

**LANCASTER CITY COUNCIL
REGULAR MEETING
MINUTES
January 22, 2008**

CALL TO ORDER	Mayor Hearn called the regular meeting of the City Council to order at 6:00 p.m.
ROLL CALL	<p>Present: Council Members: Jeffra, Sileo, Smith, Vice Mayor Visokey, Mayor Hearn</p> <p>Excused: 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	None
APPROVAL OF CONSENT CALENDAR	On a motion by Council Member Sileo and seconded by Vice-Mayor Visokey, the City Council approved the Consent Calendar by the following vote: 5-0-0-0; 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 January 8, 2008.
CC 3. WARRANT REGISTER	Approved the Check and Wire Registers December 23, 2007 through January 5, 2008 in the amount of \$1,770,353.03.

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<p>CC 4. ACCEPTANCE OF WORK DRAINAGE IMPROVEMENTS FOR PARCEL MAP NO. 060916-01; TRACT NO. 061756</p>	<p>Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District Annexation Nos. 04-54 and 05-28 installed for: Parcel Map No. 060916-01, located on the northwest corner of Avenue G and 45th Street West, Owner: Fox Field Industrial Park L.P. (Larwin Company); and Tract No. 061756, located on the south side of Avenue H-8, approximately 120 feet west of 3rd Street East Owner: Larwin Company.</p>
<p>CC 5. ACCEPTANCE OF INTERIOR STREET TREES FOR MAINTENANCE TRACT NOS. 48534-03; 53297</p>	<p>Accepted the interior street trees for maintenance by the City for: Tract No. 48534-03, located on the northeast corner of Avenue I and 35th Street East, Owner: K. Hovnanian Forecast Homes, Inc.; Tract No. 53297, located on the southwest corner of Avenue K and 20th Street East, Owner: K. Hovnanian Forecast Homes, Inc.</p>
<p>CC 6. MONUMENTATION WORK TRACT NO. 54275</p>	<p>Approved the monumentation work for: Tract No. 54275, located on the southeast corner of Avenue J-8 and 65th Street West, Owner: Standard Pacific Corporation.</p>
<p>CC 7. APPROVAL OF COMPLETED SEWER SYSTEMS PARCEL MAP NO. 060916; TRACT NO. 060198</p>	<p>Approved the completed sewer systems installed by the developer of: Parcel Map No. 060916, located on the north side of Avenue G, between 45th and 47th Street West, Owner: Fox Field Industrial Park, L.P. (Larwin Company); and Tract No. 060198, located on the southeast corner of Avenue M-8, between 42nd Street West and 45th Street West, Owner: Pulte Home Corporation.</p>
<p>CC 8. TRANSFER OF FUNDS TO SUPPORT COSTS RELATED TO THE A.V. INTEGRATED REGIONAL WATER MANAGEMENT PLAN</p>	<p>Approved transfer of \$74,000.00 from Operating Contingency Account No. 101-4330-999 to Account No. 101-4710-301 to support the request for supplemental deposit for the City's share of consultant costs for the preparation of the Antelope Valley Integrated Regional Water Management Plan.</p>

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<p>CC 9. AGREEMENT WITH OASIS AQUATICS, INC.</p>	<p>Approved a two-year agreement with Oasis Aquatics Inc. for use of City Aquatic Facilities.</p>
<p>CC 10. AGREEMENT WITH ANTELOPE VALLEY SPECIAL OLYMPICS</p>	<p>Approved a two-year agreement with the Antelope Valley Special Olympics for use of City aquatic facilities.</p>
<p>CC 11. AGREEMENT WITH FILMLA, INC.</p>	<p>Approved an Agreement with FilmLA, Inc. for streamlining of the City film permit function.</p>
<p>CC 12. RETENTION OF CHRISTOPHER A. JOSEPH & ASSOCIATES FOR PREPARATION OF AN EIR</p>	<p>Authorized the retention of Christopher A. Joseph & Associates for the preparation of an Environmental Impact Report for HASA swimming pool product manufacturing plant and related development applications located on the west side of Trevor Avenue between Avenue H-8 and Avenue H-12.</p>

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<p>PH 1. ORD. NO. 896 AMENDMENT OF TITLE 17 OF THE LMC IN REGARDS TO ALCOHOL SALES REQUIREMENTS AND POLICIES REGARDING RESTAURANTS AND ADMINISTRATION OF CUP'S</p>	<p>Mayor Hearn opened the Public Hearing. The Planning Director presented the staff report regarding an amendment of Title 17 of the City of Lancaster Municipal Code (Zoning Ordinance) revising the requirements for alcohol sales establishments and adoption of a policy on “in-process” bona fide restaurants.</p> <p>Council Comments/Concerns:</p> <p>Clarification regarding the time frame; crime rate; notification of ordinance to existing users; communicating with existing users so they will understand what is going on.</p> <p>Addressing the Council on this matter:</p> <p>Ken Jones – Ordinance will enhance the fight against crime; enhance the City; pleased with the language of the ordinance; encouraged the Council to approve.</p> <p>Ray Chavira – Ordinance is good; some aspects could be better; importance of placing pressure on the County to adopt a strong ordinance as well.</p> <p>Jason Smith – Supports the ordinance; well crafted; well defined tool to fight the crime in the City of Lancaster.</p> <p>There being no further testimony, Mayor Hearn closed the Public Hearing.</p> <p>On a motion by Mayor Hearn and seconded by Council Member Jeffra, the City Council introduced Ordinance No. 896, amending Title 17 of the City of Lancaster Municipal Code (Zoning Ordinance) revising the requirements for alcohol sales establishments through the addition of Chapter 17.42, associated amendments within Chapters 17.12, 17.16, 17.32, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None</p> <p>On a motion by Council Member Jeffra and seconded by Mayor Hearn, the City Council adopted the policies on “in-progress” bona fide restaurants and administration of conditional use permits for alcohol sales establishments, 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>NB 1. CONDEMNATION PROCEEDINGS REGARDING PROPERTY LOCATED ON THE NORTHWEST CORNER OF AVENUE K-8 AND 25TH STREET WEST</p>	<p>The Public Works Director presented the staff report regarding condemnation proceedings – Property Acquisition located on the northwest corner of Avenue K-8 and 25th Street West, identified as APN 3112-005-900, (Portions Thereof).</p> <p>On a motion by Council Member Jeffra and seconded by Vice Mayor Visokey, the City Council adopted Resolution No. 08-03, directing and authorizing the condemnation of certain real property in the City of Lancaster, California, and declaring the public necessity therefore (APN 3112-005-900; portions thereof), by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.</p>
<p>NB 2. ORD. 897 IMPLEMENTATION OF PROVISIONS OF THE “ACT” OR DIVCA</p>	<p>The City Attorney presented the staff report regarding the implementation of the provisions of the Digital Infrastructure and Video Competition Act of 2006.</p> <p>Council Comments/Concerns:</p> <p>Clarification of the current franchise.</p> <p>On a motion by Council Member Jeffra and seconded by Mayor Hearn, the City Council introduced Ordinance No. 897 implementing certain provisions of the Digital Infrastructure and Video Competition Act of 2006 (Cal. Pub. Util. Code § 5800 et seq.) (the “Act” or “DIVCA”), by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.</p>
<p>CA 1. PILOT PROGRAM ENHANCED IMMIGRATION ENFORCEMENT AND ICE TRAINING</p>	<p>Council Member Smith requested consideration of a pilot program for Enhanced Immigration Enforcement and Immigration & Custom Enforcement (ICE) Training for Lancaster Station. This program would send all of the Lancaster Station Custody Assistants and Deputies who are jailers to ICE Training. The program would use these trained personnel to identify illegal aliens who are arrested for part-one crimes, gang activity and drunk driving; flag them for ICE and deportation at the end of their sentence before release. Council Member Smith stated that Sheriff Baca supports the concept and stated that it was possible that he too will send personnel for the training. There would be a need to hire clerical personnel to handle the paperwork and the Sheriff estimated the cost at approximately \$50,000, however, the Interim City Manager stated that the City may be able to hire the clerical personnel and bring the costs down. Council Member Smith stated that there is support for this program from Norm Hickling who has stated that Supervisor Antonovich would support it as well. Additional support comes from Captain Carl Deeley and the Interim City Manager, Mark Bozigian.</p>

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<p>CA 1. PILOT PROGRAM ENHANCED IMMIGRATION ENFORCEMENT AND ICE TRAINING (continued)</p>	<p>Council Comments/Concerns:</p> <p>Excellent idea; good program; clarification regarding the \$50,000.00 expense as one-time expense of training or as an annual fee; clarification regarding deportation, which is activated at the time of sentencing; this will be money well spent; ways have been looked at to address crime in this community and it has been discussed many times that many of these individuals that are committing crimes are also here illegally; Council thanked Council Member Smith for this excellent proposal; community will be very supportive of this; time frame for getting the program off the ground.</p> <p>Council Member Smith stated that the initial training still needs to be discussed with the Sheriff. Since the program is already in place at the Los Angeles Central jail, the Sheriff might pick up that expense for the initial training. The expense is very small and Mr. Bozigian stated that it would be no problem at all to pay for this out of the existing reserves. The \$50,000 would be an ongoing expense basically for clerical work. There is a lot of paperwork involved when these people get booked; they are identified; paperwork goes to the federal government; many processes take place.</p> <p>The Interim City Manager stated that the City would work with the Sheriff's Captain to scope out what needs to be done and decide from that point. This is consistent with what the City has been doing over the last couple of years, such as hiring law enforcement technicians to assist at the station.</p> <p>Council Member Smith stated that when anyone takes a plea bargain it is actually part of their admonition that they are told if they are here illegally that this plea could cause their deportation. That is where the Federal Government gets involved and why it is so important to have the paperwork in place and flag these people early.</p> <p>Captain Deeley stated the initial process would be for the people who work in the jails to get the training. The costs involved would mean, by sending these people to training, there would be costs involved in bringing people in behind them. This is not a problem; once they are trained and they identify those people in the jail, identified to ICE, the motions are set in place. He further explained the process which these people go through and gave a few examples. The program is not very difficult to implement; there is a program that the federal prosecutor's office is implementing, to go after repeat offenders who come back into the country and commit a felony for long-term prison terms and there is an active program in place for these cases and the benefits of this program will be immediate.</p>
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<p>CA 1. PILOT PROGRAM ENHANCED IMMIGRATION ENFORCEMENT AND ICE TRAINING (continued)</p>	<p>Addressing the Council on this matter:</p> <p>David Paul – In favor of this proposal.</p> <p>Larry Grooms – In favor of this proposal.</p> <p>On a motion by Council Member Smith and seconded by Mayor Hearn, the City Council approved the pilot program and gave staff direction to work with the Sheriff's Department to develop the pilot program; directed staff that if any money is needed at this time, that the reserves from the Sheriff's contract that is currently in place, help to pay for this and also to have this included in the 2008/2009 Budget, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.</p>
<p>CA 2. DONATION OF FUNDS TO THE VIETNAM MEMORIAL WALL PROJECT</p>	<p>Mayor Hearn requested consideration of a \$2,500.00 donation to the City of Palmdale Community Foundation – Vietnam Memorial Wall Project. He gave a brief background regarding this project and stated that the Wall Committee hopes to raise the total amount of funds necessary to construct the Wall within the next few months.</p> <p>Mayor Hearn introduced members of the committee: George Palermo, Dea McAllister and Joan Hughes.</p> <p>On a motion by Mayor Hearn and seconded by Council Member Smith, the City Council approved a \$2,500.00 donation to the City of Palmdale Community Foundation – Vietnam Memorial Wall Project, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None.</p> <p>The Interim City Manager clarified that this was an exception to the policy that Council has in place regarding donations to non-profits; this does not set a precedent and the City Council agreed with this.</p>

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CITY MANAGER
ANNOUNCEMENTS

The Interim City Manager announced that a Special City Council Water Workshop would take place on Tuesday, January 29, 2008 at 5:00 p.m. in the Council Chambers and the public was encouraged to come to this meeting.

The Parks, Recreation and Arts Director introduced Laurie Butts, the City's Special Events Manager, who created and handled the events surrounding Martin Luther King, Jr. Day.

Ms. Butts stated that this event was one of the largest King Day of Service turnouts in the state. Many, many organizations participated as sponsors such as the City of Lancaster; AV Chambers of Commerce; AV College; AV Hospital; Antelope Valley Jaycees, Cold Stone Creamery; Dunn-Edwards Paints; Lowe's; Zonta International; Home Depot and many, many other businesses within the community.

The City goals were to engage a large number of citizens in volunteer projects to have a positive impact on the community and to build bridges among the City, organizations and individuals to promote volunteerism throughout the year and leverage resources for the greatest impact.

There were 925 volunteers, 60 organizations, 18 projects. Projects included the building of bicycles; clean up of trash over 100 acres, planted 80 bushes and 15 trees, painted four buildings and a mural, donated 80 pints of blood, visited 25 patients, all representing more than 3,000 hours of volunteer work. Corporate partners donated more than \$15,000.00 worth of materials and citizens demonstrated that they are eager to have a positive impact on the community.

The event sparked imagination; fostered teamwork; ignited a sense of community pride and last but not least, beautified the environment.

The Mayor and Council expressed their appreciation of this challenging endeavor and stated how pleased they were with the outcome and the involvement of the many staff members and the numerous citizens.

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CITY MANAGER'S
ANNOUNCEMENTS
(continued)

The Finance Director gave a brief overview of the economy and presented the California State Board Association Forecast Webcast from January 17, 2008

Economic forecast presented by Dr. Christopher Thornberg, Principal, Beacon Economic Forecast confirms what was anticipated in the midyear budget process:

- Mild Recession in 2008
- Slower consumer spending
- Spending based on feeling of “artificial wealth” due to increasing property values. As values have fallen that feeling of wealth has disappeared
- Higher unemployment
- Housing continuing to drop
- Bottom in 2009/2010
- Correction in housing market

The City of Lancaster has prepared for this natural turn in the economy with its conservative approach to budgeting and establishment of the Financial Stability Reserve.

- State is facing at least \$14 Billion deficit – probably higher
- Increased permanent expenditures with temporary revenues

State is not as well prepared as Lancaster and will be looking for ways to bridge the gap.

- Governor's budget proposal
- Issuance of further deficit financing bonds
- Higher revenue accruals
- Across the board spending cuts – education is particularly hard hit to address cash flow issues – proposal to delay gas tax payments to cities by one to five months (over \$1.0 million impact to Lancaster)

The Council thanked the Finance Director for the report and requested clarification regarding the gas tax delay and Prop 58.

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<p>CITY CLERK ANNOUNCEMENT</p>	<p>The Deputy City Clerk provided the public with the procedure to address the City Council regarding non-agendized items.</p>
<p>PUBLIC BUSINESS FROM THE FLOOR NON-AGENDIZED</p>	<p>Addressing the Council at this time:</p> <p>David Paul – Pleased with the Martin Luther King Day Events; City needs to get involved in the initiative regarding the use of solar panels to provide electricity for the City.</p> <p>Ray Chavira – New Proposition which is the son of Proposition 90 regarding imminent domain issues. Initiative will wipe out rent control; staff should be aware of this initiative.</p> <p>Clorinda Jacobson – Stated that Friday, January 25, 2008, there will be a pre-school concert at the Cedar Center at 1 p.m. and encouraged the Council to attend. This concert will give awareness and strategies to help fight Type II Diabetes.</p> <p>Jason Smith – Representing Protective Science Dynamics – a non-profit criminal justice research and development agency. There is a fund raiser on February 9, 2008 from 6 a.m. to 10 a.m. at Home Town Buffet. This fund raiser will help the agency and the agency greatly needs donations.</p> <p>Nicole Parsons – Stated that people have a right to acquisition; right to birth; right to marriage; right to help people; no rights on a bullet – no name on a bullet; right of the first amendment; work for causes; right of due process. Stated that she has a proposal to bring everyone together, called Sister Cities.</p>

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COUNCIL
COMMENTS

Council Member Smith stated that at the last Council meeting he had requested that the City Attorney look into whether the votes that were taken in Closed Session on November 13, 2007 could be made public.

The City Attorney stated that he had been provided with copies of a series of emails between the Antelope Valley Press and Council Member Smith in which the A.V. Press suggests that in addition to the announcements and the action taken after the closed session on November 13, 2007, government Code Section 54957.1 requires that the separate votes on provisions of the Separation Agreement should have been disclosed as well and he strongly disagrees with this.

The City Attorney referred to the case of Gillespie v. San Francisco Pub. Library Com. (1998) 67 Cal.App.4th 1165. He stated that based on Gillespie, Government Code Section 54957.1 requires that the City Council publicly report only “on the action” to accept Mr. LaSala’s resignation, but it does not require that all votes “with respect to” that resignation be reported. As the minutes of the meeting reflect, following the closed session, Mr. LaSala read an announcement of his resignation. The Council thereafter voted 3-2 to accept the resignation subject to the terms of the Separation Agreement. That vote was taken in open session and not in closed session. In accordance with Government Code Section 54957.1, nothing further is required to be disclosed.

Council Member Smith stated that he accepts the City Attorney’s decision on this; this case law is to point and therefore the votes should not be disclosed.

Additionally, the City Attorney stated that over the past months of 2007, a number of disclosures of content within closed session have been discussed and that is a violation of the Brown Act. Unfortunately there is no penal remedy to go along with it and it is left to the Council to police that provision. It is a specific violation of the Brown Act to discuss the content of closed sessions.

Council Member Sileo clarified that there was not a specific vote taken in closed session to accept or reject the resignation and that vote was only taken in public session and the City Attorney agreed.

Mayor Hearn stated that his intent from the very beginning was to get behind closed doors and come up with a plan between Council and the City Manager that would move the City forward. That was the intent of every meeting, however, when the meeting came to the public within the Council Chambers, it went down, 3-2 to let the City Manager go. In closed session, everyone agreed with the exception of Council Member Smith on the terms that Mr. LaSala wanted. He stated that he wanted to make this clear once and for all.

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COUNCIL COMMENTS (continued)	<p>Council Member Smith clarified that what was actually voted on within the 3-2 vote was to accept the resignation subject to the terms of the contract and the City Attorney agreed with this.</p> <p>Council Member Jeffra clarified that Council voted on deal points. Those deal points had not been concluded at the time of the vote.</p> <p>The City Attorney stated that the deal points had not been executed at the time of the vote and the vote was to accept the resignation subject to the terms of the contract. Prior to taking the vote, Council went through the details of what was being changed in the agreement and it was executed by the end of that week.</p>
CLOSED SESSION	None
ADJOURNMENT	<p>There being no further business, Mayor HearnS adjourned the meeting at 7:33 p.m. and announced the next regular meeting of the City Council would be held on Tuesday, January 22, 2008, at 6:00 p.m.</p> <p>Additionally, Mayor HearnS announced that a Special City Council Water Workshop would take place on Tuesday, January 29, 2008, at 5:00 p.m. in the Council Chambers.</p>
	ATTEST:
	APPROVED:
	<hr/> <p>GERI K. BRYAN, CMC City Clerk City of Lancaster</p>
	<hr/> <p>HENRY W. HEARN S Mayor City of Lancaster</p>

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)
