

LANCASTER CITY COUNCIL/REDEVELOPMENT AGENCY  
OFFICIAL MINUTES  
**February 12, 2008**

**CALL TO ORDER**

Mayor/Chairman Hearn called the regular meeting of the City Council/Redevelopment Agency meeting to order at 6:03 p.m.

**ROLL CALL**

Present: Council Members/Agency Directors: Sileo, Smith, Vice Mayor/Vice Chairman Visokey, Mayor/Chairman Hearn

Excused: Council Member/Agency Director: Jeffra

**Staff**

Members: Interim City Manager/Interim Executive Director, Interim Assistant City Manager/Interim Executive Director, City Clerk/Agency Secretary, Principal Planner, Public Works Director, Parks, Recreation and Arts Director, Finance Director, Economic Development Director, Housing Director, Human Resources Director

**INVOCATION**

Mayor Hearn

**PLEDGE OF ALLEGIANCE**

Council Member/Agency Director Smith

**PRESENTATIONS**

1. Career and Technical Education Month – Received by Diane Walker
2. Proclamation “Go Red for Women” Day
3. Courage and Dedication Presentation to Los Angeles County Fire Department presented by Mayor Hearn and Council Member Sileo
4. Code Enforcement Presentation – Housing Director, Elizabeth Brubaker  
Vice Mayor Visokey requested clarification regarding violations and enforcement regarding lawn care. The Interim City Manager gave a brief overview of the system that is in place to track violations.

**AGENDA ITEMS TO BE REMOVED FROM COUNCIL/AGENCY AGENDA**

None

**APPROVAL OF REDEVELOPMENT AGENCY CONSENT CALENDAR**

On a motion by Agency Director Sileo and seconded by Vice Chairman Visokey, the Redevelopment Agency approved the Agency Consent Calendar, by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: Jeffra

## **RCC 1. MINUTES**

Approved the Regular meeting minutes of January 22, 2008.

## **RCC 2. AWARD OF CONSTRUCTION PROJECT NO. 1**

Awarded Housing and Neighborhood Revitalization Department Construction Project No. 1, Expansion of the Lancaster Community Homeless Shelter, to Bowe Contractors, Inc. in the amount of \$839,794.00 plus a 10% contingency, for the construction of fourteen family transitional units at the Lancaster Community Homeless Shelter.

## **APPROVAL OF CITY COUNCIL CONSENT CALENDAR**

On a motion by Council Member Sileo and seconded by Vice Mayor Visokey, the City Council approved the Council Consent Calendar by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: Jeffra

## **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 following Minutes:

- A) Regular Meeting Minutes of January 22, 2008
- B) Special Meeting Minutes of January 29, 2008
- C) Special Water Workshop Minutes of January 29, 2008

## **CC 3. WARRANT REGISTER**

Approved the Check and Wire Registers (January 6, 2008 through January 26, 2008) in the amount of \$12,204,570.36.

## **CC4. MONTHLY REPORT OF INVESTMENTS**

Accepted and approved the December 31, 2007 Monthly Report of Investments as submitted.

## **CC 5. RESO. NO. 08-05 – DESTRUCTION OF CERTAIN RECORDS**

Adopted **Resolution No. 08-05**, authorizing the destruction of certain records (Plans & Plan checks, Correspondence, Recruitment Files, Worker's Comp Claims, Grants, Travel Records, Accounts Payable).

## **CC 6. ORD. NO. 896 – ADDING CHAPTER 17.42 TO THE LMC REGARDING ALCOHOLIC BEVERAGE ESTABLISHMENTS**

Adopted **Ordinance No. 896**, an ordinance of the City Council of the City of Lancaster, California, adding Chapter 17.42, Alcoholic Beverage Establishments and Related Amendments to Chapters 17.12, 17.16, 17.32 and 17.40 of the Lancaster Municipal Code.

## **CC 7. ORD. NO. 897 – ADDING CHAPTER 5.18 TO THE LMC REGARDING DIGITAL INFRASTRUCTURE**

Adopted **Ordinance No. 897**, an ordinance of the City Council of the City of Lancaster, California, adding Chapter 5.18 to the Lancaster Municipal Code to implement provisions of the Digital Infrastructure and Video Competition act of 2006.

**CC 8. RESO. NO. 08-06 – AMENDING LIST OF DESIGNATED EMPLOYMENT CLASSIFICATIONS**

Adopted **Resolution No. 08-06**, amending the List of Designated Employment Classifications as provided in Section 2.40, Title 2, of the Lancaster Municipal Code.

**CC 9. ACCEPTANCE OF INTERIOR STREET TREES FOR MAINTENANCE – TRACT NOS. 060126; 060450-03**

Accepted the interior street trees for maintenance by the City for: Tract No. 060126, located between 46<sup>th</sup> Street West and 47<sup>th</sup> Street West, approximately 660 feet north of Avenue J-8, Owner: Lancaster Crown Ridge, G.P., and Tract No. 060450-03, located on the northwest corner of 60<sup>th</sup> Street West and Avenue K-8, Owner: Pinnacle Northwood 78, LLC.

**CC 10. ACCEPTANCE OF MAINTENANCE FOR LANDSCAPE IMPROVEMENTS – TRACT NO. 061680**

Approved and accepted for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, Annexation No. 342, installed for: Tract No. 061680, located on the southwest corner of Avenue K and 60<sup>th</sup> Street West, Owner: KB Home Greater Los Angeles, Inc.

**CC 11. ACCEPTANCE OF MAP AND DEDICATIONS FOR PARCEL MAP NO. 69972**

Approved the map and accepted the dedications as offered on the map for Parcel Map 69972, located on the southeast corner of 10<sup>th</sup> Street West and Avenue L; 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.

**CC 12. ACCEPTANCE OF WORK BY TAFT ELECTRIC CO. FOR PWCP NO. 07-006 TRAFFIC SIGNAL**

Accepted the work constructed by Taft Electric Company for **Public Works Construction Project No. 07-006 Traffic Signal at Avenue I / 15<sup>th</sup> Street East**; 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.

**CC 13. ACCEPTANCE OF WORK BY CHRISTOPHER R. MORALES, INC. FOR PWCP NO. 07-026 – TRAFFIC SIGNAL MODIFICATIONS**

Accepted the work constructed by Christopher R. Morales, Inc. for **Public Works Construction Project No. 07-026, Traffic Signal Modifications**; 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.

**CC 14. EXTENSION OF UNDERTAKING AGREEMENT – TRACT MAP NO. 060428**

Extended the Undertaking Agreement and Improvement Securities for: Tract Map No. 060428, located on the southwest corner of 40<sup>th</sup> Street West and Avenue J-6, to February 12, 2009, Developer: American Premiere Homes, Inc.

**CC 15. EXTENSION OF UNDERTAKING AGREEMENT – TRACT MAP NO. 061756**

Extended the Undertaking Agreement and Improvement Securities for: Tract Map No. 061756, located on the south side of Avenue H-8, approximately 120 feet west of 3<sup>rd</sup> Street East, to August 12, 2008, Developer: Larwin Company.

**CC 16. EXTENSION OF UNDERTAKING AGREEMENT – TRACT MAP NO. 53102-01**

Extended the Undertaking Agreement and Improvement Securities for: Tract Map No. 53102-01, located on the southwest corner of Avenue J-8 and 45<sup>th</sup> Street West, to August 12, 2008, Developer: Magnolia, LP.

**CC 17. TAX SHARING RESOLUTIONS WITH L.A. COUNTY WATERWORKS DISTRICT NO. 40**

Adopted the Tax Sharing Resolution for proposed Annexation No. 40-116 (4-181) into Los Angeles County Waterworks District No. 40, Antelope Valley.

**CC 18. RESO. NO. 08-07 – ESTABLISHING CLASSIFICATIONS**

Adopted **Resolution No. 08-07**, amending Resolution No. 06-231, establishing the classifications of Lead Utility Maintenance Worker, Development Services Project Coordinator, City Engineer, Deputy Public Works Director, Senior Engineer and Utility Services Manager.

**CC 19. RESO. NO. 08-08 – APPLICATION FOR FUNDS FROM L.A. COUNTY MTA**

Adopted **Resolution No. 08-08**, authorizing the City Manager, or his designee, to apply for all funds available to the City of Lancaster, from the Los Angeles County Metropolitan Transportation Authority, allocated for street and road improvements for the fiscal year 2007-2008 in the amount of \$5,000,795.00.

**CC 20. RESO. NOS. 08-09 AND 08-10 – ANNEX. NOS. 07-46; 07-58**

**PROPOSED ANNEXATIONS TO LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT**

Annexation No. 07-46, Parcel Map No. 061949, located on the south side of Avenue K, approximately 660 feet west of future 105<sup>th</sup> Street West. Owner: The Rafael and Aida Torres, Sr. Living Trust, UTD, May 5, 2003, Rafael Torres, Sr. and Aida Torres, Trustees.

Annexation No. 07-58, Tract No. 067582, located on the north side of Avenue J-8, approximately 685 feet west of 50<sup>th</sup> Street West. Owner: Stratham Montecito West, Inc., a California Corporation.

Adopted **Resolution No. 08-09**, 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. 07-46, and 07-58).

**CC 20. CONTINUED:**

Adopted **Resolution No. 08-10**, 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. 07-46, and 07-58).

**CC 21. RESO. NOS. 08-11 AND 08-12; ANNEX. NOS. 825; 838**

**PROPOSED ANNEXATIONS TO LANCASTER LIGHTING MAINTENANCE DISTRICT**

Annexation No. 825, Parcel Map No. 061949, located on the south side of Avenue K, approximately 660 feet west of future 105th Street West. Owner: The Rafael and Aida Torres, Sr. Living Trust, UTD, May 5, 2003, Rafael Torres, Sr. and Aida Torres, Trustees.

Annexation No. 838, Tract No. 067582, located on the north side of Avenue J-8, approximately 685 feet west of 50th Street West. Owner: Stratham Montecito West, Inc., a California Corporation.

Adopted **Resolution No. 08-11**, 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. 825 and 838).

Adopted **Resolution No. 08-12**, 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. 825 and 838).

**CC 22. RESO. NOS. 08-13 AND 08-14; ANNEX. NOS. 404; 405**

**PROPOSED ANNEXATIONS TO LANCASTER LANDSCAPE MAINTENANCE DISTRICT NO. 1**

Annexation No. 404, Parcel Map No. 061949, located on the south side of Avenue K, approximately 660 feet west of future 105th Street West. Owner: The Rafael and Aida Torres, Sr. Living Trust, UTD, May 5, 2003, Rafael Torres, Sr. and Aida Torres, Trustees.

Annexation No. 405, Tract No. 067582, located on the north side of Avenue J-8, approximately 685 feet west of 50th Street West. Owner: Stratham Montecito West, Inc., a California Corporation.

Adopted **Resolution No. 08-13**, initiating proceedings for the annexation of territories 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 Nos. 404 and 405).

Adopted **Resolution No. 08-14**, approving the Engineer's Report and the time and place for Public Hearing, and declaring its intention to annex territories 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 Nos. 404 and 405).

**PH 1. RESO. NO. 08-15 CONFIRMING DIAGRAMS AND ASSESSMENTS FOR ANNEX. NOS. 07-46; 07-58**

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 Vice Mayor Visokey, the City Council adopted **Resolution No. 08-15**, confirming the diagrams and assessments ordering the annexation of territories into the Lancaster Drainage Benefit Assessment District and levy of assessment (Annexation Nos. 07-46, and 07-58), by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: Jeffra.

**PH 2. RESO. NO. 08-16 CONFIRMING DIAGRAMS AND ASSESSMENTS FOR ANNEX. NOS. 825; 838**

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 Sileo and seconded by Vice Mayor Visokey, the City Council adopted **Resolution No. 08-16**, confirming the diagrams and assessments and ordering the annexation of territories into Lancaster Lighting Maintenance District (Annexation Nos. 825 and 838), by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: Jeffra.

**PH 3. RESO. NO. 08-17 CONFIRMING DIAGRAMS AND ASSESSMENTS FOR ANNEX. NOS. 404; 405**

Mayor Hearn opened the Public Hearing. The Public Works Director presented the staff report regarding proposed annexations to the Lancaster Landscape Maintenance District No. 1. There being no further testimony, Mayor Hearn closed the Public Hearing.

On a motion by Council Member Sileo and seconded by Mayor Hearn, the City Council adopted **Resolution No. 08-17**, confirming the diagrams and assessments and ordering the annexation of territories into Lancaster Landscape Maintenance District No. 1 (Annexation Nos. 404 and 405), by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: Jeffra.

**PH 4. RESO. NO. 08-18 ESTABLISHING CUP FILING FEES FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS**

Mayor Hearn opened the Public Hearing. The Principal Planner presented the staff report regarding Conditional Use Permit Filing Fees for Alcoholic Beverage Establishments.

On a motion by Mayor Hearn and seconded by Vice Mayor Visokey, the City Council adopted **Resolution No. 08-18**, establishing conditional use permit filing fees for alcoholic beverage establishments, by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: Jeffra.

## **INTERIM CITY MANAGER/INTERIM EXECUTIVE DIRECTOR ANNOUNCEMENTS**

The Interim City Manager stated that City Attorney, Dave McEwen, would like to give a brief announcement.

The City Attorney read a brief statement from a memo, to the City Council, regarding the Brown Act violation of November 6, 2007 and communication that the City received from the Los Angeles County District Attorney's office. He stated that the City would comply with the request to provide all agendas and minutes to the District Attorney's office for the next six months. *(See memo of February 11, 2008 to Mayor Hearn and City Council Members from David R. McEwen, City Attorney.)*

Council Member Sileo stated that Mr. McEwen did accurately reflect his (Sileo) comments regarding the actions of the facilitator and that there was no concurrence by the Council regarding this matter.

Council Member Smith stated that he met with the Antelope Valley Press and he wanted to clarify that a quote that was placed in the paper was inaccurate. He stated that the Brown Act was written to protect access by the public to open meetings and he agrees with this 100%. The exclusions to the Brown Act are not there to protect members of the public. The exclusions are there to protect the person in closed session and in this case, the personnel record and the integrity of the City Manager. Elected officials have no protections under the Brown Act; therefore, his comments had to do with personnel issues only.

## **CITY CLERK/AGENCY SECRETARY ANNOUNCEMENT**

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

## **ADDRESSING THE COUNCIL/AGENCY AT THIS TIME:**

Ray Chavira – appreciates the adoption of the alcohol ordinance and resolution; concerned with traffic safety issues in the locations of Tu-Paks Liquor and The Trap.

Tenisha Stewart – concerns regarding homeowners; foreclosures; time frame to allow homeowners to relocate; City should look into a program to help with these matters.

David Paul – appreciates the statements and memo presented by Mr. McEwen; appreciates the hard work by Captain Deeley; would like to see additional security at City Hall in light of the recent shootings at another City Hall.

Gary Burgess – stated that he is frustrated with the matters surrounding the Brown Act violations; feels that it should never have happened; Mr. McEwen has many years of experience and should have known better than to conduct the meeting in this manner.

## **COUNCIL/AGENCY COMMENTS**

Mayor Hearn stated that it was time for everyone to come together for the good of the City; believes that no matter how professional a person is, people make mistakes; he stands behind Mr. McEwen 100%; he and the City Council take full responsibility regarding this matter as well. Stated that it was time to have citizens put their heads together and pull the community together.

## **CLOSED SESSION**

None

**ADJOURNMENT**

Mayor Hearn's adjourned the Council/Agency meeting at 7:10 p.m. in memory of Frank Arthur Lane and announced the next meeting of the City Council/Redevelopment Agency would take place on Tuesday, February 26, 2008 at 6:00 p.m.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
GERI K. BRYAN, CMC  
CITY CLERK/AGENCY SECRETARY  
Lancaster, CA

\_\_\_\_\_  
HENRY W. HEARNS  
MAYOR/CHAIRMAN  
Lancaster, CA

**CERTIFICATION OF MINUTES**  
**CITY COUNCIL/REDEVELOPMENT AGENCY**

I, \_\_\_\_\_, \_\_\_\_\_ of the City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original City Council/Redevelopment Agency minutes, for which the original is on file in my office.

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

(seal)

\_\_\_\_\_