

CC 2
02/24/09
MVB

**LANCASTER CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES
February 10, 2009**

CALL TO ORDER

Mayor Parris 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: Marquez, Sileo, Vice Mayor/Vice Chairman Smith, Mayor/Chairman Parris

On a motion by Vice Mayor/Vice Chairman Smith and seconded by Council Member/Agency Director Marquez, the City Council excused Council Member/Agency Director Mann from the meeting by the following vote: 4-0-0-1; AYES: Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; EXCUSED: Mann.

Excused: Council Member/Agency Director: Mann

Staff

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

INVOCATION

Pastor Ritzendollar, Antelope Valley Church

PLEDGE OF ALLEGIANCE

Vice Mayor/Vice Chairman Smith

PRESENTATIONS

- ▶ Presentation by: Sarah Macpherson, age 12 - Amargosa School – gave her speech on what it means to be an American.
Introduced by: Council Member Marquez

- ▶ City Employee of the Year – Shelli Henson
Presented by: City Manager Mark Bozigian

- ▶ February - American Heart Month Proclamation
Presenter: Mayor Parris

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PRESENTATIONS (continued)

- ▶ Citizen of the Year – Pastor Paul Chappell of Westcoast Baptist College/Lancaster Baptist Church
Announced by: Mayor Parris
- ▶ Lancaster Economic Stimulus Program - Presented by Vern Lawson, Economic Development/Redevelopment Director.

The presentation included, but was not limited to, an introduction regarding leadership; nurturing; risk taking; reward and demand; advocates for business. He discussed Merchants Assistance which will include a gift card program; vehicle registration rebate; regional auto mall marketing; business banner program; Wayfind Campaign; Lancaster Business First; tourism tax base expansion; tourism financing; new events; current attraction programs; Developer/Broker Assistance; new City revenues; branding opportunities; amnesty program; City store and explained the total economic impact.

Bob Turner, owner of Avens Furniture presented his long history in Lancaster and supports the stimulus program. Dan Jacobs, General Manager of Antelope Valley Fair, stated that he is excited about the tourism aspect of the plan; looks forward to working with the City and pledges support to help in this effort. Jim Haas, owner of the Sierra Toyota Dealership, looks forward to the opportunity to work with the City on the Vehicle Registration Rebate – very supportive. He stated that this could capture 25-30% of the sales tax base which will help in placing more law enforcement on the streets of Lancaster.

Mayor Parris thanked City staff for their work on this and was impressed by the innovative, risky, bold ideas.

The City Manager stated that it is very rare to find opportunities that offer this kind of a challenge to staff members and it is great to have people of this caliber willing to take the risk and come up with new ideas.

Council Member Sileo stated that he was very impressed and sees this as an expansion of the Shop for Cops Program; stressed the importance of shopping locally to add law enforcement and that he would much rather see the money spent here helping the community, the neighborhood and the families of Lancaster.

RECESS

Mayor Parris requested a recess at 5:50 p.m.

RECONVENE

Mayor Parris reconvened the meeting at 5:59 p.m.

AGENDA ITEMS TO BE REMOVED

None

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RCC 1. MINUTES

See CC 2 for the approval of the Regular Redevelopment Agency Meeting minutes of January 27, 2009.

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council approved the Council Consent Calendar with the exception of Item No. CC 16, which was pulled for separate discussion and action, by the following vote: 4-0-0-1; AYES: Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: Mann.

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 January 27, 2009.

CC 3. WARRANT REGISTER

Approved the Check and Wire Registers (January 11, 2009 through January 24, 2009) in the amount of \$1,987,086.80.

CC 4. MONTHLY REPORT OF INVESTMENTS

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

CC 5. ORDINANCE NO. 916

Adopted **Ordinance No. 916**, an ordinance of the City Council of the City of Lancaster, California, amending Sections 8.24.020 and 8.24.040 of the Lancaster Municipal Code relating to noise regulations and allowable working hours.

CC 6. ORDINANCE NO. 917

Adopted **Ordinance No. 917**, an ordinance of the City Council of the City of Lancaster, California, amending Title 16 of the Lancaster Municipal Code, (Subdivision Ordinance) modifying the required pavement improvements on arterial streets.

CC 7. ACCEPTANCE OF INTERIOR STREET TREES FOR MAINTENANCE

Accepted the interior street trees for maintenance by the City for Tract No. 48534-02, located on the northwest corner of Avenue I and 37th Street East, Owner: K. Hovnanian Forecast Homes, Inc.

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- 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. 303, installed for Tract No. 060154, located on the southeast corner of Avenue J and 30th Street East, Owner: Trimark Pacific Lancaster 139, LLC. Appropriated \$3,710.00 from the first year's maintenance cost, that have been paid by the developer, to cover the remaining four months of the fiscal year into the Landscape Maintenance Operating Account No. 482-4747-402.
- CC 9. COMPLETED WATER SYSTEMS**
Approved the completed water systems installed by the developer for: Tract No. 060905, located on the northeast corner of 35th Street West and Kildare Street, Owner: Pulte Home Corporation and Tract No. 54201, located on the northeast corner of Lancaster Boulevard and 35th Street East, Owner: Pulte Home Corporation.
- CC 10. STP-L GRANT FUNDS**
Approved the use of \$1,544,360.00 in Surface Transportation Local (STP-L) grant funds for the reconstruction of Avenue I, between 47th Street West and 67th Street West; appropriated \$944,360.00 in STP-L grant funds to Capital Improvements Budget Account No. 323-12ST019-924; approved the budget transfer of \$600,000.00 from Capital Improvements Budget Account No. 323-12ST023-924 to Capital Improvements Budget Account No. 323-12ST019-924; approved the budget transfer of \$600,000.00 from Capital Improvements Budget Account No. 206-12ST019-924 to Capital Improvements Budget Account No. 206-12ST023-924.
- CC 11. AGREEMENT WITH BARTLE WELLS ASSOCIATES**
Appropriated \$50,000.00 from Fund Balance in the Lancaster Lighting Maintenance District into Expense Account No. 483-4725-301 and authorized the City Manager to enter into a Professional Services Agreement with Bartle Wells Associates to conduct an Economic Feasibility Study.
- CC 12. PWCP NO. 08-048**
Awarded **Public Works Construction Project No. 08-048, Tierra Bonita Park Water Conservation Modifications – Phase I**, to C.S. Legacy Construction, Inc, in the amount of \$90,035.00, plus Additive Alternate No. 1 in the amount of \$11,259.00, to bring the award total to \$101,294.00 plus a 10% contingency and authorized the City Manager, or his designee, to sign all documents. The project is designed to modify existing landscaping and irrigation systems at Tierra Bonita Park for water conservation purposes.
- CC 13. RESOLUTION NO. 09-07**
Adopted **Resolution No. 09-07**, a resolution of the City Council of the City of Lancaster, California, amending the Compensation Schedule for the classification of Community Safety Supervisor.

CC 14. SURPLUS DISPOSAL/CAL-CARD

Accepted and approved the Surplus Disposal Policy and Cal-Card Violation Policies.

CC 15. AGREEMENT ON IMPLEMENTATION OF WATER MANAGEMENT PLAN

Authorized and directed the Mayor to sign the “Agreement on the Implementation of the Integrated Regional Water Management Plan”; directed staff to continue to work with the Regional Water Management Group to achieve regional water supply objectives; designated the Public Works Director to be the Lancaster representative with the Deputy City Manager as alternate.

CC 16. AMARGOSA CREEK CONVEYANCE PROJECT

Mayor Parris stated that he would need to recuse himself from this item because the Creek runs behind his business and also due to the business impacts with Jim Gilley and Frank Visco.

Addressing the City Council on this matter:

Arnold Rodio – presented a history of approvals for the Amargosa Creek project; understands the concept and requested clarification of the funding, stating that the action seems limiting.

Scott Pelka – stated that he is against the releasing of public funds for the channel because of the weak economy, requested clarification of the action and felt that the item should be tabled.

Vice Mayor Smith explained the history of the meetings that have taken place regarding this issue since January of 2005. At that time, the Master Plan of Drainage was adopted by the City and as any developer knows, there are many projects that go on that the City designated throughout the Antelope Valley. The Master Plan identifies all the drainage plans throughout the City of Lancaster and Amargosa Creek is just one of them. Part of that policy is that the City reimburses the developer for the creek. There was also the Auto Mall portion of the plan which was in front of the City Council numerous times. Regarding the space that is being covered – once it is covered it won't have to be moved and we can build right on top of it just like the Target Center. Vice Mayor Smith clarified the public good question by stating that if it was just a gift to the developer of public funds, that would be illegal. The City performed an independent study with a consultant and it was determined that the City would get approximately \$2.7 million a year in revenue and that is not counting the portion of the Auto Mall. Above and beyond that, it places about 10-12 law enforcement on the streets of Lancaster. Because of the Master Plan of Drainage, fees and taxes have been collected that are specifically for this.

CC 16. AMARGOSA CREEK CONVEYANCE PROJECT (continued)

The City Manager clarified that this action is not implementing a decision. The decision was made back in June. The City is simply getting ready to bid the project; this action places the funding in the proper account and this money was already identified in June. There hasn't been a better time to bid in the last ten years than now. Bids are coming in much lower than the Engineer's estimates; this will help greatly in the economic stimulus; this is the right bidding climate.

The City Attorney stated that in the agreement that was entered into with the developer, they are required to pay a fairly large percentage of the costs for those improvements upon the sale of the back parcel or within ten years of the date of the agreement whichever comes first and that money will be coming back from the developer to offset some of the benefit that is coming from the development. There are many reasons why this channel needed to be covered. There is a plan for expansion of the Auto Mall on the east side of 10th, north of Ave. K-8 and that portion needed to be covered. In order to do the covering of that portion and the portion where Kaiser Hospital will be, it is necessary to cover all of it in-between. There are other instances where the creek has been covered but not at the expense of the developers of those properties, but at the Agency's expense.

The Vice Mayor stated that now is the time for bidding; construction materials are cheaper; many cities are pushing ahead for capital improvement projects because the prices are cut in half many times; the developers are paying for a substantial amount of this project. This is a project that the newspaper and public praised and it was a unanimous vote by the City Council at the time and this shouldn't be a problem now.

On a motion by Council Member Sileo and seconded by Council Member Marquez, the City Council appropriated \$2,856,600.00 to Account No. 101-17SD022924, Amargosa Creek Underground Conveyance Project and increased estimated revenues in Account No. 101-3703-100 – LRA Loan Repayment in the same amount, by the following vote: 3-0-1-1; AYES: Marquez, Sileo, Smith; NOES: None; RECUSED: Parris; ABSENT: Mann

At this time, Mayor Parris returned to the meeting.

NB 1. CONDEMNATION PROCEEDINGS

The Public Works Director presented the staff report regarding Condemnation Proceedings – Property Acquisition Tract No. 53102 located on the northeast corner of Catsue Place and Avenue J-12, identified as APN 3153-025-900; portions thereof.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council adopted **Resolution No. 09-08**, a resolution of the City Council of the City of Lancaster, California, directing and authorizing the condemnation of certain real property in the City of Lancaster, California and declaring the public necessity therefore (APN 3153-025-900; portions thereof), by the following vote: 4-0-0-1; AYES: Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: Mann.

NB 2. FEMA FLOOD ZONE CHANGES

The Public Works Director announced recent FEMA Flood Zone changes that affect a significant portion of Lancaster parcels. The City of Lancaster has successfully petitioned FEMA to change flood zone areas by providing a study of flood control improvements proving many parcels are no longer a high risk for flooding. These changes eliminate the federal requirement for purchasing flood insurance for approximately 82% of the 2,800 parcels previously designated as being in a high risk flood zone.

NB 3. LANCASTER PERFORMING ARTS CENTER FOUNDATION

The Parks, Recreation and Arts Director presented the staff report regarding the Foundation.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council approved the amended Bylaws of the Lancaster Performing Arts Center Foundation, by the following vote: 4-0-0-1; AYES: Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: Mann.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council approved the appointments of the following individuals to the Lancaster Performing Arts Center Foundation Board of Directors: Lou V. Bozigian; Inpamani S. Arul, M.D.; Joshua E. Mann; Berna Mayer; John Porter, Ed.D.; Mark E. Thompson, by the following vote: 3-1-0-1; AYES: Marquez, Smith, Parris; NOES: Sileo; ABSTAIN: None; ABSENT: Mann.

John A. Currado was not appointed.

COUNCIL AGENDA

None

CITY MANAGER'S / EXECUTIVE DIRECTOR'S ANNOUNCEMENT

None

CITY CLERK / AGENCY SECRETARY ANNOUNCEMENT

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:

Ann Vanino – Presented information on the High Desert Region Green Initiative (HDRGJI) and endorsing participation as a High Desert Region Green Jobs initiative stakeholder.

Heather Thomas-Brown – Stated her concerns regarding chloramines in water.

Scott Pelka – Expressed his concerns regarding the covering of Amargosa Creek.

COUNCIL REPORTS

Council Member Sileo stated that the Sanitation District met last week on routine items; contracts; actions taken bring the City that much closer to the recycled water goals.

Vice Mayor Smith stated that the AVTA had a Visioning meeting and hired a consultant to work out some communication issues and redeveloping the JPA.

Mayor Parris stated that it has been a great week in the City; referred to the economic stimulus plan; the Sheriff's Department designated the City as the research and development center of the county which means most, if not all the new technology, new methods, new ways of increasing public safety will be tried in Lancaster first. This gives the City a huge technological leap and also gives the City license to try innovative things that could have been blocked by other agencies because it is research and development. With everything that is coming this way, this will be the model for mid-sized cities on how to increase public safety. The goal of 300 Part I Crimes per 10,000 is a reality that will come very soon and he believes the City will surpass this in the not too distant future, which has never been done anywhere in the country.

Mayor Parris stated that he will be having a barbeque in the near future and that he will be inviting the Chair and Vice Chair of each of the City Commissions and Council Member Marquez. The purpose of the barbeque is to plan, discuss and develop new ideas on how the City can push Lancaster further than it has already come.

COUNCIL / AGENCY COMMENTS

Council Member Marquez stated that in the meetings that have taken place regarding the chloramines in the water, it was her understanding that the chlorine was to be mixed with charcoal and would cost the consumer approximately \$40.00 every two months. If the water had a mix of the chlorine and ammonias – which makes chloramines, it will cost the consumer about \$9.00 every two months. It is her understanding that customers would be surveyed to find out what they would like to do. It is her opinion that if the customer wants to pay the extra money, then that is what they need to do. She hasn't seen a survey yet and is waiting to see what happens.

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COUNCIL / AGENCY COMMENTS (continued)

Council Member Marquez suggested that Mr. Pelka join the “no-cussing club.” This club exists because of a young man in junior high that got tired of all the cussing by his friends. She stated that she has joined and she has suggested that several staff members join and she encouraged Mr. Pelka to join. She stated that a person can join the club online and it is free.

CLOSED SESSION

None

ADJOURNMENT

Mayor Parris adjourned the meeting at 6:42 p.m. and announced that the next regular meeting of the City Council/Redevelopment Agency would take place on Tuesday, February 24, 2009 - 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)
