

**LANCASTER CITY COUNCIL
REGULAR MEETING
MINUTES
August 8, 2006**

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| CALL TO ORDER | Mayor Hearn called the meeting to order at 6:00 p.m. |
| ROLL CALL | <p>Present: Council Members: Jeffra, Smith, Visokey, Vice Mayor Sileo, Mayor Hearn</p> <p>Absent: None</p> <p>Staff Members: City Manager, Assistant City Managers, City Attorney, City Clerk, Planning Director, Public Works Director, Parks, Recreation and 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 Jeffra and seconded by Vice Mayor Sileo, the City Council approved the Consent Calendar by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearn; NOES: None; ABSTAIN: None; ABSENT: None |
| ORDINANCE WAIVER CC 1. | Waived further reading of any proposed ordinances. (This permits reading the title only in lieu of reciting the entire text.) |
| MINUTES CC 2. | Approved the Regular meeting minutes of July 25, 2006. |
| WARRANT REGISTER CC 3. | Approved the Warrant Register (July 9, 2006 through July 22, 2006) in the amount of \$8,721,607.62. |
| MONTHLY REPORT OF INVESTMENTS CC 4. | Accepted and approved the June 30, 2006 - Monthly Report of Investments as submitted. |

CITY COUNCIL MINUTES

AUGUST 8, 2006

Page 2

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| <p>ORD. NO. 858 AMENDMENT TO TITLE 8 REGARDING LITTERING CC 5.</p> | <p>Adopted Ordinance No. 858, an ordinance of the City Council of the City of Lancaster, California, amending Title 8 of the Lancaster Municipal Code amending Chapter 8.20 - Littering Ordinance.</p> |
| <p>CANCELLATION OF MEETINGS CC 6.</p> | <p>Approved the cancellation of the City Council meetings of November 28, 2006 and December 26, 2006 and directed the City Clerk to post the required notices.</p> |
| <p>ORD. NO. 855 ESTABLISHING TOBACCO RETAILER ORDINANCE CC 7.</p> | <p>Adopted Ordinance No. 855, an ordinance of the City Council of the City of Lancaster, adopting Chapter 5.42 of the Lancaster Municipal Code, establishing a tobacco retailer ordinance.</p> |
| <p>ACQUISITION OF REAL PROPERTY WITH ROSARIO ORDONA RAMOS EMPERT CC 8.</p> | <p>Approved Agreements for Acquisition of Real Property between the City of Lancaster and Rosario Ordona Ramos Empert for Properties located at 45002 Cedar Avenue and 544 Jackman Street.</p> |
| <p>ACQUISITION OF REAL PROPERTY WITH BETTY ANN BOURLAND CC 9.</p> | <p>Approved Agreement for Acquisition of Real Property between the City of Lancaster and Betty Ann Bourland for property located at 1311 West Avenue J-3.</p> |
| <p>APPOINTMENT OF VOLUNTEER TO VETERANS COMMITTEE CC 10.</p> | <p>Approved volunteer John G. Pearson to fill one of the current vacancies on the Lancaster Veterans Home Citizens Committee.</p> |
| <p>ACCEPTANCE OF LANDSCAPE IMPROVEMENTS FOR TRACT NO. 52762. CC 11.</p> | <p>Approved and accepted for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, (Annexation No. 123) installed for Tract No. 52762, located on the southeast corner of Challenger Way and Avenue J-8. Owner: Challenger Way, LLC.</p> |

CITY COUNCIL MINUTES

AUGUST 8, 2006

Page 3

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| <p>ACCEPTANCE OF LANDSCAPE IMPROVEMENTS FOR TRACT NO. 53907 CC 12.</p> | <p>Approved and accepted for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, (Annexation No. 246) installed for Tract No. 53907, located on the south side of Avenue K, approximately 300 feet west of 45th Street West. Owner: KB Homes Greater LA, Inc.</p> |
| <p>ACCEPTANCE OF LANDSCAPE IMPROVEMENTS FOR TRACT NO. 54197 CC 13.</p> | <p>Approved and accepted for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, (Annexation No. 249) installed for Tract No. 54157, located on the southwest corner of Avenue K and 32nd Street West. Owner: Fieldstone Lancaster 187, LLC.</p> |
| <p>ACCEPTANCE OF LANDSCAPE IMPROVEMENTS FOR TRACT NO. 060432 CC 14.</p> | <p>Approved and accepted for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, (Annexation No. 247) installed for Tract No. 060432, located on the northeast corner of 25th Street West and Avenue K-12. Owner: KB Home Greater Los Angeles, Inc.</p> |
| <p>ACCEPTANCE OF LANDSCAPE IMPROVEMENTS FOR TRACT NO. 060434 CC 15.</p> | <p>Approved and accepted for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, (Annexation No. 272) installed for Tract No. 060434, located on the north side of Avenue K approximately 620 feet east of 50th Street West. Owner: Challenger Way, LLC.</p> |
| <p>ACCEPTANCE OF LANDSCAPE IMPROVEMENTS FOR TRACT NO. 060435 CC 16.</p> | <p>Approved and accepted for maintenance the work and materials for the landscape improvements for Landscape Maintenance District No. 1, (Annexation No. 263) installed for Tract No. 060435, located on the north side of Avenue K approximately 600 feet west of 45th Street West. Owner: Challenger Way, LLC.</p> |
| <p>ACCEPTANCE OF MAP AND DEDICATIONS FOR PARCEL MAP NO. 063156 CC 17.</p> | <p>Approved the map and accepted the dedications as offered on the map for Parcel Map No. 063156, located at the northwest corner of Avenue L and 10th Street West; 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; and 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.</p> |
| <p>ACCEPTANCE OF STREETS FOR MAINTENANCE TRACT NO. 060782 CC 18.</p> | <p>Approved the developer constructed streets and accepted the streets for maintenance by the City for Tract No. 060782, located on the southeast corner of Avenue J-4 and 42nd Street West. Owner: CDR IV, LLC, and for Parcel Map No. 21382 / Site Plan Review No. 99-07, located on the northeast corner of 4th Street East and Avenue L-12. Owner: Wayne Holloway.</p> |

CITY COUNCIL MINUTES

AUGUST 8, 2006

Page 4

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| <p>ACCEPTANCE OF WORK FOR PWCP NO. 05-018 NUISANCE WATER DEVICE INSTALLATION CC 19.</p> | <p>Accepted the work constructed by Denboer Engineering for Public Works Construction Project No. 05-018, Nuisance Water Device Installation Mid-City; 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.</p> |
| <p>ACCEPTANCE OF WORK FOR PWCP NO. 05-038 A.V. CHILDREN'S CENTER PARK-N-RIDE CC 20.</p> | <p>Accepted the work constructed by Granite Construction Company for Public Works Construction Project No. 05-038, A.V. Children's Center Park-n-Ride; 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.</p> |
| <p>TAX SHARING RESOLUTION WITH LA COUNTY WATERWORKS DIST. NO. 40 CC 21.</p> | <p>Adopted the Tax Sharing Resolution for proposed Annexation 40-87 (4-153) into Los Angeles County Waterworks District No. 40, Antelope Valley.</p> |
| <p>REIMBURSEMENT AGREEMENT WITH MATTHEWS HOMES, DBA MC BUILDERS, FOR TRACT MAP NO. 60294 CC 22.</p> | <p>Approved the Reimbursement Agreement for the Construction of Master Planned Drainage Facilities with Matthews Homes DBA MC Builders – Tract Map No. 60294 located at the northeast corner of Avenue J and 65th Street West.</p> |
| <p>CHANGE ORDERS FOR PWCP NO. 576 SEWER EXTENSION CC 23.</p> | <p>Approved Change Orders 1 through 3, and increased the total amount of the contract with Security Paving Company for Public Works Construction Project No. 576, Trunk 'B' Sewer Extension, by \$167,125 for a total revised contract amount of \$1,295,810 for changes required that were discovered during construction.</p> |
| <p>FUNDS GRANTED BY CIWMB CC 24.</p> | <p>Approved the utilization of funds granted by the California Integrated Waste Management Board (CIWMB) for FY 2005/2006 Targeted Rubberized Asphalt Concrete Incentive Grant Program and authorized the Public Works Director and designees to execute and accept the terms, conditions, and certifications of the Grant Agreement TRI-05-1.</p> |

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| <p>COST SHARING AGREEMENT WITH COUNTY OF LA FOR ROADWAY AND STRIPING IMPROVEMENTS CC 25.</p> | <p>Approved the cost sharing agreement with the County of Los Angeles to construct roadway and striping improvements and to install a new traffic signal system at Avenue M and 20th Street West. Authorized reimbursement to the County for 50% of the actual costs incurred.</p> |
| <p>APPROPRIATION OF GRANT FUNDING FROM SCCCA CC 26.</p> | <p>Approved the appropriation of grant funding (\$1,000.00) from the Southern California City Clerks Association (SCCCA) to Account No. 101-4110-251 (Records Management Account.)</p> |
| <p>APPEAL OF CUP NO. 05-15 AND TTM NO. 061555 PH 1.</p> | <p>The Planning Director presented the staff report and brief history regarding an appeal of a Planning Commission Approval of Conditional Use Permit No. 05-15 and Tentative Tract Map No. 061555. Additionally, the Planning Director stated that staff is looking over the long term of the likely need of adding traffic signal controls at the intersection of 40th St. West and Avenue M. The City is committing to installing those controls. Early on in the conditions, a concern was raised as to whether or not as a result of those re-designs there is going to be some loss of area that is currently devoted to a particular lot. It is staff's feeling that the original number of lots that were approved in the Tentative Tract Map can still be achieved in the re-design of the map. From staff's perspective, the City's costs in terms of paying for the re-design of that map would not include a whole scale revising of the street system. It is the City's intent that if the applicant's engineer can in fact make some adjustments to the lot widths around some of the existing streets that the City would be willing to bear those costs. If the applicant is able to achieve the same number of lots, he certainly is able to do that under what the City is proposing. It is not staff's intention that the re-design of this would need to go back to the Planning Commission because the basic overall layout of the map does not change significantly and instead, the revised map in accordance with the conditions would be approved at staff level.</p> <p>Council Comments and concerns: traffic signals in the area of the water tanks; looking at all traffic issues; what issues have come to light to allow 40th Street West to go through; timing of the City's share of the improvements.</p> |

CITY COUNCIL MINUTES

AUGUST 8, 2006

Page 6

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| <p>APPEAL OF CUP NO. 05-15 AND TTM NO. 061555 PH 1. (continued)</p> | <p>The Public Works Director stated that staff reviewed the issue in detail and considered new development; maintaining safety in the area; change in elevation; schools that would be affected; additional traffic; widening of streets; appropriate to make the change now; increased visibility; project will be added to the CIP list.</p> <p>On a motion by Council Member Jeffra and seconded by Vice Mayor Sileo, the City Council approved the appeal, in part, by requiring redesign of Tentative Tract Map No. 061555 to connect 40th Street West to Avenue M in accordance with the added conditions listed in Attachment "A", and retaining the conditions approved by the Planning Commission that do not conflict with these added conditions, by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearn; NOES: None; ABSTAIN: None; ABSENT: None</p> |
| <p>CITY MANAGER'S ANNOUNCEMENT</p> | <p>None</p> |
| <p>CITY CLERK'S ANNOUNCEMENT</p> | <p>The 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 ITEMS</p> | <p>Addressing the Council at this time:</p> <p>John Griggs – strict regulations regarding taxi drivers; would like to continue to drive a taxi; consideration of specific restrictions in the ordinance regarding driving history.</p> <p>Jason Smith – concerns regarding the placement of lighters in the school supply area of the store - Big Lots.</p> <p>Lore Rodgers – announced that Constitutional Month was coming up; displayed documents that children can purchase from Washington D.C. regarding the constitution; requested old photographs of Stanley Kleiner and Walter Young signing the Constitution Proclamation in 1976; requested time in September to set up a display in City Hall for citizens to come by and look at all the documents.</p> |

COUNCIL COMMENTS

Council Member Smith – inquired about the Gang/Crime Task Force and Council Member Jeffra stated that he and Council Member Smith would be co-chairing that Force.

Council Member Smith – discussed dangerous fireworks and proposed that staff and the City Attorney look into creating a section within the ordinance that addresses aiding and abetting when it comes to dangerous fireworks, similar to the laws surrounding street racing currently; and will give an additional tool to law enforcement to cite people who are breaking the law.

Vice Mayor Sileo – inquired as to how this section of the fireworks ordinance would work and the comparability to street racing. Shared his concern with the Council and the City Attorney as to how this would be enforced without citing innocent people.

The City Attorney stated that he has reviewed many ordinances regarding fireworks but has not seen any ordinances that address this issue. He will continue looking for information on this and shared his concerns as to how aiding and abetting are defined and who should be cited. There are several issues that will need to be resolved. He will look into the legalities regarding this issue.

Council Member Jeffra – stated that the main purpose is to keep the citizens as safe as possible. The City will be very busy over the next few months adopting and amending different ordinances. He suggested that the City Attorney look into the possibility of designated areas for fireworks, possibly as something to fall back on.

Mayor Hearn – stated that a merchant in the area of Avenue I had a break-in and would like to see the City come together with the merchants of the City to discuss possible solutions.

CITY COUNCIL MINUTES

AUGUST 8, 2006

Page 8

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| RECESS | Mayor Hearn's recessed the meeting at 7:05 p.m. for the purpose of holding a Closed Session regarding: |
| CLOSED SESSION | ANTICIPATED LITIGATION GOVERNMENT CODE SECTION 54956.9 (c) |
| RECONVENE | Mayor Hearn's reconvened the meeting at 7:26 p.m. |
| CITY ATTORNEY ANNOUNCEMENT | The City Attorney announced that Council met in Closed Session regarding the abovementioned matter and direction was given to Counsel, no action taken. |
| ADJOURNMENT | Mayor Hearn's adjourned the meeting at 7:27 p.m. and announced the next regular meeting of the City Council would be held on Tuesday, August 22, 2006. |
| | Additionally, Mayor Hearn's announced that a Special Joint Meeting would take place with the Planning Commission on Wednesday, August 16, 2006 at 8:00 a.m. for the purpose of touring shopping centers in Southern California, including, but not limited to Redlands, Rancho Cucamonga and Santa Clarita to obtain input for the Amargosa Creek Specific Plan. |
| | ATTEST: |
| | APPROVED: |
| | _____ GERI K. BRYAN, CMC City Clerk City of Lancaster |
| | _____ HENRY W. HEARN'S Mayor City of Lancaster |

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)
