopted **Resolution No. 07-179**, confirming the diagrams and assessments and ordering the annexation of territories into Lancaster Drainage Benefit Assessment District and levy of assessment (Annexation Nos. 05-76 and 07-09), by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: None

PH 2. RESO. NO. 07-180 CONFIRMING DIAGRAMS AND ASSESSMENTS FOR ANNEX. NOS. 607 AND 778 TO LLMD

Mayor Hearns opened the Public Hearing. The Assistant Public Works Director presented the staff report regarding proposed annexations to the Lancaster Lighting Maintenance District. There being no further testimony, Mayor Hearns closed the Public Hearing.

On a motion by Council Member Jeffra and seconded by Council Member Sileo, the City Council adopted **Resolution No. 07-180**, confirming the diagrams and assessments and ordering the annexation of territories into Lancaster Lighting Maintenance District (Annexation Nos. 607 and 778), by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: None

CA 1. APPOINTMENT TO AV MOSQUITO & VECTOR CONTROL DISTRICT BOARD

Mayor Hearns requested Council consideration of the appointment to the Antelope Valley Mosquito & Vector Control District Board. Mayor Hearns requested approval of Randy Hall to the District Board. Randy Hall is a local businessman in the community.

On a motion by Mayor Hearns and seconded by Council Member Jeffra, the City Council approved the appointment of Randy Hall to the Antelope Valley Mosquito & Vector Control District Board, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: None

CA 2. CELL PHONE POLICY FOR COUNCIL MEMBERS

Mayor Hearns opened the discussion regarding the implementation of the Cell Phone Policy for City Council Members.

Council Member Jeffra requested that this remain as simple as possible.

Council Member Smith stated that Council had requested some information from staff as to what is being spent now and there is a need not only for the public but also for staff to have communication with the Council. Council should look at the current expense, minus taxes. Currently, \$83.00 is spent per month per Council Member for cell phone use - make this amount \$100.00 with taxes. Approve a \$200.00 one-time stipend for the purchase of cell phones, Council pays the taxes on this, then there is no requirement for use of public funds.

Mayor Hearns requested clarification on this matter from the City Manager.

The City Manager stated that the Internal Revenue Service (IRS) has made a finding that even the diminimus use of a cell phone that is owned by the City, by the employees or the Council is a taxable item and would make the entire cost of the phone, and the monthly service, taxable to the person who is using it in the service of the government and if there is any casual use of that phone for a personal call. A policy has been established for City staff but it does not apply to the City Council. The City Council has a policy decision to address.

Council Member Smith stated that to go further on this, the way it is done now, Council would have to audit and be audited and take valuable time and personal expense to review the use and determine what calls were personal and what calls were business, and the whole purpose means Council would pay taxes on this anyway. Time is valuable and it would be a lot simpler to pay taxes on it up front – this is the easier, simpler way to handle it and this is one of the ways the IRS is recommending.

Mayor Hearns agreed and would not want to spend valuable time dissecting the phone bills or keeping a record of all of the calls.

Council Member Smith's recommendation was in-line with the recommendation from the IRS. \$200.00 one-time stipend to purchase a phone and \$100.00 per month for expenses and this would be put on the Council's W-2's, it would be taxed. He recommended that staff come back with the proper policy for approval by Council.

CA 2. CELL PHONE POLICY FOR COUNCIL MEMBERS (continued)

The City Manager stated that staff will return with a formal policy for approval.

The City Attorney stated that the appropriate action regarding the issue of appropriation of funding will be taken, when the policy returns for Council approval.

Council Member Jeffra stated that he uses his own phone, not a City phone and to keep track of phone records and phone calls would be too cumbersome. He agrees with the recommendation, it will make everything simpler.

Council Member Sileo stated that he carries phones, pagers and whichever way he can carry the fewest electronic devises he is good with.

Vice Mayor Visokey stated that he uses the cell phone very little and that where he works he is not allowed to have a cell phone and that is not how the City contacts him anyway, therefore this is the way to handle it.

On a motion by Council Member Smith and seconded by Vice Mayor Visokey the City Council directed staff to return to Council with a formal Cell Phone Policy for approval, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearns; NOES: None; ABSTAIN: None; ABSENT: None

CITY MANAGER ANNOUNCEMENTS

None

CITY CLERK ANNOUNCEMENT

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

PUBLIC BUSINESS FROM THE FLOOR NON-AGENDIZED

Addressing the Council at this time:

David Paul – Discussed the book sale that was presented by Friends of the Library and referred to the books – The Future of Globalization and The World Is Flat.

Darren Parker – Water issues in his neighborhood; concerns regarding the water shortages in L.A. County and the Antelope Valley.

The City Manager stated that he and staff are investigating what the options are regarding this matter and he stated that Mr. Neal and Mr. Dassler will be working on this and will get back to Mr. Parker regarding this issue.

PUBLIC BUSINESS FROM THE FLOOR NON-AGENDIZED (continued)

J. Bartee – Concerns regarding the contract with Urban Futures; duties of Urban Futures; duties of the City Attorney; contract should be reconsidered and the consultant should report to the City Manager not the City Attorney.

Vice Mayor Visokey referred to a letter that was presented to the Council during the Agency portion of the meeting regarding this matter. He requested some clarification from the City Attorney regarding an article that was in the Antelope Valley Press on this matter and had concerns about the inaccuracies of the article.

The City Attorney stated that the article that appeared in the paper was very factual and a fairly decent article with one exception. The exception is where the article referred to the ongoing negotiations with the former City Manager – Jim Gilley. That is factually incorrect; there are no more negotiations to take place with Mr. Gilley or Mr. Visco. The negotiations that Council was talking about have to do with the owners of the frontage property along 10th Street West which would be the Smith Family, Mr. Taheri, as well as the buyers of a major segment of the commercial portion of that project. *IF* there are negotiations to take place it would be among those three property owners with the City acting as the facilitator. As of today there has not been a request of the City to do anything or to get involved. The City is presuming at this time, that those three parties are attempting to come to some kind of understanding as to how their respective properties are involved in the implementation of the Specific Plan.

Vice Mayor Visokey stated that the editorial itself made it sound like it was negotiations with others.

The City Attorney stated that the premise of the editorial was completely wrong and it was based on one part of the previous story. He stated that he did communicate his feelings concerning this factual inappropriateness to the editor of the newspaper.

Nicole Parson – Commended staff on a difficult job; people are feeling disconnected; voices need to be heard.

Cleo Goss – Concerns regarding a traffic counter in the area of 60th Street West and Avenue L; concerns regarding the Economic Forecast data for Lancaster.

Richard Hecker – Requested that Council keep an open mind; citizens are helping Council by gathering information regarding large supercenters.

CITY COUNCIL REGULAR MEETING MINUTES SEPTEMBER 25, 2007 Page 12

ATTEST:

PUBLIC BUSINESS
FROM THE FLOOR
NON-AGENDIZED
(continued)

The City Attorney stated that Council understands the laws of due process and the time to submit documents regarding this matter is when this matter comes before the Planning Commission for the first time. If there are documents and written arguments, citizens should put those in a written summary, include all attachments that they want and submit this in writing to the Planning Commission to be a part of that record. That record will then come to the City Council as well for full consideration at that time.

Council Member Sileo inquired as to whether interested citizens can be put on a mailing list so they know when this matter is coming up and they will know when to submit these documents.

The City Attorney stated that under the Brown Act, it allows people to submit their names requesting notice of meetings and the City would have to give them appropriate notice.

COUNCIL COMMENTS

Council Member Sileo requested that an item be placed on the next agenda regarding consideration/modification of media training for televised Council meetings.

Mayor Hearns recognized Cub Scout Pack 661 (Scorpion Patrol) who are working on their Citizen's Pin.

ADJOURNMENT

Mayor Hearns adjourned the meeting at 7:18 p.m. and announced the next regular meeting of the City Council would be held on Tuesday, October 9, 2007 at 6:00 p.m.

APPROVED:

GERI K. BRYAN, CMC	HENRY W. HEARNS	
City Clerk	Mayor	
City of Lancaster	City of Lancaster	

CITY COUNCIL REGULAR MEETING MINUTES SEPTEMBER 25, 2007 Page 13

STATE OF CALIFORNIA) COUNTY OF LOS ANGELES) ss CITY OF LANCASTER)
CERTIFICATION OF MINUTES CITY COUNCIL
I,
WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this day of,
(seal)
1