

**LANCASTER CITY COUNCIL
REGULAR MEETING
MINUTES
December 11, 2007**

CALL TO ORDER	Mayor Hearn called the regular meeting of the City Council to order at 6:01 p.m.
ROLL CALL	<p>Present: Council Members: Jeffra, Sileo, Smith, Vice Mayor Visokey, Mayor Hearn</p> <p>Absent: None</p> <p>Staff Members: Interim City Manager, Interim Assistant City Manager, City Attorney, Deputy City Clerk, City Clerk, Planning Director, Public Works Director, Parks, Recreation & Arts Director, Finance Director, Economic Development Director, Housing Director, Human Resources Director</p>
AGENDA ITEMS TO BE REMOVED	Interim City Manager, Mark Bozigian stated that Item No. CC 25 should be removed from the agenda. This item will return to Council for approval at a later date.
APPROVAL OF CONSENT CALENDAR	On a motion by Council Member Sileo and seconded by Council Member Jeffra, the City Council approved the Consent Calendar with the exception of CC 25, by the following vote: 5-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; 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	Approved the Regular meeting minutes of November 13, 2007.
CC 3. CHECK AND WIRE REGISTERS	Approved the Check and Wire Registers (October 28, 2007 through November 24, 2007) in the amount of \$9,438,456.02.
CC 4. MONTHLY REPORT OF INVESTMENTS	Accepted and approved the October 31, 2007 Monthly Report of Investments as submitted.

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<p>CC 5. ORD. NO. 890 REGARDING LANCASTER CODES FOR BUILDINGS AND CONSTRUCTION</p>	<p>Adopted Ordinance No. 890, an ordinance of the City Council of the City of Lancaster, amending Title 15 of the Lancaster Municipal Code by repealing Ordinances Nos. 730, 751, 810, 843, 852 and adopting by reference the 2007 Edition of the California Building Code, 2007 Edition of the California Electrical Code, 2007 Edition of the California Mechanical Code, 2007 Edition of the California Plumbing Code, 2007 Edition of the California Energy Code, 2008 Edition of the Los Angeles County Fire Code, 2008 Edition of the Los Angeles County Building Code and the 2006 Edition of the International Property Maintenance Code, Chapter 67, Security, as amended herein, as the Lancaster Codes for Buildings and Construction.</p>
<p>CC 6. REIMBURSEMENT AGREEMENT WITH AVUHS REGARDING CNE</p>	<p>Authorized Interim City Manager, or his designee, to negotiate and execute a Reimbursement Agreement with the Antelope Valley Union High School District (AVUHSD) for 50% of the cost for the Center for Neighborhood Enterprise (CNE) to Implement, on a Pilot Basis, the CNE Violence Free Zone Initiative (VFZ) at a Public High School within the City</p>
<p>CC 7. RESO. NO. 07-203 REGARDING PARKING ENFORCEMENT AIDE</p>	<p>Adopted Resolution No. 07-203, amending Resolution No. 06-231 by amending the compensation and classification schedule for Parking Enforcement Aide.</p>
<p>CC 8. APPROPRIATION OF FUNDS</p>	<p>Appropriated funds for the approved Citywide Homeless Needs Assessment, Neighborhood Foreclosure Preservation Home Ownership Program, the Lancaster Community Homeless Shelter Expansion, and the Strong Neighborhood Initiative.</p>
<p>CC 9.</p>	<p>Item Number 9 not used.</p>
<p>CC 10. ACCEPTANCE OF WORK FOR DRAINAGE IMPROVEMENTS FOR TRACT NOS. 31613; 060987; 060512</p>	<p>Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District Annexation Nos. 05-16, 05-87, and 04-94, installed for 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. 060987, located at the southwest corner of Avenue J and 52nd Street West, Owner: Larwin Company, and Tract No. 060512, located at the southwest corner of Avenue J and 17th Street East, Owner: KB Home Greater LA, Inc.</p>

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<p>CC 11. ACCEPTANCE OF INTERIOR STREET TREES FOR MAINTENANCE FOR TRACT NOS. 060512; 54197-01</p>	<p>Accepted the interior street trees for maintenance by the City for Tract No. 060512 located on the southwest corner of 17th Street East and Avenue J, Owner: KB Home Greater Los Angeles, Inc. and Tract No. 54197-01, located at the southwest corner of 47th Street West and Avenue J, Owner: LCP Providence Ranch, LLC.</p>
<p>CC 12. APPROVAL OF MONUMENTATION WORK FOR TRACT NO. 060512; PARCEL MAP NOS. 060409; 26455</p>	<p>Approved the monumentation work for Tract No. 060512, located at the southwest corner of Avenue J and 17th Street East, Owner: KB Home Greater LA, Inc., Parcel Map 060409, located at the northeast corner of Avenue J-7 and Challenger Way, Owner: D.P. Development Company, Inc., and Parcel Map No. 26455, located on the east side of 10th Street West, approximately 415 feet north of Avenue L-6, Owner: Sonora Investment Co., LLC.</p>
<p>CC 13. ACCEPTANCE OF STORM DRAIN AND WORK FOR TRACT NO. 060428</p>	<p>Approved the developer installed storm drain and accepted for maintenance by the City - Tract No. 060428, located at the southwest corner of Avenue J-6 and 40th Street West, Owner: Blanc Blue LLC, American Premiere Homes.</p>
<p>CC 14. ACCEPTANCE OF STREETS FOR MAINTENANCE FOR CUP NO. 03-03; TRACT NOS. 54315; 060512; 060857</p>	<p>Approved the developer constructed streets and accepted the streets for maintenance by the City for Conditional Use Permit No. 03-03, located at 43945 12th Street West, Owner: Aurora 12th, L.P., Tract No. 54197, located at the northwest corner of 47th Street West and Avenue J-8, Owner: HHI Lancaster I, L.L.C., Tract No. 54315, located at the southwest corner of Newgrove Street and 30th Street East, Owner: Avalon Meadows, LLC/Frontier Homes, Tract No. 060512, located at the southwest corner of 17th Street East and Avenue J, Owner: KB Home Greater LA, Inc., and Tract No. 060857, located at the northwest corner of 30th Street East and Nugent Street, Owner: Avalon Meadows, LLC.</p>
<p>CC 15. APPROVAL OF COMPLETED WATER SYSTEMS FOR TRACT NO. 54411</p>	<p>Approved the completed water systems installed by the developer of Tract No. 54411, located on the south side of Avenue K-8, approximately 770 feet east of 30th Street West, Owner: AV Housing Corp., and Conditional Use Permit No. 03-03, located at 43945 12th Street West, Owner: Aurora 12, L.P.</p>

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<p>CC 16. ACCEPTANCE OF MAP AND DEDICATIONS FOR PARCEL MAP NO. 61545</p>	<p>Approved the map and accepted the dedications as offered on the map for Parcel Map No. 61545, located south of Avenue K on the east side of 5th Street East; 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; instructed 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.</p>
<p>CC 17. ACCEPTANCE OF MAP AND DEDICATIONS FOR TRACT NO. 061493</p>	<p>Approved the map and accepted the dedications as offered on the map for Tract No. 061493, located at the southeast corner of 22nd Street West and Avenue J-3; 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; instructed 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.</p>
<p>CC 18. ACCEPTANCE OF WORK BY MACKENZIE ELECTRIC, INC. FOR PWCP NO. 06-032</p>	<p>Accepted the work constructed by MacKenzie Electric, Inc. for Public Works Construction Project No. 06-032, Rawley Duntley Park Lighting Improvements; directed the City Clerk to file the Notice of Completion for the project; authorized payment of the 10 percent retention 35 days after recordation, provided no stop notices, as provided by law, have been filed.</p>
<p>CC 19. ACCEPTANCE OF WORK BY PADILLA PAVING CO. FOR PWCP NO. 06-035</p>	<p>Accepted the work constructed by Padilla Paving Company for Public Works Construction Project No. 06-035, Pedestrian Access Improvements – FY 2006/2007; directed the City Clerk to file the Notice of Completion for the project; authorized payment of the 10 percent retention 35 days after recordation, provided no stop notices, as provided by law, have been filed.</p>
<p>CC 20. ACCEPTANCE OR WORK BY SIM ENGINEERING, INC. FOR PWCP NO. 07-023</p>	<p>Accepted the work constructed by Sim Engineering, Inc. for Public Works Construction Project No. 07-023, Avenue J-1 Drainage Improvements; direct the City Clerk to file the Notice of Completion for the project; and authorize payment of the 10 percent retention 35 days after recordation, provided no stop notices, as provided by law, have been filed.</p>
<p>CC 21. AWARD OF PWCP NO. 07-007 TO CAMARILLO ENGINEERING, INC.</p>	<p>Awarded Public Works Construction Project No. 07-007, Avenue L Improvements, North Side, 32nd Street West to 40th Street West, to Camarillo Engineering, Inc. in the amount of \$140,907.25 plus a 10% contingency and authorized the City Manager, or his designee, to sign all documents. The project is designed to construct minor street improvements west of 32nd Street West and street lighting improvements along the entire alignment.</p>

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<p>CC 22. AWARD OF PWCP NO. 07-035 TO TAFT ELECTRIC COMPANY</p>	<p>Awarded Public Works Construction Project No. 07-035, 2007 Traffic Signals, to Taft Electric Company in the amount of \$1,465,409.44 plus a 10% contingency and authorized the City Manager, or his designee, to sign all documents. The project is designed to construct new traffic signals at 6 separate intersections.</p>
<p>CC 23. REJECTION OF BID FOR PWCP NO. 07-047</p>	<p>Rejected the bid for Public Works Construction Project No. 07-047, City Hall Renovation – First Floor, and authorized staff to re-evaluate the available budget and the project.</p>
<p>CC 24. TAX SHARING RESOLUTIONS WITH L.A. COUNTY WATERWORKS DISTRICT NO. 40</p>	<p>Adopted the Tax Sharing Resolutions for proposed Annexation No. 40-118 and 40-127 (4-183 and 4-191) into Los Angeles County Waterworks District No. 40.</p>
<p>CC 25. RECYCLED WATER PURCHASE AGREEMENT WITH SANITATION DISTRICTS OF L.A. COUNTY</p>	<p>Recycled Water Purchase Agreement with the Sanitation Districts of Los Angeles County and authorized the Mayor to execute the Agreement. This item was removed from the agenda - action taken by Council earlier in the meeting.</p>
<p>CC 26. ACCEPTANCE OR WORK BY WESTERN PACIFIC ROOFING FOR PWCP NO. 07-032</p>	<p>Accepted the work constructed by Western Pacific Roofing for Public Works Construction Project No. 07-032, Lancaster Performing Arts Center Re-Roofing Project; directed the City Clerk to file the Notice of Completion for the project; authorized payment of the 10 percent retention 35 days after recordation, provided no stop notices, as provided by law, have been filed.</p>
<p>CC 27. RESO. NO. 07-204 INVESTMENT OF PUBLIC FUNDS</p>	<p>Adopted Resolution No. 07-204, rescinding Resolution No. 05-264 in its entirety, and establishing a policy for the investment of public funds for the City of Lancaster.</p>

<p>CC 28. RESO. NOS. 07-205; 07-206 ANNEX. NOS. 07-27; 07-34; 07-56 TO LDBAD</p>	<p><u>Proposed Annexations to Lancaster Drainage Benefit Assessment District</u></p> <p>Annexation No. 07-27, Parcel Map No. 061545, located on the east side of 5th Street East approximately 377 feet south of Avenue K. Owner: Roman Perez S., a married man, as his sole and separate property.</p> <p>Annexation No. 07-34, Permit No. 07-01045, located on the south side of Avenue H approximately 1,023 feet east of 30th Street East. Owner: Gold Coast Financial Management, Inc., a Nevada Corporation.</p> <p>Annexation No. 07-56, Permit No. 07-03183, located at 43730 Oleander Street. Owner: Gold Coast Financial Management, Inc., a Nevada Corporation.</p> <p>A) Adopted Resolution No. 07-205, 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 XIID (Annexation Nos. 07-27, 07-34, and 07-56.)</p> <p>B) Adopted Resolution No. 07-206, 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 XIID (Annexation Nos. 07-27, 07-34, and 07-56.)</p>
<p>CC 29. RESO. NOS. 07-207; 07-208 ANNEX. NOS. 800; 811; 834 TO LLMD</p>	<p><u>Proposed Annexations to Lancaster Lighting Maintenance District</u></p> <p>Annexation No. 800, Parcel Map No. 061545, located on the east side of 5th Street East approximately 377 feet south of Avenue K. Owner: Roman Perez S., a married man, as his sole and separate property.</p> <p>Annexation No. 811, Permit No. 07-01045, located on the south side of Avenue H approximately 1,023 feet east of 30th Street East. Owner: Gold Coast Financial Management, Inc., a Nevada Corporation.</p> <p>Annexation No. 834, Permit No. 07-03183, located at 43730 Oleander Street. Owner: Gold Coast Financial Management, Inc., a Nevada Corporation.</p> <p>A) Adopted Resolution No. 07-207, 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 XIID (Annexation Nos. 800, 811, and 834.)</p> <p>B) Adopted Resolution No. 07-208, 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 XIID (Annexation Nos. 800, 811, and 834.)</p>

**Proposed Annexations to Lancaster Landscape Maintenance
District No. 1**

CC 30.
RESO. NOS.
07-209; 07-210
ANNEX. NO. 392
TO LMD

Annexation No. 392, Parcel Map No. 061545, located on the east side of 5th Street East approximately 377 feet south of Avenue K. Owner: Roman Perez S., a married man, as his sole and separate property.

A) Adopted **Resolution No. 07-209**, initiating proceedings for the annexation of territory into Lancaster Landscape Maintenance District No. 1, an Assessment District established pursuant to the Landscaping and Lighting Act of 1972 and California Constitution Article XIID (Annexation No. 392.)

B) Adopted **Resolution No. 07-210**, approving the Engineer's Report and the time and place for Public Hearing, and declaring its intention to annex territory into Lancaster Landscape Maintenance District No. 1 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 XIID (Annexation No. 392.)

PH 1.
RESO. NO. 07-0211
CONFIRMING
DIAGRAMS AND
ASSESSMENTS FOR
ANNEX. NOS.
07-27; 07-34; 07-56
TO LDBAD

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

On a motion by Council Member Sileo and seconded by Council Member Jeffra, the City Council adopted **Resolution No. 07-211**, confirming the diagrams and assessments and ordering the annexation of territories into Lancaster Drainage Benefit Assessment District and levy of assessment (Annexation Nos. 07-27, 07-34, and 07-56), by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.

PH 2.
RESO. NO. 07-212
CONFIRMING
DIAGRAMS AND
ASSESSMENTS FOR
ANNEX. NOS.
800; 811; 834
TO LLMD

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

On a motion by Council Member Jeffra and seconded by Council Member Sileo, the City Council adopted **Resolution No. 07-212**, confirming the diagrams and assessments and ordering the annexation of territories into Lancaster Lighting Maintenance District (Annexation Nos. 800, 811, and 834), by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.

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<p>PH 3. RESO. NO. 07-213 CONFIRMING DIAGRAM AND ASSESSMENT FOR ANNEX. NO. 392 TO LMD</p>	<p>Mayor Hearn opened the Public Hearing. The Public Works Director presented the staff report regarding a proposed annexation to the Lancaster Landscape Maintenance District. There being no further testimony, Mayor Hearn closed the Public Hearing.</p> <p>On a motion by Council Member Jeffra and seconded by Mayor Hearn, the City Council adopted Resolution No. 07-213, confirming the diagram and assessment and ordering the annexation of territory into Lancaster Landscape Maintenance District No. 1 (Annexation No. 392), by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.</p>
<p>PH 4. VACATION OF NORTHWEST CORNER OF AVENUE M-14 AND 42ND STREET WEST</p>	<p>Mayor Hearn opened the Public Hearing. The Public Works Director presented the staff report regarding the vacation of the northwest corner of Avenue M-14 and 42nd Street West. There being no further testimony, Mayor Hearn closed the Public Hearing.</p> <p>On a motion by Council Member Sileo and seconded by Vice Mayor Visokey, the City Council adopted Resolution No. 07-214, ordering the vacation of Avenue M-14 located on the northwest corner of Avenue M-14 and 42nd Street West, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.</p>
<p>PH 5. RESO. NO. 07-215 REGARDING TAX-EXEMPT REVENUE BONDS</p>	<p>Mayor Hearn opened the Public Hearing. The Housing Director presented the staff report regarding a TEFRA Hearing/Approval of Tax-Exempt Revenue Bonds for Mental Health America of Los Angeles.</p> <p>Addressing the Council on this matter:</p> <p>Judy Cooperberg – in favor of the resolution and encouraged the Council to approve it. Mental Health Association soon to be known as Mental Health America.</p> <p>There being no further testimony, Mayor Hearn closed the Public Hearing.</p> <p>On a motion by Council Member Jeffra and seconded by Mayor Hearn, the City Council adopted Resolution No. 07-215, approving the issuance of tax-exempt revenue bonds by California Statewide Communities Development Authority (CSCDA) in an aggregate principal amount not to exceed \$2.0 million, to assist the Mental Health America of Los Angeles in the financing of the build out of a new facility in the city of Lancaster, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.</p>

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<p>PH 6. RESO. NOS. 07-218 and 07-219 ORD. NO. 895 GENERAL PLAN AMENDMENT NO. 04-04; ZONE CHANGE NO. 04-05; CUP NO. 07-10; CUP NO. 05-07; TPM NO. 69301; LOCATION: SOUTHEAST CORNER OF AVENUE K AND 30TH STREET WEST</p>	<p>Mayor Hearn opened the Public Hearing. The Planning Director presented the staff report regarding an appeal of the Planning Commission action on General Plan Amendment No. 04-04 and Zone Change No. 04-05, Conditional Use Permit No. 07-10, Conditional Use Permit No. 05-07 and Tentative Parcel Map No. 69301, located at the southeast corner of Avenue K and 30th Street West.</p> <p>Council Member Sileo inquired as to the heights of the Tesco building and asked for a brief history of how the project became a mixed-use project.</p> <p>Vice Mayor Visokey requested clarification regarding conformity of the EIR.</p> <p>Council Member Smith requested clarification regarding Plan 1 and Plan 2 and how long the plans have been worked on. He also requested a brief history of the zoning designation of the area that currently has homes. Requested clarification of the recommendations from the Citizens Advisory Committee.</p> <p>Addressing the Council on this matter:</p> <p>Nathan Ung – Applicant for the Project. Encouraged Council to approve this project; it will be a plus for the City.</p> <p>Andrew Eliopoulos – Encouraged Council to approve. Many meetings have taken place; citizens have been informed; time to move forward with this project.</p> <p>Russell Perkins – Project is a positive, safe, visible and viable project.</p> <p>David Steinberg – Representing Rite-Aid. Visibility and access is critical. 1 and 1A serve the necessary components of the project.</p> <p>Charles Wordsworth – Against the project; feels that it is just another strip mall; related examples of other strip malls; plan has discrepancies and should be sent back to the drawing board.</p> <p>David Paul – Familiar with the area of the proposed project; asked Council to consider other uses for the area.</p> <p>Ray Chavira – Concerns regarding businesses within the project that will be selling alcohol.</p> <p>Gerald Bigalk – Thanked the Mayor, Council and staff for their hard work and service to the public; wished everyone a Merry Christmas; noted changes in Lancaster throughout the years; proposal is a first class project; project will be good for the community; allow the developer to build this project.</p> <p>Gene Kiefer – Project is about money; should not be zoned for this; facilities were not invited in; vast majority of people do not want this project; many negative aspects to the project.</p>
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<p>PH 6. RESO. NOS. 07-218 and 07-219 ORD. NO. 895 GENERAL PLAN AMENDMENT NO. 04-04; ZONE CHANGE NO. 04-05; CUP NO. 07-10; CUP NO. 05-07; TPM NO. 69301; LOCATION: SOUTHEAST CORNER OF AVENUE K AND 30TH STREET WEST (CONTINUED)</p>	<p>Addressing the Council on this matter (continued):</p> <p>Kevin Sanders – Supports the project; it is a high-end project and is needed for the area and will be good for the area.</p> <p>Ed Knasin – Supports the project; high quality stores; there will always be naysayers no matter what is proposed.</p> <p>Melissa Zimmerman – Supports the project; looking forward to a development with safe walking areas to take family without driving.</p> <p>Thanasi Papoulias – Supports the projects; excellent proposal; good for the area.</p> <p>Troy Green – Supports the project; good proposal; urged Council to approve.</p> <p>Rob Burford – Opposed to the project; concerned about homeowners in the area; more consideration needs to be given to the homeowners.</p> <p>Anne Durr – Opposed to the project. Applicant has not made an attempt to look at the requests of the Planning Commission; against zone change for the area; insufficient proposal, urged Council not to approve.</p> <p>Errol Van Horne – Stated that everyone who has spoken this evening has valid points on both sides; consider highest and best use of the property in regards to public safety and traffic use.</p> <p>Ron Hitchcock – Concerns regarding the re-zoning of property; homeowners want property and a way of life where they can feel protected; consider a buffer regarding traffic issues.</p> <p>Louis Zaharopoulos – Supports the project, urged Council to approve the project.</p> <p>Barbara Foltin – Opposed to the project; opposed to businesses that sell alcohol; area is already congested; proposal is bad all the way around.</p> <p>John Foltin – Opposed to the project; should remain residential; buffer is not sufficient; do not change current plan; developer should come up with a new proposal.</p> <p>Tom Davies – Importance of having the right trade in the area; easy access; importance of visibility; a lot of hard work has been put into this, encouraged Council to approve the project.</p> <p>Linda McCaslin – Opposed to the project; residents are not happy; developer is not working on a compromise with the Planning Commission; urged Council to deny the proposal.</p> <p>Dorothea Jernigan – Project should not be approved; alcohol establishments are too close to the students of the college; proposal is a disaster; too many issues within the project need to be changed.</p> <p>Miguel Elias – Opposed to the project; proposal will invade resident’s way of life; project does not fit the area.</p> <p>David McCaslin – Opposed to the proposal; opposed to additional businesses in the area; opposed to condos.</p>
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<p>RECESS</p>	<p>Mayor Hearn requested a brief recess at 9:20 p.m.</p>
<p>RECONVENE</p>	<p>Mayor Hearn reconvened the meeting at 9:28 p.m.</p> <p>Mayor Hearn inquired as to whether Mr. Eliopulos would like to rebut any of the public comments, as it was his right under the public hearing.</p>

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RESO. NOS.
07-218 and 07-219
ORD. NO. 895
GENERAL PLAN
AMENDMENT NO.
04-04;
ZONE CHANGE
NO. 04-05;
CUP NO. 07-10;
CUP NO. 05-07;
TPM NO. 69301;
LOCATION:
SOUTHEAST
CORNER OF
AVENUE K AND
30TH STREET WEST
(CONTINUED)

Representing Mr. Eliopulos – Nathan Ung. Mr. Ung stated that in regards to some of the comments made by the homeowners and speakers, he stated that the issues have been looked at and the plan has been looked at for approximately 20 months. He stated that they did not go to them six months ago because at the time they were still working with the tenants and working with the City in regards to the design and the layout of the traffic flow pattern. He stated that at that time it was not ready to present to the public. Once the plan was ready, they worked with staff and the homeowners and conducted two homeowner meetings with them and talked about the project and working with the homeowners, addressing any concerns that they had.

There being no further testimony, Mayor Hearn closed the Public Hearing

Council Discussion:

Council Member Jeffra stated that there are a number of issues that need to be looked at in this situation. He has seen many of the projects of Andrew Eliopulos and the quality of these projects are not an issue. Traffic conditions are a big concern and throughout the Planning Commission time, these issues will be mitigated. The Planning Commission has not come together and endorsed this proposal and throughout time, the Planning Commission has come forward with some fair ideas and these ideas need to be looked at. The one thing that he has heard over and over again is the importance of compromise and the Council understands the importance of compromise. There are several issues in the project between the homeowners and the developer and there is a way to make this happen. The buffer needs to be considered; consider leaving K-1 closed. The Planning Commission needs to get back involved in this, sit down with Mr. Eliopulos and get it done. He asked a question of the tenants (Fresh and Easy) – will they pull out of this matter if it is sent back to the Planning Commission to make certain adjustments. He doesn't believe they will lose exposure or money if this is sent back, but a number of things need to be taken care of and should be sent back to the Planning Commission.

Andrew Eliopulos – Stated that he is under a timeframe and he appreciates the question. He met with the Planning Commission, he worked with staff for almost two years and the staff members are the professionals and staff made the recommendation for approval of this project. Inquired as to why the Planning Commission did not get involved in this matter two years ago and Mr. MacPherson was never around. He stated that he is dealing with staff; dealing with traffic, planning, engineering and these people are the pros. They work with him, they work with the tenants and he has worked very, very hard on this issue.

LANCASTER CITY COUNCIL
REGULAR MEETING MINUTES
DECEMBER 11, 2007

PH 6.
RESO. NOS.
07-218 and 07-219
ORD. NO. 895
GENERAL PLAN
AMENDMENT NO.
04-04;
ZONE CHANGE
NO. 04-05;
CUP NO. 07-10;
CUP NO. 05-07;
TPM NO. 69301;
LOCATION:
SOUTHEAST
CORNER OF
AVENUE K AND
30TH STREET WEST
(CONTINUED)

Mr. Eliopulos stated that the project went before the Planning Commission and now it is before the Council. He stated that he does not want to see K-1 go through and believes that can be left alone and not look at this as a vehicle area for traffic to go through. Some people in the area are in favor of a pedestrian walkway and he is putting in a pedestrian walkway for the townhome people to go to that commercial center and it would be at the Council's discretion if they would like to see a pedestrian area. There is a clear pathway now from the corner of 30th to K-1, through the desert and people are using that path now as it is. To go back to the drawing board now would not work; they are under a major timeframe. As it is, there will still be another 18 months before this project is operational and there is a lot of work to be done. He has been working diligently with staff for many, many months.

Vice Mayor Visokey inquired as to when Mr. Eliopulos first sent out notification to the residents and which residents were invited to attend the informational meeting.

Mr. Eliopulos stated that the very first meeting in which he invited residents to meet with him was approximately three years ago and that was when he wanted to do a multi-family project on the entire site. The meeting took place at Fresco's Restaurant at 20th St. West and Avenue L and at that point, a lot of people were very unhappy with what was proposed and they did not want anything except what was already there – R-10,000. He stated that he has never really known who to meet with and they have refused to meet with him. A few homeowners did open their doors to the project manager, Nathan Ung but overall it has been a very hostile group and there has been no form of wanting to meet. There are some individual homeowners who are not present this evening and have been alienated by their neighbors and they have no problem with this project. The pressure has been too great for some of these neighbors so they have chosen to not come out and speak. The invitation has been extended multiple times, but not knowing who the leader is, makes it very difficult.

Vice Mayor Visokey inquired as to when the compromise regarding the schematics was first designed and was the initial opposition to keep it R-10,000 or is this a new thing with the schematics.

Mr. Eliopulos stated that in the first Planning Commission meeting, they wanted to know if there were alternate plans that had been worked on and that was all and that was October 22, 2007.

Vice Mayor Visokey stated that he has heard three different positions. One was to keep it R-10,000; one position is to take a look at Schematic No. 2; one position is to approve the project as it is being appealed.

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<p>PH 6. RESO. NOS. 07-218 and 07-219 ORD. NO. 895 GENERAL PLAN AMENDMENT NO. 04-04; ZONE CHANGE NO. 04-05; CUP NO. 07-10; CUP NO. 05-07; TPM NO. 69301; LOCATION: SOUTHEAST CORNER OF AVENUE K AND 30TH STREET WEST (CONTINUED)</p>	<p>Vice Mayor Visokey inquired: Up to the October 22, 2007 meeting, had there been conversations with the residents of a compromise as is proposed in Schematic No. 2.</p> <p>Citizens were confused as to the process regarding the public hearing, therefore Mr. McEwen; the City Attorney clarified the process. When there are two appeals, the first appeal turned in, is treated as the appellant in the process and the other appeal is still considered if they want to object to the lower decision. The first appellant is the appellant for purposes of the procedure, for the original presentation, then we have the opposition and then we have the rebuttal. The Public Hearing has been closed and the developer is simply responding to questions from the Council. If the Council has questions for the residents, Council can ask a representative for the residents to come forward. This is the question and answer period and it is not part of the public testimony.</p> <p>Vice Mayor Visokey clarified the reason for asking the question. He reviewed some history and it was his understanding that the developer has met with staff and with residents in the immediate vicinity up to three years ago when it was going to be a multi-family residential for condominiums. He stated that he met with Mr. Eliopulos approximately six months ago; he was having communications with one of the residents in the form of an e-mail after he had met with Mr. Eliopulos. He wanted to get together with some of the residents and Mr. Eliopulos was in favor of this. Vice Mayor Visokey sent out correspondence to that resident asking the resident to come in, sit down and meet with developer and himself. This person stated that they would have to go back to the committee that was part of this neighborhood organization and discuss it. The response back that he received stated: thank you for your concern; I would prefer that Andy Eliopulos meet with the entire neighborhood committee. Vice Mayor Visokey responded, said no problem, how large is the committee, nothing can get accomplished with a group much larger than ten and it usually ends up an ugly situation if you have many, many people trying to discuss matters. He recommended a group of ten or less, stating that he would be real happy to sit down with the group of residents. The response that Vice Mayor Visokey received back stated that this person had not forgotten about him or his request and that this person was attempting to host a meeting with the neighborhood committee in the next few weeks and will let him know what becomes of that meeting. Vice Mayor Visokey stated that he never heard anything further at that point. He stated that six months ago he was trying to meet with the neighborhood and the developer but it never came back and he was trying to involve himself as a moderator. Now he is hearing from residents that are set strictly on either R-10,000 or nothing and are now stating that they are willing to talk about another alternative.</p>
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LANCASTER CITY COUNCIL
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DECEMBER 11, 2007

<p>PH 6. RESO. NOS. 07-218 and 07-219 ORD. NO. 895 GENERAL PLAN AMENDMENT NO. 04-04; ZONE CHANGE NO. 04-05; CUP NO. 07-10; CUP NO. 05-07; TPM NO. 69301; LOCATION: SOUTHEAST CORNER OF AVENUE K AND 30TH STREET WEST (CONTINUED)</p>	<p>Vice Mayor Visokey stated that this disturbs and bothers him very much. He stated that he reached out and never got a response. The developer responded – there was no problem there at all. He stated that he agrees with the comments of Council Member Jeffra and the compromises should have been taking place six months ago. Is it R-10,000 or nothing or can a compromise be agreed upon that is satisfactory to everyone? Discussions have been happening for three years and is it now too late for compromise?</p> <p>Mr. Eliopulos stated that he asked neighbors in the area to be a go-between regarding this, and there was no response. He stated that he brought this forward, he met with the residents, he presented a slide show, explained the project, requested input and the attitude was very indignant.</p> <p>Project Manager, Nathan Ung, stated that they did in fact approach the homeowners in the summer time. After talking with the City, staff and the tenants and resolving many issues, then there was a design that was ready to be shown to the homeowners. The design was not done in a vacuum; there were certain parameters that were set up. One thing that they heard loud and clear was that they did not want K-1 to go through so they consciously designed a project where K-1 was protected and they also made sure that if there was a chance for connectivity between the commercial and residential that was feasible and by design they have, they can put in a gate and the residents on the east side can easily walk to the commercial center without minor changes to the project. Parking, noise and light glare were brought up by the residents in the previous design. The parking has been shifted, the circulation re-designed; all designs have been improved as much as possible; buffering issue has been improved and the design is now superior. There will be landscaping buffers, improvements in many other areas. The design took more than a year, meetings took place with the homeowners and the only homeowners that came forward were the ones that were concerned with having Fresh and Easy right next to them. He went back to Fresh and Easy and the homeowners to design a façade that is more residential looking, it was presented to them and the comments back were that they wanted R-10,000 or nothing else and they refused to talk about any other zoning. It became very difficult to communicate with the homeowners and very difficult to come up with a compromise when they were not willing to communicate or compromise. He stated that they offered to work with them on something that would be pleasant and beneficial to the community but the residents refused.</p>
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<p>PH 6. RESO. NOS. 07-218 and 07-219 ORD. NO. 895 GENERAL PLAN AMENDMENT NO. 04-04; ZONE CHANGE NO. 04-05; CUP NO. 07-10; CUP NO. 05-07; TPM NO. 69301; LOCATION: SOUTHEAST CORNER OF AVENUE K AND 30TH STREET WEST (CONTINUED)</p>	<p>Vice Mayor Visokey asked Mr. Wordsworth several questions.</p> <p>Mr. Wordsworth stated that he and other members of the neighborhood knew nothing about the e-mails that were sent to Vice Mayor Visokey and knew nothing about the requests from the developers to meet and compromise. He stated that complaints from the neighborhood residents were registered with the Planning Commission when this project went to the Commission for discussion. He stated that the group is a loose organization, not really an organization at all but e-mail exchanges have taken place to keep everyone informed. He stated that he sent comments regarding the EIR to the City Council via e-mail during that particular process but they thought they were supposed to work directly with the Planning Commission on this.</p> <p>Council Member Smith asked Mr. Wordsworth if he had met with individual Planning Commissioners, and when.</p> <p>Mr. Wordsworth stated that he and others have met a couple of times with individual Planning Commissioners – Mr. Mann and Mr. MacPherson.</p> <p>Unidentified citizens from the audience spoke at this time to clarify when the meetings took place.</p> <p>Vice Mayor Visokey stated that it is always important to consider compromises to come to a win-win situation for everyone. He stated that he understands the concerns of the citizens and understands that everyone wants commercial projects but they never want the projects next to them. He stated that Mr. Eliopulos is an outstanding developer; he reached out to the residents who refused to discuss compromise. The project has been going on for three years.</p> <p>Council Member Sileo stated that he understands the concerns of Vice Mayor Visokey, however he is not going to put weight on conversations that the developer had with homeowners outside of the public hearings. The Public Hearings are the proper legal forum for citizens to voice their opinions and this carried the most weight with him. He has heard consistently that either they want R-10,000 or nothing, or buffer it with townhomes or condos. He hasn't heard anyone state that they want commercial adjacent to residential. Given the history of the zoning on that property, the argument can be made that there has been something there other than strictly residential and a mixed-use project has a history there.</p>
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PH 6.
RESO. NOS.
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LOCATION:
SOUTHEAST
CORNER OF
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30TH STREET WEST
(CONTINUED)

Council Member Sileo stated that it got to R-10,000 because at one point in time the Planning Commission and City Council decided that the City was not going to have any high-density or high-intensive use of commercial adjacent to residential. Approximately 540 acres were re-zoned and there was a policy decision to decide that there may be unique situations where that can work and those will be considered one at a time. This is one of those one at a time situations. If there is going to be compromise, he hopes that Council can come to consensus and if the project moves forward it should be done with townhomes or condos adjacent to the existing residences. He stated that he looks at each version, whether it is 1, 1A, 2 or 3 and there are pluses and minuses to each one of them. He doesn't believe that any one of them is a great project, they each work in their own way and he is not convinced that Council has the best project before them this evening. He stated that this should go back to the Planning Commission to re-hash the commercial component with direction from Council as to where we want the townhome/condo portion adjacent to the residential and re-work the commercial side. The tenants might walk; the developer does not have an inherent right to get the property re-zoned, and that is compromise. One thing that Council should keep in mind is the zone change; conditional use permit and the general plan amendment are not attached to Fresh and Easy, not attached to Rite-Aid, not attached to J.P. Eliopulos. It is attached to the dirt and there could be a great tenant in there, however, fifteen years down the road, it's not a supermarket anymore, it is a thrift store. He stated that he is sure that Mr. Eliopulos would never allow a tenant like that; however, there are no guarantees. There should be compromise; this should go back to the drawing board to review the townhomes and the buffering issues. Additionally, if this does go back to the Planning Commission he is concerned that there is not enough parking planned for the number of townhomes that are purposed – this needs to be addressed.

Council Member Smith stated that he sat on the Planning Commission for a number of years, none of these decisions are easy and there is always a concern regarding property rights and what is good for society. There are two different aspects here. One is should it be re-zoned or should it remain as is and a number of citizens who have spoke tonight – that would be their preference – they would like it to remain R-10,000. As Council Member Sileo stated, this property has gone back and forth from commercial to mixed-use to R-10,000 and to moderate density residential. There have been a number of citizens that have stated they would like to see a mixed-use project. This is what the Planning Commission has been pushing for, it is what the Council has been talking about and there are a number of mixed-use projects that have gone forward. The Citizens Advisory Committee and the Planning Commission agree that this should be a mixed-use project.

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PH 6.
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AMENDMENT NO.
04-04;
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(CONTINUED)

Council Member Smith stated that it appears that everyone has gone past that threshold of whether it should be R-10,000 or should it be mixed-use. It has come down to whether there should be approval of Plan 1 or Plan 2 or some sort of compromise. He stated that he agrees with Commissioner MacPherson and Council Member Sileo that a zone change isn't just necessarily a right and we do ask the developer to meet a higher bar and this developer has put up his own money to bring in quality tenants. Many times we worry about things that are already zoned for commercial and they are putting in something and we really don't have a choice of what tenants that developer is bringing in. This developer is bringing in not only a mixed-use but also a quality tenant. He stated that a number of years ago he initiated the idea of having a Citizens Architectural and Advisory Committee that forms together to say we want quality, we want upscale and how we want our City to look. Fortunately, four men on this Council agree with him and the Citizens Advisory Committee was formed. Commissioner MacPherson was an excellent choice for this committee, as well as his Planning Commissioner appointee. The goals were set ahead of time and we look to future to make sure. The Planning Commission sets policy for how they make decisions and how they move forward and the same with the Council. This is all given to the professional staff which performs an excellent job and they review the direction that the Council, the Commission and the City have directed them to go into. Mr. Ludicke worked on this for at least a year and one of the things that Council Member Smith and Council Member Sileo looked for when sitting on the Planning Commission was, did the developer perform an outreach program to the citizens; did they go out there and work on compromise. Many times when sitting on the Commission, Council Member Sileo would say that the developer gave it their best shot and in this case when Mr. Eliopulos went out there, he could not reach compromise and the citizens demanded that the area remain at R-10,000. He stated that Council Member Jeffra brought up some possible compromises as well. Staff looked at compromises, decided to go with Plan 1. Council Member Smith referred to a few past projects where compromise was agreed upon with the developer and citizens and it became a win-win situation for everyone – this is compromise. Council Member Smith stated that after listening to everyone, the things in Plan 2 and the compromise they are talking about – staff has looked at that and they have stated there is access difficulty and Plan 1 has more of the connectivity, which the Planning Commission has been working on and trying to build on. Staff did a reasonable and very good job by the direction they received from the Planning Commission. Trying to change some of these things now, in the eleventh hour is very difficult and he stated that he is leaning toward approval of the staff recommendation.

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<p>PH 6. RESO. NOS. 07-218 and 07-219 ORD. NO. 895 GENERAL PLAN AMENDMENT NO. 04-04; ZONE CHANGE NO. 04-05; CUP NO. 07-10; CUP NO. 05-07; TPM NO. 69301; LOCATION: SOUTHEAST CORNER OF AVENUE K AND 30TH STREET WEST (CONTINUED)</p>	<p>Council Member Jeffra asked the Planning Director about Plan 3B which has not been discussed at all and requested clarification.</p> <p>The Planning Director stated that Plan 3B does meet the stated desire of the Planning Commission to look at a situation where we would use the higher density residential as a transition. He stated that his concerns regarding the layout of 3B are – commercially – does it work? He stated that the key user on the commercial site is the market. In looking at the whole issue of connectivity, the whole issue of walkability, he is not aware of another site existing in the City or planned at this point where you can establish a residential community that is in this kind of walking proximity to a market. He receives calls on a weekly basis from residents who would like to bring elderly relatives into the City and the first thing they complain about is that there is nowhere to put this relative where this relative can essentially walk to the market or a drug store.</p> <p>Council Member Jeffra asked the Planning Director if the Council does in fact have the best design for the use of the property in front of them tonight, to vote on and is it the safest design for traffic and for pedestrian use.</p> <p>The Planning Director stated that he and staff stand by their recommendation and he stated that Plan 1 or 1A which essentially have the same traffic pattern, either one of those has been well thought out by the Public Works and Circulation perspective. As far as being the safest for pedestrian use, any of the designs – 1, 1A, 2 and 3B would provide adequate pedestrian connection from the proposed townhouse project. The one issue that deserves some discussion is, in looking long term at the ability to bring pedestrian access from Avenue K-1, it is easier to bring it directly to the commercial portion of the project and however it is not impossible to bring it across a residential site. There would need to be some kind of City public easement because there is no homeowners association from the condominium perspective, that staff is aware of, that would accept the liability of people that are not a part of their project walking across the site.</p> <p>Mayor Hearn stated that he would like to please everyone but he realizes this won't work. He stated that of the citizens that spoke, it appears that it is almost half and half of people who want the project and people who don't. He stated that there is no question that the City has an extremely involved and intelligent Planning Commission and appreciates their hard work; however he stated that he will not put anyone above the staff. He stated that he has spent an extraordinary amount of time reviewing this project with staff, including the Public Works Director and he stated that he is going support the staff recommendation.</p>
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PH 6.
RESO. NOS.
07-218 and 07-219
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LOCATION:
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30TH STREET WEST
(CONTINUED)

Council Member Sileo stated that the existing homeowners were there first; he believes this carries substantial weight and this is almost like a covenant to him. He stated that whatever goes there, Council should stick to either residential or medium density; something other than commercial immediately adjacent to the residential area. No matter what comes before the Council, if it does not have that component, he cannot support it. He stated that he will not violate the rights of the existing homeowners and when Mr. Eliopoulos bought the property he knew he was taking a risk but it should not be done at the expense of the existing homeowners.

Council Member Smith stated that even after everything that has been said and after talking about the compromise, staff recommendation is still to keep the traffic flow and staff is still standing by their recommendation which is very important and speaks volumes.

On a motion by Mayor Hearn and seconded by Council Member Smith the City Council adopted staff recommendations No. 1 and No. 3, by the following vote: 4-1-0-0; AYES: Jeffra, Smith, Visokey, Hearn; NOES: Sileo; ABSTAIN: None; ABSENT: None.

On a motion by Mayor Hearn and seconded by Council Member Smith, the City Council introduced staff recommendation No. 2 by the following vote: 4-1-0-0; AYES: Jeffra, Smith, Visokey, Hearn; NOES: Sileo; ABSTAIN: None; ABSENT: None.

1) Adopted **Resolution No. 07-218**, a resolution of the City of Lancaster, California, certifying the final environmental impact report, adopting environmental findings, and approving General Plan Amendment No. 04-04 and Zone Change No. 04-05 based on Schematic Plan No. 1.

2) Introduced **Ordinance No. 895**, an ordinance of the City Council of the City of Lancaster, California, amending the City Zoning Plan for 8.5± acres located at the southeast corner of Avenue K and 30th Street West, known as Zone Change No. 04-05.

3) Adopted **Resolution No. 07-219**, approving Conditional Use Permit No. 07-10, Conditional Use Permit No. 05-07, and Tentative Parcel Map No. 69301 consistent with Schematic Plan No. 1.

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<p>PH 7. GENERAL PLAN AMENDMENT 06-01 AND ZONE CHANGE 06-01</p>	<p>Before the Public Hearing was opened, Council Member Smith stated that he had a conversation with the City Attorney and even though he advised Council Member Smith that he could vote on this particular matter, he stated that he is an Assistant Professor at Antelope Valley College and that he would like to recuse himself from this item.</p>
	<p>Mayor Hearn opened the Public Hearing. The Planning Director presented the staff report regarding General Plan Amendment 06-01 & Zone Change 06-01.</p>
	<p>Addressing the Council on this matter:</p>
	<p>Dave Garrison, representing Marinita Development, stated that he was available for questions and encouraged the Council to approve this item.</p>
	<p>There being no further testimony, Mayor Hearn closed the Public Hearing.</p>
	<p>1) On a motion by Council Member Jeffra and seconded by Mayor Hearn, the City Council adopted Resolution No. 07-220, a resolution of the City Council of the City of Lancaster, California, certifying the final environmental impact report, adopting environmental findings, and recommending approval of General Plan Amendment No. 06-01 and Zone Change No. 06-01, by the following vote: 4-0-1-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; RECUSED: Smith; ABSENT: None.</p>
	<p>2) On a motion by Council Member Jeffra and seconded by Mayor Hearn, the City Council introduced Ordinance No. 891, rezoning the property from R-7,000 (Single Family Residential; one single family residential on a minimum of 7,000 square feet) to CPD Commercial Planned Development) Zone, by the following vote: 4-0-1-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; RECUSED: Smith; ABSENT: None.</p>
<p>DISCUSSION REGARDING THE CLOSED SESSION MATTER</p>	<p>At this time the City Council agreed unanimously that there would not be a need for the Closed Session item listed at the end of the agenda.</p>
<p>NB 1. ESTABLISHMENT OF SALARY AND APPROVAL OF MOU WITH INTERIM CITY MANAGER</p>	<p>The City Attorney presented the staff report regarding establishing a salary and approving an MOU with the Interim City Manager.</p>
	<p>On a motion by Mayor Hearn and seconded by Vice Mayor Visokey, the City Council approved the terms of the MOU and salary with the Interim City Manager, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.</p>

LANCASTER CITY COUNCIL
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NB 2.
ORD. NOS.
892 AND 893
PERTAINING TO
WATER
CONSERVATION

The Public Works Director presented the staff report regarding the introduction of Ordinances pertaining to Water Conservation.

Addressing the Council on this matter:

Ray Chavira – Referred to certain sections of Ordinance No. 892 regarding restrictions and inquired as to when mobilehome parks will fall under the same regulations.

Jeanette Langlois – Concerns regarding the dumping of water into the aquifer; encouraged Council to stop issuing housing permits.

Gary Burgess – Supports both of the ordinances; encouraged staff to come back with a really good plan that outlines specifics on landscape and options for citizens without spending a lot of money.

Council Member Sileo stated that there should be an educational component to this and it is a good opportunity to reach out to the community and education them and provide options for them.

Mayor Hearn stated that a Water Workshop is scheduled for January 29, 2007 at 5:00 p.m. with the Council. The Public Works Director gave additional information regarding this meeting.

The Housing Director stated that there is quite a bit of information on the City's website regarding options regarding landscaping and educational information.

A) On a motion by Mayor Hearn and seconded by Vice Mayor Visokey, the City Council introduced **Ordinance No. 892**, prohibiting the waste of water and declaring it unlawful, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.

B) On a motion by Mayor Hearn and seconded by Vice Mayor Visokey, the City Council introduced **Ordinance No. 893**, establishing standards to ensure efficient water use through appropriate landscape design, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.

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NB 3.
RESO. NO. 07-221
ANTELOPE VALLEY
INTEGRATED
REGIONAL WATER
MANAGEMENT
PLAN

The Public Works Director presented the staff report regarding the Antelope Valley Integrated Regional Water Management Plan Adoption. The Regional Water Management Group (RWMG) prepared the Plan and published it on November 19, 2007. The City of Lancaster is one of eleven public agencies that form the RWMG.

Nicole West, Management Analyst for Public Works presented a PowerPoint presentation regarding this matter. The presentation included information on plan goals; plan sections; plan background; objectives; grant application process; details regarding seven projects selected through the grant process; future steps to be taken.

Addressing the Council on this matter:

Jim Barletta, representing Averydale Water Company, stated that he is very concerned with what is going into the ground; issues with bacteria; processes used by Los Angeles County; concerns regarding public health.

On a motion by Mayor Hearn and seconded by Council Member Jeffra, the City Council adopted **Resolution No. 07-221**, to approve the Antelope Valley Integrated Regional Water Management Plan, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.

NB 4.
ORD. NO. 884
LOBBYIST
REGISTRATION

The City Attorney presented the staff report regarding a proposed ordinance adding Chapter 2.26 to the Lancaster Municipal Code relating to Lobbyist Registration.

Council Member Sileo stated that he was totally in favor of the concept and requested clarification regarding the definitions within the ordinance. He inquired that if there is a real estate broker or attorney or an engineer who in addition to functioning in their professional role had a financial interest in the project and does that then take them out of the exemption.

The City Attorney stated that this would probably be the case and that the question would become whether they are also, in addition to their interest in the project, also being compensated for purposes, for the representation before the Council. He stated that there would be certain circumstances when they would not need to register and this would need to be looked at case by case.

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NB 4.
ORD. NO. 884
LOBBYIST
REGISTRATION
(continued)

Addressing the Council on this matter:

Erik Weber – In favor of this ordinance; addressed definitions of city officials; concerns regarding gift limits.

Denise Latanzi – In favor of this ordinance and that campaign financing reform is important.

The City Attorney explained the laws surrounding gift limits.

Council Member Smith discussed gift limits; reporting requirements of campaign statements and conflict of interest statements; wanted to clear a few things up regarding newspaper articles over the past year. He presented a slide presentation which included quotes to the newspaper from Council Member Sileo and Pat Sileo regarding lobbyists; presented a slide regarding the business – Competitive Analysis, stating that Pat Sileo and Competitive Analysis are one in the same; large amounts of money paid to Competitive Analysis from Royal Investors shortly after action was taken by the City Council in which the vote was unanimous; slides showing copies of the checks made out to Competitive Analysis.

Council Member Sileo asked Council Member Smith if he was alleging that any unethical behavior has occurred.

Council Member Smith stated that he was not alleging anything and that he just wanted to give some facts and let the people decide. He stated that this is the reason for registration and that he is not talking about a campaign contribution that is filed, rather an issue of Council Member Sileo's father receiving \$60,000 to make phone calls to possibly try to influence the Council. Lobbying is not wrong and there are lobbyists up in Sacramento; there are lobbyists in other cities. The public needs to know and there needs to be registration and anybody that comes into the City of Lancaster, that gets paid to influence the Council, staff or the Commission needs to register and have full disclosure.

Council Member Sileo stated that the only way he can respond to this is with facts. If people look at his campaign financing forms and his conflict of interest statements, he has zero financial involvement in Competitive Analysis and there are no financial connections whatsoever between any activities of that company and himself.

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NB 4.
ORD. NO. 884
LOBBYIST
REGISTRATION
(continued)

On a motion by Mayor Hearn and seconded by Council Member Sileo, the City Council introduced **Ordinance No. 884**, an ordinance of the City Council of the City of Lancaster, California, adding Chapter 2.26 concerning lobbyist registration to the Lancaster Municipal Code, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.

CA 1.
CAMPAIGN
FINANCING

Council Member Sileo presented for discussion – Council Campaign Financing. He stated that since there has been a discussion this evening regarding lobbyists; influence of Council Members and Planning Commissioners, that it was important to become proactive regarding this matter and try to avert certain perceptions. He stated that he would like to have a discussion about (1) possibly imposing an overall limit on how much a candidate could spend on a campaign. There are voluntary limits on what can be spent on a campaign which is \$.75 per resident and it essentially has no affect; (2) possibly limiting the maximum amount of campaign contributions from any one individual and (3) possibly breaking the reporting periods into smaller blocks of time so that some reporting gets done earlier. He stated that he would like to see reporting periods begin before absentee ballots are put in the mail which would allow the voters to make decisions with as much information as possible.

The City Attorney stated that in almost every case with respect to campaign contribution limits and expenditure limits, the courts have had real problems in upholding these based primarily on first amendment rights. There have been some instances where limitations of this type have been upheld but there are some substantial problems with those. In respect to the campaign disclosure, that is a much easier issue; does not impact any first amendment rights and there are specific authorization rights under the Fair Political Practices Act for local governments to adopt campaign disclosures that are more detailed and timely than is the state law.

Council Member Smith stated that any reasonable look at campaign financing and making it transparent is very important. During a campaign, there is a 24 hour reporting requirement. It might be a good idea to place the conflict of interest statements and the campaign statements on the internet and this would be easy to do. Let the people know, give them the information and make it transparent. The time table within an election is very extensive already but getting the information on the internet would be an excellent way to get the information out to the citizens and he is absolutely in favor of looking at additional transparency.

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CA 1.
CAMPAIGN
FINANCING
(continued)

Vice Mayor Visokey inquired as to if there were stricter reporting to the City Clerk – this would create additional costs. Additional work would in turn create more costs.

Council Member Sileo stated that the reporting dates do become tighter as it gets closer to the election date. He suggested that the dates be backed up so that when the first vote-by-mail ballots go out, the first reporting period is due at the same time. There is the potential for someone voting without having all of the knowledge of the candidate's campaign financing.

Council Member Smith stated that the timetables need to be discussed further and inquired of the City Clerk the filing periods.

The City Clerk stated that the first filing period deadline is February 28th and the first day that vote-by-mail ballots are sent out is March 10th. The second filing period deadline is March 27th and then begins the 24 hour requirement which is \$1,000.

Council Member Smith stated that possibly the amount of \$1,000 could be reduced to \$500 as part of the reporting requirement. Bring back a legitimate transparency issue that would be workable and the other things that have first amendment issues can be researched as well.

Vice Mayor Visokey stated that he would like this matter to come back for discussion once staff has done further research.

Council Member Sileo stated that he would like staff to come back with a presentation regarding the current limits; current timetables, everything at one time to see if there is anything that can be adjusted.

The City Attorney requested clarification from the Council as to whether they wanted a report or did they actually want an ordinance.

Council agreed that they would like to see a report in January and then they would decide after that, if an ordinance should come forward.

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CITY MANAGER ANNOUNCEMENTS	Captain Deeley gave a brief update as to what the Sheriff's Department will be doing over the holidays regarding sobriety checkpoints; drunk drivers; additional patrols; sting operations regarding theft within vehicles.
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	<p>Addressing the Council at this time:</p> <p>David Paul – Apologized to the City Attorney and the Mayor for a couple of phone calls that he made in which he was angry regarding the error surrounding a possible brown act violation; concerns regarding a citizen who was upset at the podium at the last meeting.</p> <p>The City Attorney clarified that it was not reported in the press that staff could not find people in the Council Chambers for the meeting. What in fact happened is that he did not <i>ensure</i> that those people were directed upstairs, that is the error. The people were here and they were outside and in the Chambers and it was unfortunate that they were not directed upstairs to the Council conference room and that is what should have been reported in the paper.</p> <p>Scott Pelka – Took issue with Vice Mayor Visokey and an article that had recently been in the paper; took issue with Council Member Smith regarding Kaiser Hospital.</p> <p>Council Member Smith clarified exactly what his statement was on the argument against the recall.</p> <p>Vernon Fierre – Stated that he reads the paper; listens to the news; considers himself an intelligent man and can read between the lines; he votes; wished more people would vote; does not like what he is reading and hearing.</p> <p>David Abber – Took issue with Council Member Smith for researching the background of the Sileo family; stated that Vice Mayor Visokey acted inappropriately since he was aware of the brown act violation that took place a few weeks ago; requested the resignation of the Vice Mayor; Council Member Smith and the City Attorney.</p> <p>Vice Mayor Visokey clarified his statements regarding the press article and reminded everyone that it was a 90 minute interview and the press cannot possibly put an entire 90 minute interview in the paper. He stated that the City Attorney has already stated that the error was a mistake and that the City Attorney has represented the City of Lancaster for many years and does an excellent job.</p>

LANCASTER CITY COUNCIL
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<p>PUBLIC BUSINESS FROM THE FLOOR NON-AGENDIZED (continued)</p>	<p>Cleo Goss – Presented a visual aide regarding traffic concerns around Quartz Hill High School; issues should be fixed before stores are built; quoted some traffic figures in the area.</p>
<p>COUNCIL COMMENTS</p>	<p>The City Attorney cautioned the City Council that this matter is a project that is being processed by the City and the property owners have due process rights, so their matter will be heard first by the Planning Commission then by the City Council. What is said tonight is not part of the public record and is not part of anything Council can consider in connection with the approval or denial of this matter.</p>
	<p>Richard Hecker – Referred to comments from a previous meeting; review of process of staff working with developers; importance of listening to the concerns of the people; important that the citizen’s voices are heard.</p>
	<p>Shari Martin – Dissatisfied with what has been going on with the City Council; discontented with the Council although she does not live in Lancaster.</p>
	<p>Vice Mayor Visokey reminded everyone that the article in the paper was only a very small part of a 90 minute interview and they should keep this in mind.</p>
	<p>Mayor Hearn stated that if there is anything he can leave as a part of his legacy of many, many years on the Council it is that he is not influenced by anyone’s money or earnings or anything else and this does not fit his character at all.</p>
	<p>Mayor Hearn wished everyone a very Merry Christmas and a happy new year.</p>
<p>CLOSED SESSION</p>	<p>Due to action taken earlier in the evening regarding Item No. NB 1, it was determined by the City Council that there would not be a need for the closed session item.</p>
	<p>Government Code §54957</p>
	<p>PUBLIC EMPLOYEE APPOINTMENT – Interim City Manager</p>

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ADJOURNMENT

Mayor Hearn announced: Pursuant to action taken by the City Council on August 14, 2007, there would not be a City Council meeting on December 25, 2007.

There being no further business, Mayor Hearn adjourned the meeting on December 12, 2007 at 12:31 a.m. and announced the next regular meeting of the City Council would be held on Tuesday, January 8, 2008 at 6:00 p.m.

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

HENRY W. HEARNS
Mayor
City of Lancaster

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

CERTIFICATION OF MINUTES
CITY COUNCIL

I, _____, _____ of the City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original City Council Minutes, 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)
