

**LANCASTER CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
October 28, 2008**

CALL TO ORDER

Vice Mayor Smith called the regular meeting of the City Council/Redevelopment Agency meeting to order at 5:00 p.m.

ROLL CALL

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

On a motion by Council Member/Agency Director Sileo and seconded by Council Member/Agency Director Marquez, Mayor Parris was excused from the meeting and the vote was unanimous.

Excused: Mayor/Chairman Parris

Staff

Members: City Manager/Executive Director, City Attorney/Agency Counsel, Assistant to the City Manager, City Clerk/Agency Secretary, Deputy City Clerk, Principal Planner, Public Works Director, Interim Parks, Recreation & Arts Director, Finance Director, Economic Development Director, Housing Director, Human Resources Director

INVOCATION – Pastor Tom Pickens, AV Christian Center

PLEDGE OF ALLEGIANCE – Active Citizen, David Paul

PRESENTATIONS

- Recognition of Olympic Athletes:
Ryan Millar - Gold Medal Winner - Volleyball
Adam Wheeler - Bronze Medal Winner - Greco-Roman Wrestling
Presenter: Vice Mayor Smith

- Proclamation - 2008 Fire Prevention Month – October
Presenter: Vice Mayor Smith

AGENDA ITEMS TO BE REMOVED

The City Manager stated that Item No. NB 1 would be removed from the agenda and would be presented to the City Council at a later date.

LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
OCTOBER 28, 2008

APPROVAL OF REDEVELOPMENT AGENCY CONSENT CALENDAR

On a motion by Agency Director Sileo and seconded by Agency Director Mann, the Redevelopment Agency approved the Agency Consent Calendar by the following vote: 4-0-0-1; AYES: Mann, Marquez, Sileo, Smith, NOES: None; ABSTAIN: None; ABSENT: Parris

RCC 1. MINUTES

See CC 2 for the approval of the Regular Redevelopment Agency Meeting minutes of October 14, 2008.

RCC 2. ACQUISITION OF PROPERTIES

Approved Agreements for Acquisition of Real Properties between the Lancaster Redevelopment Agency and various agencies as part of the approved Neighborhood Foreclosure Preservation Homeownership Program and outlined in Exhibit "A" of the Staff Report.

JPH 1. RESOLUTION NOS. 07-08 AND 08-88-SALE OF REAL PROPERTY WITH ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT

This item was discussed on the City Council portion of the agenda. Refer to Page 5 of these minutes.

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

On a motion by Council Member Mann and seconded by Council Member Sileo, the City Council approved the Council Consent Calendar with the exception of Item No. CC 5 which was pulled for separate discussion and action, by the following vote: 4-0-0-1; AYES: Mann, Marquez, Sileo, Smith, NOES: None; ABSTAIN: None; ABSENT: Parris

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 October 14, 2008.

CC 3. WARRANT REGISTER

Approved the Check and Wire Registers (September 28, 2008 through October 11, 2008) in the amount of \$9,324,526.86.

CC 4. GENERAL PLAN ANNUAL REVIEW PROGRESS REPORT

Received and filed the General Plan Annual Review Progress Report (January 1, 2007 through December 31, 2007) and directed staff to submit a copy of the report to the Office of Planning and Research.

LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
OCTOBER 28, 2008

CC 5. ORDINANCE NO. 907

Addressing the City Council on this matter:

Gary Burgess – Requested that the City Council reconsider the adoption of this ordinance; stated that he feels it is unfair to citizens; engage the community in assisting with a feasible ordinance.

On a motion by Council Member Sileo and seconded by Council Member Mann, the City Council adopted **Ordinance No. 907**, an ordinance of the City Council of the City of Lancaster, California, adding Chapter 8.50, Landscaping Installation and Maintenance, Title 8 Health and Safety, modifying Chapter 8.30, Residential Landscaping Installation and Maintenance, Title 8 Health and Safety, deleting Chapter 15.48, specifications for Landscape Development, Title 15 Building and Construction, modifying Chapter 17.08, Residential Zones, Chapter 17.12, Commercial Zones and Chapter 17.16, Industrial Zones, Title 17, Zoning of the Lancaster Municipal Code relating to Water Efficient Landscaping requirements to include recent updates to State Law, by the following vote: 4-0-0-1; AYES: Mann, Marquez, Sileo, Smith, NOES: None; ABSTAIN: None; ABSENT: Parris

CC 6. ORDINANCE NO. 908

Adopted **Ordinance No. 908**, an ordinance of the City Council of the City of Lancaster, California, amending Title 8 of the Lancaster Municipal Code to add a new Chapter 8.52 relating to Chronic Nuisance Properties.

CC 7. ORDINANCE NO. 909

Adopted **Ordinance No. 909**, an ordinance of the City Council of the City of Lancaster, California, amending Chapters 2.34 and 2.30 of the Lancaster Municipal Code to make certain technical corrections thereto.

CC 8. ACCEPTANCE OF LANDSCAPE IMPROVEMENTS FOR MAINTENANCE

Approved and accepted for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, Annexation No. 301, installed for Tract No. 48534, located on the southeast corner of Avenue H-8 and 35th Street East, Owner: K. Hovnanian Forecast Homes, Inc.

CC 9. MONUMENTATION WORK

Approved the monumentation work for: Parcel Map No. 060916-01, located at the northwest corner of Avenue G and 45th Street West, Owner: Fox Field Industrial Park, L.P.; and Tract No. 060450-01, located at the northwest corner of Avenue K-4 and 60th Street West, Owner: Capital Pacific Holdings, LLC.

CC 10. COMPLETED SEWER SYSTEMS

Approved the completed sewer systems installed by the developer of Tract No. 060450, located on the southwest corner of 60th Street West and Avenue K-8, Owner: Warmington Lancaster Associates, LP; and Tract No. 060905, located on the northeast corner of Kildare Street and 35th Street West; Owner: Pulte Homes Corporation.

CC 11. ACCEPTANCE OF STREETS FOR MAINTENANCE

Approved the developer constructed streets and accepted the streets for maintenance by the City for: Tract No. 54203, located at the southeast corner of 40th Street West and Avenue M-8, Owner: Pulte Home Corporation.

CC 12. COMPLETED WATER SYSTEMS

Approved the completed water systems installed by the developer of Tract No. 060198, located on the southeast corner of Avenue M-8 and 45th Street West, Owner: Pulte Home Corporation; Tract 46601, located on the northwest corner of Avenue J-8 and 37th Street West, Owner: Lancaster Palms, LLC; and Tract 48534-03, located on the northeast corner of Cooperstown Avenue and 35th Street East, Owner: K. Hovnanian Forecast Homes, Inc.

CC 13. ACCEPTANCE OF MAP AND DEDICATIONS

Approved the map and accepted the dedications as offered on the map for Parcel Map No. 67321, located South of Avenue J and east of 20th Street West; approved and accepted the Undertaking Agreement and Improvement Securities required as a condition of recordation of the map; 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.

CC 14. PWCP NO. 07-035

Accepted the work constructed by Taft Electric Company; for **Public Works Construction Project No. 07-035, 2007 Traffic Signals**; 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 15. PWCP NO. 08-018

Accepted the work constructed by FenceCorp, Inc.; for **Public Works Construction Project No. 08-018, Skytower Park Wrought Iron Fence Replacement**; 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.

LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
OCTOBER 28, 2008

CC 16. PWCP NO. 08-001

Awarded **Public Works Construction Project No. 08-001, 2007/2008 Street Resurfacing, Phase I**, to Imperial Paving Company, Inc., in the amount of \$2,540,540.00 plus a 10% contingency and authorized the City Manager, or his designee, to sign all documents. This project is designed to repair and resurface City streets at various locations.

CC 17. PWCP NO. 08-043

Awarded **Public Works Construction Project No. 08-043, Traffic Signal Avenue J-8 and 60th Street West**, to Freeway Electric in the amount of \$198,198.00 plus a 10% contingency and authorized the City Manager, or his designee, to sign all documents. This project is designed to install a traffic signal at the intersection of Avenue J-8 and 60th Street West.

CC 18. RESOLUTION NO. 08-87

Adopted **Resolution No. 08-87**, a resolution of the City Council of the City of Lancaster, California, approving the Application for Grant Funds from the Urban Streams Restoration Grant Program for the following project: Amargosa Creek Pathway.

JPH 1. RESOLUTION NOS. 07-08 AND 08-88-SALE OF REAL PROPERTY WITH ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT

Vice Mayor/Vice Chairman Smith opened the Joint Public Hearing. The Economic Development Director presented the staff report regarding the Purchase and Sale Agreement for the sale of Real Property by and between the Lancaster Redevelopment Agency and the Antelope Valley Union High School District (APN: 3134-013-910), located in the former Lancaster Museum Art Gallery on the northwest corner of Sierra Highway and Milling Street.

Hearing no further testimony, Vice Mayor/Vice Chairman Smith closed the Joint Public Hearing.

On a motion by Agency Director Sileo and seconded by Agency Director Mann, the Redevelopment Agency adopted **Resolution No. 07-08**, a resolution of the Lancaster Redevelopment Agency of the City of Lancaster, California, approving a Purchase and Sale Agreement for the Sale of Real Property by and between the Lancaster Redevelopment Agency and the Antelope Valley Union High School District, (APN: 3134-013-910) and authorize the Executive Director to execute all attendant documents related to the sale, by the following vote: 4-0-0-1; AYES: Mann, Marquez, Sileo, Smith, NOES: None; ABSTAIN: None; ABSENT: Parris

JPH 1. RESOLUTION NOS. 07-08 AND 08-88-SALE OF REAL PROPERTY WITH ANTELOPE VALLEY UNION HIGH SCHOOL DISTRICT (continued)

On a motion by Council Member Sileo and seconded by Council Member Marquez, the City Council adopted **Resolution No. 08-88**, a resolution of the City Council of the City of Lancaster, California, approving a Purchase and Sale Agreement for the Sale of Real Property by and between the Lancaster Redevelopment Agency and the Antelope Valley Union High School District (APN: 3134-013-910) and authorize the City Manager to execute all attendant documents related to the sale, by the following vote: 4-0-0-1; AYES: Mann, Marquez, Sileo, Smith, NOES: None; ABSTAIN: None; ABSENT: Parris

Council Member/Agency Director Sileo stated that he feels this is what the City envisioned in terms of partnering with different agencies such as the school districts and it was great that the City was working hand in hand with these agencies in this endeavor.

PH 1. RESOLUTION NO. 08-89-VACATION OF ROAD RIGHT-OF WAY

Vice Mayor Smith opened the Public Hearing. Vice Mayor Smith waived the presentation of the staff report after determining that there were no comments from the public and closed the public hearing.

On a motion by Council Member Sileo and seconded by Council Member Mann, the City Council adopted **Resolution No. 08-89**, a resolution of the City Council of the City of Lancaster, California, ordering the vacation of a portion of West Avenue L, road right-of-way located at West Avenue L and the West Avenue L South Ramp, by the following vote: 4-0-0-1; AYES: Mann, Marquez, Sileo, Smith, NOES: None; ABSTAIN: None; ABSENT: Parris

PH 2. RESOLUTION NO. 08-90-VACATION OF A PORTION OF LANCASTER BLVD. AND YUCCA AVENUE

Vice Mayor Smith opened the Public Hearing. Vice Mayor Smith waived the presentation of the staff report after determining that there were no comments from the public and closed the public hearing.

On a motion by Council Member Sileo and seconded by Council Member Mann, the City Council adopted **Resolution No. 08-90**, a resolution of the City Council of the City of Lancaster, California, ordering the vacation of a portion of Lancaster Boulevard and Yucca Avenue, road right-of-way located on the northeast corner of Lancaster Boulevard and Yucca Avenue, by the following vote: 4-0-0-1; AYES: Mann, Marquez, Sileo, Smith, NOES: None; ABSTAIN: None; ABSENT: Parris

LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
OCTOBER 28, 2008

NB 1. ORDINANCE NO. 910-SANITARY SEWER AND INDUSTRIAL WASTE

This item was removed from the agenda and will be presented to the City Council at a later date.

CA 1. RESOLUTION NO. 08-91

Vice Mayor Smith requested discussion and consideration of the adoption of **Resolution No. 08-91**, a Resolution of the City Council of the City of Lancaster, California, opposing Measure R on the November 4, 2008 California General Election Ballot (Los Angeles County Metropolitan Transportation Authority one-half percent sales tax increase.)

On a motion by Vice Mayor Smith and seconded by Council Member Sileo, the City Council adopted **Resolution No. 08-91**, by the following vote: 4-0-0-1; AYES: Mann, Marquez, Sileo, Smith, NOES: None; ABSTAIN: None; ABSENT: Parris

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENT

None

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:

David Paul – City needs to have the tools to face the modern world and becoming a Charter City is something that would be beneficial; appreciates the hard work of the City Council and Mayor Parris.

COUNCIL REPORTS

Vice Mayor Smith reported on the activities of the Antelope Valley Air Quality Management District (AVAQMD).

The Antelope Valley Air Quality Management District (AVAQMD) regulates stationary sources of air pollution, and is overseen by a Governing Board comprised of appointees from the City of Lancaster, the City of Palmdale, Los Angeles County's Fifth Supervisorial District and one Public Member appointed by the balance of the Board. Mandated by state and federal laws, the AVAQMD was created as a separate, locally controlled air district out of the South Coast Air Quality Management District in 1991, and transitioned from an air pollution control district to an air quality management district in 2002.

At the October 21, 2008, meeting, the Governing Board adopted the following significant recommendations of the AVAQMD's staff:

- Allocation of a maximum of \$175,000 of AB 2766 funds to assist local school districts in replacing school buses eligible under the Lower Emission School Bus Program, and Authorize the Executive Director to negotiate and execute any necessary agreements with the California Air Resources Board (CARB).

LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
OCTOBER 28, 2008

COUNCIL REPORTS (continued)

- A resolution approving inter-district and inter-basin transfer of offsets for later use within the District.

Other items approved by the AVAQMD were routine and adopted as consent items.

Additionally, AVAQMD staff presented a District Fee Restructuring Evaluation and suggested amendments to Rule 301(Fees). The District's fee structure has been heavily weighted on initial permit application fees and less on annual permit renewal fees. These fees cover the cost of managing permits (i.e. creating, renewing, enforcing, etc.), and should be structured to gradually increase relative to impacts on the air quality. Larger quantity emissions generators should pay more for their permit to operate than smaller generators because they emit more pollution and have a greater impact on the environment. The greater the air quality impact by an emission source - the greater the work required by staff to insure compliance and the greater cost to the District. Most of the State's other 35 air districts have fee structures based on this graduated air quality impact scale.

To date the AVAQMD has reduced initial permit application fees, eliminated annual emission fees and the final step would be to move to a graduated air quality impact permit renewal fee, but State laws caps annual permit fee increase to no more than 15%. Most large emissions sources in the Antelope Valley currently pay substantially less than they would under a graduated structure, and adoption of a fee structure similar to the other air districts in the State would result in an annual increase greater than 15% for many larger local sources. Therefore, the AVAQMD is exploring writing legislation that would allow either a one time or a graduated fee increase over a two or three year period to "right size" applicable fees.

COUNCIL / AGENCY COMMENTS

None

CLOSED SESSION

None

LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
OCTOBER 28, 2008

ADJOURNMENT

Vice Mayor Smith adjourned the meeting at 5:26 p.m.; stated that pursuant to action taken by the City Council / Redevelopment Agency on August 12, 2008, there will not be a City Council / Redevelopment Agency meeting on November 11, 2008 and announced that the next regular meeting of the City Council/Redevelopment Agency would take place on Wednesday, November 12, 2008 at 5:00 p.m.

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)
