

CC 2B
08/12/08
MVB

**LANCASTER CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
July 22, 2008**

CALL TO ORDER

Mayor/Chairman Parris called the regular meeting of the City Council/Redevelopment Agency meeting to order at 5:08 p.m.

ROLL CALL

Present: Council Members/Agency Directors: Mann, Marquez, Sileo, Vice Mayor/Vice Chairman Smith; Mayor/Chairman Parris

Absent: None

Staff

Members: City Manager/Executive Director, City Attorney/Agency Counsel, Interim Assistant City Manager, Assistant to the City Manager, City Clerk/Agency Secretary, Planning Director, Public Works Director, Interim Parks, Recreation & Arts Director, Finance Director, Economic Development Director, Senior Redevelopment Projects Coordinator, Human Resources Director

INVOCATION – Pastor Chris Johnson – Grace Chapel

PLEDGE OF ALLEGIANCE – Council Member/Agency Director Mann

PRESENTATION

Recognition of Mayor’s Student Athlete – Shawna Wright, Lancaster High School

AGENDA ITEMS TO BE REMOVED

None

APPROVAL OF REDEVELOPMENT AGENCY CONSENT CALENDAR

On a motion by Vice Chairman Smith and seconded by Agency Director Mann, the Redevelopment Agency approved the Agency Consent Calendar with the exception of RCC 2 which was pulled for separate action, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

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RCC 1. MINUTES

See CC 2 for the approval of the Regular Redevelopment Agency Meeting minutes of June 24, 2008.

RCC 2. ACQUISITION OF REAL PROPERTIES

Chairman Parris stated that he would need to recuse himself from voting on this matter as there may be a conflict.

On a motion by Vice Chairman Smith and seconded by Agency Director Mann, the Redevelopment Agency approved the agreement for Acquisition of Real Properties between the Lancaster Redevelopment Agency and various agencies as part of the approved Neighborhood Foreclosure Preservation Homeownership Program, by the following vote: 4-0-1-0; AYES: Mann, Marquez, Sileo, Smith; NOES: None; RECUSED: Parris; ABSENT: None.

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council approved the Council Consent Calendar by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; 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 Redevelopment Agency / City Council Regular Meeting minutes of July 8, 2008.

CC 3. WARRANT REGISTER

Approved the Check and Wire Registers (June 22, 2008 through July 5, 2008) in the amount of \$3,569,128.79.

CC 4. ORDINANCE NO. 904

Adopted **Ordinance No. 904**, an ordinance of the City Council of the City of Lancaster, California adding Chapter 2.30 to the Lancaster Municipal Code relating to the Criminal Justice Commission.

CC 5. ORDINANCE NO. 905

Adopted **Ordinance No. 905**, an ordinance of the City Council of the City of Lancaster, California adding Chapter 8.48 to Title 8 of the Lancaster Municipal Code which prohibits the wasting of water.

CC 6. ACCEPTANCE OF STREETS FOR MAINTENANCE

Approved the developer constructed streets and accepted the streets for maintenance by the City for: Parcel Map No. 061707, located on the northwest corner of 50th Street West and Avenue J-8, Owner: Stratham Montecito West, Inc.

CC 7. COMPLETION OF INSTALLED WATER SYSTEM

Approved the completed water system installed by the developer for: Conditional Use Permit No. 06-05, located on the east side of 20th Street West, approximately 215 feet north of the Antelope Valley Freeway, Owner: Gary W. Fischer.

CC 8. ACCEPTANCE OF TRAFFIC SIGNALS FOR MAINTENANCE

Approved the developer installed traffic signals and accepted the traffic signals for maintenance by the City for Tract No. 060889, located on the northeast corner of Avenue L and 60th Street West, Owner: Richmond American Homes of California, Inc.

CC 9. PWCP NO. 07-012

Accepted the work constructed by Granite Construction Company for **Public Works Construction Project No. 07-012, Brierwood Mobilehome Park Improvements, Phase II**; 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. This project repaired the existing streets and parking areas, constructed storm drains, installed planting and irrigation and repaired the perimeter wall at Brierwood Mobilehome Park.

CC 10. TAX SHARING RESOLUTIONS

Adopted the Tax Sharing Resolutions for proposed Annexation Nos. 366, 369, and 370 requesting sewer service into Los Angeles County Sanitation District No. 14.

CC 11. RESOLUTION NO. 08-71

Adopted **Resolution No. 08-71**, a resolution of the City Council of the City of Lancaster, authorizing the renewal of the City's Insurance for the Property and Public Entity Liability Programs, and Membership in the County Supervisors Association of California Excess Insurance Authority Workers Compensation Program (CSAC) for a one-year term beginning July 1, 2008.

CC 12. RESOLUTION NO. 08-72

Adopted **Resolution No. 08-72**, a resolution of the City Council of the City of Lancaster, authorizing and providing for the Fiscal Year 2008-2009 levy of a special tax within Community Facilities District No. 89-1, a District established to finance the acquisition and construction of regional water system improvements in various locations in the City.

CC 13. RESOLUTION NO. 08-73

Adopted **Resolution No. 08-73**, a resolution of the City Council of the City of Lancaster, authorizing and providing for the Fiscal Year 2008-2009 levy of a special tax within Community Facilities District No. 90-1, a District established to finance the construction of regional street and storm drain improvements in the area of Lancaster Boulevard and 25th Street West.

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CC 14. RESOLUTION NO. 08-74

Adopted **Resolution No. 08-74**, a resolution of the City Council of the City of Lancaster, authorizing and providing for the Fiscal Year 2008-2009 levy of a special tax within Community Facilities District No. 91-1, a District established to finance the construction of regional water and sewer improvements for Quartz Hill II & III.

CC 15. RESOLUTION NO. 08-75

Adopted **Resolution No. 08-75**, a resolution of the City Council of the City of Lancaster, authorizing and providing for the Fiscal Year 2008-2009 levy of a special tax within Community Facilities District No. 91-2, a District established to finance the construction of regional street, sewer and storm drain improvements in the Lancaster Business Park Phase III.

CB 1. APPOINTMENT OF AUDIT REPRESENTATIVE

Mayor Parris requested Council consideration to appoint Vice Mayor Smith to represent the City Council in communication with the auditors.

On a motion by Council Member Marquez and seconded by Mayor Parris, the City Council approved the appointment of Vice Mayor Smith to represent the City Council in communication with auditors, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

NB 101. STATE BUDGET ISSUES

The City Manager presented the staff report regarding State Budget Issues and requested approval from the Council to oppose action being taken in Sacramento. The State has not passed its budget at this time and one of the solutions, that is being proposed, is to borrow money from the cities under Prop 1A and pay it back by asking the voters of California to pass a sales-tax increase in a couple of years. Under Prop 1A, if the State declares a severe fiscal emergency, they can borrow two times in ten years from cities on property taxes; transportation taxes and pay it back with interest. The City of Lancaster would lose \$2 million dollars. This City spent many months reviewing and cutting the budget and managed to cut the budget by 7 ½ percent, yet maintain services. For the State to come to cities, after cities have already begun their new fiscal year and declare that this is their solution, is unacceptable. The City Manager requested approval to oppose this action, write letters, attend any meetings necessary and involve the Council when appropriate.

Vice Mayor Smith requested clarification on the Prop 1A wording regarding a severe State fiscal hardship. He stated that a severe fiscal hardship does not equate to not knowing how to set their own budget and there is not a revenue problem in Sacramento, it is a spending problem. Sacramento has always found a good reason to spend the money and now they want to take the money from the cities and then ask for higher taxes to pay it back – that is ludicrous.

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NB 101. STATE BUDGET ISSUES (continued)

Council Member Sileo stated that it was very clear when the voters passed Prop 1A that they were trying to limit the State from raiding cities of their funds and for the State to suggest that voters should pass a sales tax to pay it back, it is clear that this was not the intent of the voters.

Council Member Mann requested clarification that if the sales tax does not pass and the State has taken the money from the cities, then cities would probably not get their money back.

The City Manager confirmed that it is reasonable to assume that it is not a given that cities would get their money back.

On a motion by Mayor Parris and seconded by Vice Mayor Smith, the City Council approved the request from the City Manager to oppose the action of the State, write letters, attend any meetings necessary and involve the Council when appropriate, by the following vote: 5-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

CA 1. ARCHITECTURAL/DESIGN PLANNING COMMISSIONERS

Mayor Parris inquired of the City Council as to whether or not they recommended anyone for the Architectural/Design Planning Commission. At this time, the Council had no recommendations.

CITY MANAGER/EXECUTIVE DIRECTOR ANNOUNCEMENTS

The City Manager introduced Deputy Michael Montesdeoca (Monty) as the new Crime Prevention Officer. The City Manager also announced that Alfred Kropf, who worked as a Parking Enforcement Officer had passed away. He was a World War II Veteran and a true American hero.

CITY CLERK /AGENCY SECRETARY ANNOUNCEMENT

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

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Addressing the Council/Agency at this time:

Anna Zepeda speaking on behalf of Linda Wood – Regarding damage to her front lawn and sidewalk due to a tree. She stated that the City reviewed this case and the tree is four inches inside her property line, therefore the City cannot remove the tree.

The City Manager stated that staff will look into this appropriately and see what can be done.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS (continued)

Darlene Peterson – Discussed Brown Act violations; hit mailers during the April Election cycle.

Scott Pelka – Discussed Brown Act violations.

Amelia Jennings – Stated that the City is a mess; campaign in April was very bad in connection with hit mailers; Mayor needs to show that he wants to work with the entire Council as right now it is divided; citizens will stand behind Mayor once he shows true team work.

Paul Jennings – Mayor's behavior is not appropriate; he should be healing the wounds, not dividing the Council; needs to be a team player; must work for the improvement of Lancaster. Mr. Sileo has the most experience on the Council and can contribute greatly for the good of the City.

David Davis – Submitted a Gang Prevention Program; works with gangs; important to talk with them; also works with people who are trying to stay sober; importance of communication with the gangs.

Phil Sambrano – Concerned about high speed areas at 20th and 30th Street East and Avenue K; also concerned about the high speeds at Avenue J-8 in the area of the high school; concerned about the use of watering at soccer fields.

Mayor Parris requested that the City Manager provide Council with information for that area over the past five years. The City Manager requested that Mr. Sambrano speak with Carlyle Workman of the Engineering Division of Public Works. The City Manager explained that it is necessary to water the soccer fields during the day so that they can be used in the evening.

Richard Hecker – Discussed the proposed project on the west side of the City in the area of 60th St. West and Avenue L; discussed Brown Act violations; stated that the City Attorney is very conscientious in telling the Council not to consider statements made regarding the proposed project at 60th St. West and Avenue L but not conscientious in advising of Brown Act violations.

Vice Mayor Smith clarified that each time Mr. Hecker and Ms. Goss speak, there has been no Brown Act violation and citizens can speak about anything that they want to. Each time Mr. McEwen states, to the Council, that this is a matter that will come before the Council in the future and the Council will sit as a body at that time. They are not supposed to consider any testimony given at this time as part of the record on this matter. Mr. McEwen has never stated that this is a Brown Act violation and defended Mr. McEwen's record and reputation.

The City Attorney stated that he has never suggested to the Council that citizens talking to Council regarding this matter is in violation of the Brown Act. He is concerned with constitutional due process and when there is a process involving a land use decision, there are a number of steps in that process. The final step is a public hearing before the City Council. The evidence and materials on which the Council must base their decision is the evidence that is presented during that public hearing. Council cannot consider evidence given at various meetings for the past year on what is wrong with the project.

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PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS (continued)

The City Attorney further stated that what is being presented to Council currently is not to be considered evidence and cannot be considered as part of the record of what Council would base their ultimate decision. He stated that if citizens want their testimony to be considered as part of the record, they need to do this within the confines of the process. This is not a matter of the Brown Act; it is a matter of due process and he stated that he will continue to remind the Council of due process.

Mayor Parris stated that the City Attorney addressed the issues regarding the Brown Act violation that took place in November of 2007, has admitted the mistake and additionally, the City Attorney has thirty years of experience and he too defended Mr. McEwen's record and reputation.

Anna Zepeda – Gave a brief history of problems she is having with a contractor who has defaulted on work at her home; stated that she has paid this person \$21,000.00 and the job is not done; requested help from the City.

Mayor Parris requested that Captain Anderson look into this, as well as the City's Building Inspectors.

Nicole Parson – Stated that she feels bad for consumers such as Ms. Zepeda; concerned about the empty area at 10th St. West and Avenue I where Villarta Market used to be located; stated that this area would be excellent for something like Antelope Valley Medical or a Boys and Girls Club; important to have something for the youth of the community. Submitted a proposal regarding immigration; housing initiatives; water initiatives.

Cleo Goss – Concerned with the proposed project at Avenue L and 60th St. West and contaminants that will be in the air from all the vehicles.

Dixie Eliopoulos – Invited Council to her home on August 20, 2008 for the Annual Antonovich Charitable Trust Barbeque; pleased with the "In God We Trust" signage in the Council Chambers but feels that certain members of Council and their families have been hurt by the recent hit mailers from the April Election cycle.

Darren Parker – Offered his services to David Davis, a previous speaker; gave a brief update on the water problems at Westview Estates; meetings with KHOV and requested assistance in any form from the City.

The City Manager stated that he and staff would re-engage with Mr. Parker. There is a lot going on with the County and with this issue and staff will put all the due diligence on this matter that it deserves and there is a significant issue on the County's part that must be dealt with.

Council Member Sileo stated that he knows at least two other families that live in Westview Estates and requested some sort of methodology be set up to regularly communicate with these people and keep them informed as to what is progressing as these people are left in the dark and truly searching for answers.

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PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS (continued)

The Public Works Director stated that this is the County water system and the Engineering Division of Public Works has continued to be in communication with them. The last time this matter came before the Council was in March 2007 and staff worked hard with the County to force them into doing some things and directed them to make improvements so that ultimately the City can take care of Mr. Parker's concerns. Staff continues to track this issue and he has met with Waterworks about this issue and they stated that they were discharging some water because there may be some water quality issues. They are out there periodically taking samples of the water as they do in other areas of the City, to make sure water quality standards are being met.

Mayor Parris stated that County Waterworks takes a lot more money from the City than what they put into this system and something must be done.

The City Attorney stated that this will be discussed during Closed Session this evening.

COUNCIL REPORTS

None

COUNCIL / AGENCY COMMENTS

None

RECESS

Mayor Parris recessed the Council/Agency meeting at 6:45 p.m. for the purpose of conducting a Closed Session regarding the following matters:

CLOSED SESSION

- 1) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
(Government Code Section 54956.9(a)):

ANTELOPE VALLEY GROUNDWATER CASES

Judicial Council Coordination

Proceeding No. 4408

Santa Clara Case No. 1-05-CV 049053

Included Actions:

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.
Superior Court of California, County of
Los Angeles, Case No. BC325201;

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CLOSED SESSION (continued)

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City of
Lancaster, Diamond Farming Co. v. Palmdale
Water Dist., Superior Court of California
County of Riverside, consolidated actions; Case
Nos. RIC 353 840, RIC 344 436, RIC 344 668.

2) CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION
(Government Code Section 54956.9 (C))
TWO CASES

Mayor Parris was excused from a portion of the Closed Session meeting at approximately 7:45 p.m.

Vice Mayor Smith reconvened the Council/Agency meeting at 8:03 p.m.

The City Attorney announced that the City Council met in Closed Session regarding the aforementioned matters, direction was given; no action taken.

Vice Mayor Smith made the following public statement: An equitable settlement is always better than costly and time-consuming litigation. We believe that the solution to water adjudication should be for the benefit of all the citizens in the valley. We are in an economic downturn and drought conditions; we should not take any action which would reduce the supply of water available to our citizens and farmers and we should aggressively pursue a swift settlement.

ADJOURNMENT

Vice Mayor Smith adjourned the Council/Agency meeting at 8:05 p.m. in memory of Nellie Bozigian, wife of Lou Bozigian – former Mayor and Aunt to City Manager, Mark Bozigian. Ms. Bozigian was a quiet activist; instrumental in the creation of Desert Haven. Mark Bozigian stated that she led an incredibly full life through much adversity and was an incredible woman.

The next regular meeting of the City Council/Redevelopment Agency would take place on Tuesday, August 12, 2008 at 5:00 p.m.

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ATTEST:

APPROVED:

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

R. REX PARRIS
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)
