

CC 2
03/25/08
MVB

**LANCASTER CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES
March 11, 2008**

CALL TO ORDER

Mayor/Chairman Hearn called the regular meeting of the City Council/Redevelopment Agency meeting to order at 6:01 p.m.

ROLL CALL

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

Absent: Council Member/Agency Director: Jeffra

Staff

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

INVOCATION

Pastor Juan – Live Again Ministries

PLEDGE OF ALLEGIANCE

Shameka Washington – Boys & Girls Club Youth of the Year - 2008

PRESENTATIONS

1. National Purchasing Institute's Achievement of Excellence in Procurement - 2007
2. Youth of the Year Program and Boys & Girls Club Youth of the Year 2008 - Shameka Washington
3. A Youth Advisor introduced students from Eastside High and Pete Knight High. Each student introduced themselves and said a few words about the different youth programs they are involved in and how those programs have changed their lives.

AGENDA ITEMS TO BE REMOVED

None

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APPROVAL OF REDEVELOPMENT AGENCY CONSENT CALENDAR

On a motion by Agency Director Sileo and seconded by Chairman Hearn, 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. See CC 2 for the approval of the Regular Redevelopment Agency Meeting minutes of February 26, 2008.

RCC 2. Approved the lease extension between the City of Lancaster and California State University Bakersfield for the use of real property known as Challenger Memorial Hall at the Lancaster University Center, 45356 Division Street, Lancaster, California.

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

On a motion by Council Member Smith and seconded by Vice Mayor Visokey, the City Council approved the Council Consent Calendar, with the exception of CC 5 and CC7 which were pulled for separate discussion, 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 City Council/Redevelopment Agency regular meeting minutes of February 26, 2008.

CC 3. WARRANT REGISTER

Approved the Check and Wire Registers (February 10, 2008 through February 23, 2008) in the amount of \$5,663,535.07.

CC 4. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the January 31, 2008 Monthly Report of Investments as submitted.

CC 5. ACCEPTANCE OF WORK AND MATERIALS FOR DRAINAGE IMPROVEMENTS – TRACT NOS. 53552; 54222; 61342

Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District Annexation Nos. 02-11, 03-27, and 05-70 installed for: Tract No. 53552, located on the southwest corner of 20th Street West and Avenue H-4, Owner: K. Hovnanian Forecast Homes, Inc.; Tract No. 54222, located on the southwest corner of 20th Street West and Avenue H-8, Owner: K. Hovnanian Forecast Homes, Inc.; and Tract No. 61342, located on the southeast corner of 45th Street West and Avenue M-12, Owner: Pinnacle Quartz Hill I, LLC.

Note: The following discussion pertains to CC 5 and CC 7.

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CC 5. (continued)

Addressing the City Council on this matter:

Darren Parker – Stated that the developer of his tract has taken advantage of this area, the area should not be approved - developer needs to put in the improvements first.

The Public Works Director stated that he is aware of issues and concerns; there are established procedures that need to take place to allow developers to proceed; staff does not set conditions related to utilities; the developer delivered what was conditioned on that tract; building official reviewed the water usage and supply connections; all within the code; the developer has fully satisfied the conditions; no means or reason to deny taking those improvements over. Conditions have been met and that is the responsibility of the City.

Mayor Hearn requested further clarification from Mr. Parker.

Mr. Parker stated that multiple families in the area having major problems with water issues. Developer is trying to push forward and will abandon the property.

The Public Works Director stated that the County Public Works Division of Waterworks is responsible and he clarified matters regarding landscaping. He stated that the interior common areas will not be turned over to the homeowners until the completion of the tract.

Mr. Parker reiterated again the major water problems that the citizens in this development are experiencing. He would like to see K. Hovnanian Forecast Homes, Inc. own up to the agreement that was promised to the homeowners. He stated that the information from Mr. Williams has helped to clarify the matter.

Council Member Smith requested clarification from Mr. Parker regarding water pressure issues.

Mr. Parker stated that water pressure concerns are very bad and it is unacceptable. Accelerators have been installed but this is a temporary fix.

Council Member Smith requested clarification from the Public Works Director regarding landscape maintenance and diminishing water pressure.

The Public Works Director stated that as long as the district is under the control of the developer, they control the water flow. In last few weeks staff has determined that the needs are being met. Staff continues to work with K. Hovnanian Forecast Homes, Inc. on this matter and they state that they have met the requirements; waterworks will continue to find a long term solution. Additional Certificates of Occupancy have not been issued for the area and there is a recording system in place to monitor the different levels of pressure.

CC5. (continued)

Mr. Parker gave further information on the water gauges and pressure; accelerator; problems when it rains and flooding occurs. It is a very serious matter and citizens are being placed in harm's way. He stated that it is a day to day battle and he is tired of constantly calling and asking for help with this matter.

Council Member Sileo stated that the water pressure is not high enough - waterworks is not holding K. Hovnanian Forecast Homes, Inc. to high standards and inquired as to what leverage the City has regarding this matter.

The City Attorney stated that the City of Lancaster has attempted to meet with K. Hovnanian Forecast Homes, Inc.; he has discussed this matter with the attorney for these citizens; the City only has control over the Certificates of Occupancy and he explained that process. He recommended that the developer and Waterworks sit down and meet with staff; legal counsel; property owner representatives and identify what the options are.

The Public Works Director stated that he will have staff track down the necessary information and get back to Mayor and Council.

Council Member Smith briefly discussed CC 7 and inquired as to the process for watering plants and the responsibility of this once it is taken over by the City. He requested that CC 5 be approved and CC 7 be continued to the next meeting to give staff time to research this matter.

On a motion by Council Member Smith and seconded by Council Member Sileo, the City Council approved CC 5 by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: Jeffra.

CC 6. ACCEPTANCE OF INTERIOR STREET TREES FOR MAINTENANCE – TRACT NOS. 44012; 46127

Accepted the interior street trees for maintenance by the City for: Tract No. 44012, located at Avenue K and 40th Street West, Owner: Arrache Construction; Tract No. 46127, located at Avenue L-6 and 55th Street West, Owner: Granite Homes.

CC 7. ACCEPTANCE OF LANDSCAPE IMPROVEMENTS FOR MAINTENANCE TRACT NOS. 47583

Approve and accept for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, Annexation No. 294, installed for Tract No. 47583, located on the southeast corner of Avenue I and 90th Street West, Owner: K. Hovnanian Forecast Homes, Inc.

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CC 7. (continued)

Addressing the City Council on this matter:

Michelle Dahlin – stated that the water pressure is very serious matter; citizens have begged developer, county waterworks and City; accelerator is temporary; water pressure goes back and forth all day long.

Citizen (no name given/no speaker card filled out) – discussed the problems in the area.

Darren Parker – discussed the temporary system that is in place; no Certificates of Occupancy should be issued; fire department needs to be involved in this matter; need support from the City.

Mayor Hearn stated that he was confident that the Public Works Director would find out what is going on and that this matter needs to be held over until the next meeting.

Vice Mayor Visokey agreed; stated that more information is needed; supports the residents of this tract.

Council Member Sileo stated that it seems like it is an issue between county water and the developer, however, morally – it is appropriate for the City to work in a negotiating capacity on this matter; staff will work rapidly and get to a solution.

On a motion by Council Member Smith and seconded by Mayor Hearn, the City Council continued Item No. CC 7 to the meeting of March 25, 2008, by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: Jeffra.

CC 8. APPROVAL OF STREETS AND ACCEPTANCE OF STREETS FOR MAINTENANCE – CUP NOS. 99-11; 03-05

Approved the developer constructed streets and accepted the streets for maintenance by the City for: Conditional Use Permit No. 99-11, located on the northeast corner of Avenue J and 35th Street West, Owner: Valley Bible Church of Lancaster; Conditional Use Permit No. 03-05, located on the west side of 17th Street West, approximately 280 feet south of Avenue J-12, Owner: Reichert-Lengfeld.

CC 9. APPROVAL OF COMPLETED WATER SYSTEMS – CUP NOS. 99-11; 03-05

Approved the completed water systems installed by the developer for: Conditional Use Permit No. 99-11, located on the northeast corner of Avenue J and 35th Street West, Owner: Valley Bible Church of Lancaster, and Conditional Use Permit 03-05, located on the west side of 17th Street West, approximately 280 feet south of Avenue J-12, Owner: Reichert-Lengfeld.

CC 10. AGREEMENT WITH HAWK'S NEXT, LLC

Approved the agreement between the City of Lancaster and Hawk's Nest, LLC for maintenance of Clear Channel Stadium.

CC 11. APPROVAL OF CO-SPONSORSHIP REGARDING THE RELAY FOR LIFE KICKOFF EVENT

Approved co-sponsorship of the 2008-2009 American Cancer Society Relay for Life Kickoff event at Lancaster City Hall on Thursday, May 1, 2008 (event to coincide with Nationwide May Day Celebration).

CC 12. APPROVAL OF APPLICATION FOR GRANT FUNDING

Authorized the Parks, Recreation and Arts Department to apply for grant funding for two park-based Southern California Tennis Association (SCTA) National Junior Tennis League programs.

PH 1. ORDINANCE NO. 898 – SOLAR ELECTRIC GENERATING PLANTS IN HI ZONE

Mayor Hearn opened the Public Hearing. The Planning Director presented the staff report regarding the introduction of **Ordinance No. 898**, an ordinance of the City Council of the City of Lancaster regarding Solar Electric Generating Plants in the HI (Heavy Industrial) Zone. There being no further testimony, Mayor Hearn closed the Public Hearing.

On a motion by Vice Mayor Visokey and seconded by Mayor Hearn, the City Council introduced **Ordinance No. 898**, an ordinance of the City Council of the City of Lancaster, amending Title 17 of the Lancaster Municipal Code (Zoning Ordinance) to allow solar electric generating plants in the HI (Heavy Industrial) zone, by the following vote: 4-0-0-1; AYES: Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: Jeffra

CA 1. CONSIDER THE CREATION OF A JOINT COMMITTEE WITH THE CITY COUNCIL OF THE CITY OF PALMDALE, CA, FOR THE PURPOSE OF WATER CONSERVATION

Council Member Smith stated that he would like to see the Council come to a consensus to form a water conservation committee with the City of Palmdale - two council members from each council that could work together and come up with a joint ordinance so that Palmdale and Lancaster are on the same page; direct staff to look into the possibility of this - a committee with a very specific task that is directed toward water conservation.

CA 1. (continued)

Addressing the City Council on this matter:

David Paul - thanked Council Member Smith for bringing this forward; it is important to work closely with the City of Palmdale; suggested that citizens - for one week, take pictures of areas that are wasting water; encouraged Council to consider becoming a Charter City – many benefits to becoming a Charter.

Nicole Parson – Importance of purification and conservation of water.

Council requested that staff look into this issue.

CA 2. VIABILITY OF AUDITING BUSINESSES FOR THE PURPOSE OF COMPLIANCE WITH THE LANCASTER BUSINESS LICENSE REGULATIONS REGARDING THE USE OF U.S. LEGAL WORKERS

Council Member Smith stated that he would like to see the Council come to a consensus regarding the hiring of U.S. legal workers; give direction and ask the Sheriff's Department to look at how illegals impact businesses; he used Antelope Valley Hospital as an example stating that it is the second busiest hospital - over 106 thousand visits per year; the paramedic squad is the busiest in the county; six million dollars a month is spent on uninsured patients - illegal aliens. There needs to be some teeth put into the business license requirements; many of these people use the fire department and paramedics as transportation; impact is huge; many times social security numbers do not exist; put something in budget - hire an agency to come in and audit 10 percent of the businesses to make sure they are using only U.S. legal workers. Put these businesses on notice; give a 30-day notice or pull business license; then attraction is not here.

Addressing the City Council on this matter:

David Paul – stated that he used to be the Director of Environmental Services at Antelope Valley Hospital; the City must push forward with or without a charter; City must push and start tabulating the effect this is having on the City.

Nicole Parson - Looking for an endorsement; give money to programs; inquired about proprietary receipts.

Vice Mayor Visokey stated that Council Member Smith's proposal is an excellent idea; City must promise to remain diligent since the Federal Government is not following through. The downfall will be that it will take more out of the budget but residents have been speaking clearly that something that needs to be done.

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CA 2. (continued)

Council Member Sileo agreed that there is an issue at hand; tightened business licensing practices; must be careful of unintentional consequences; what happens if a business is cited; if that business is providing a service, huge impact; caution regarding the penalties; must have some flexibility within the ordinance; as a whole – the City definitely needs to look at this and take it on.

Mayor Hearn stated that he does not have a problem turning this over to staff to look into.

The City Attorney inquired as to how soon the Council would like this to come forward.

Council Member Smith stated that if it could be put into the upcoming budget that would be soon enough.

The Interim City Manager stated that legal aspects will need to be looked at; Federal Government is struggling; staff will look at budgeting aspects of this matter.

INTERIM CITY MANAGER/INTERIM EXECUTIVE DIRECTOR ANNOUNCEMENTS
None

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 City Council/Agency at this time:

Jim Tolin - concerns regarding waste management charges.

Ray Chavira – would like to know and understand justification regarding waste management charges; requested an item be placed on the agenda regarding this matter and the renegotiating of the waste management contract.

The Interim City Manager stated that staff will work with Mr. Chavira on this matter.

The Public Works Director stated that Waste Management adjusts their rates once a year; City does not regulate additional pick-ups - that is up to the property owner; staff will help to work this out.

Council Member Sileo requested clarification regarding the number of trash pick-ups per week and concurred with the Interim City Manager that the City needs to involve themselves and find out who and what is involved.

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Addressing the City Council/Agency at this time: (continued)

Nicole Parson – Council is fair; should be commended; Council has a difficult job; land should be civilized; encouraged the Council to watch the movie: The Proposition; importance of Recompense; importance of God.

Briar Rose Jacobson – working on her senior project which is “Yes to Kids” regarding Child Abuse; there will be a Battle of the Bands concert to bring awareness to child abuse. The event will take place at George Lane Park, March 28 - 6 p.m. to 10 p.m.

COUNCIL/AGENCY COMMENTS

None

CLOSED SESSION

None

ADJOURNMENT

Mayor Hearn's adjourned the Council/Agency meeting at 7:48 p.m. in memory of Danielle Marvin Lewis - native of Lancaster; Planning Commission Chairwoman; Chamber of Commerce representative; owner of Stephen B. Marvin Real Estate and announced the next regular meeting of the City Council/Redevelopment Agency would take place on Tuesday, March 25, 2008 at 6:00 p.m.

ATTEST:

APPROVED:

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

HENRY W. HEARN'S
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)
