LANCASTER CITY COUNCIL REGULAR MEETING MINUTES July 25, 2006

July 25, 2006			
CALL TO ORDER	Mayor Hearns called the meeting to order at 6:00 p.m.		
ROLL CALL	Present:	Council Members: Jeffra, Smith, Visokey, Vice Mayor Sileo, Mayor Hearns	
	Absent:	None	
	Staff Members:	Assistant City Managers, City Attorney, City Clerk, Principal Planner, Public Works Director, Parks, Recreation and Arts Director, Finance Director, Economic Development Director, Housing Director, Human Resources Director	
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 with the exception of CC 4, which was pulled for discussion, by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearns; 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	A) Approved the Special meeting minutes of July 11, 2006.		
CC 2.	B) Approved the Regular meeting minutes of July 11, 2006.		
	C) Approved the Special Joint meeting Minutes of July 12, 2006.		
WARRANT REGISTER CC 3.			

RE-INTRODUCTION OF ORD. NO. 855 TOBACCO RETAILER ORDINANCE

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.

CC 4.

Addressing the Council on this item: Alma Flores; Janette Crawford.

The City Attorney stated that he has had an opportunity to review the proposed changes in detail and review the changes with the Code Enforcement Division. As a result of the review period, there are some changes that may be necessary to cover the sale of tobacco products, in particular where the product might be available to youth. The first change would be to delete the definition of newly established business on Page 4 and add a new definition of Tobacco Retailer which expands the scope to include the free nights at various locations where samples of the product are distributed. To make sure the City has as broad of an ordinance as possible, those changes should be made.

On a motion by Vice Mayor Sileo and seconded by Council Member Visokey, the City Council approved the insertion of the changes proposed by the City Attorney, therefore enacting a first reading of said ordinance this evening (July 25, 2006) and to bring the Ordinance back for adoption on August 8, 2006, by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearns; NOES: None; ABSTAIN: None; ABSENT: None

ORD. NO. 856 RELATING TO TRAFFIC CC 5. Adopted **Ordinance No. 856,** an ordinance of the City Council of the City of Lancaster, amending Section 10.04.050 of Chapter 10.04 of the Lancaster Municipal Code, relating to traffic (unlawful parking).

ORD. NO. 857 RELATING TO PROPERTY MAINTENANCE CC 6. Adopted **Ordinance No. 857,** an ordinance of the City Council of the City of Lancaster, adding Section 10.04.050C of the Lancaster Municipal Code, relating to property maintenance.

RESO. NO. 06-164 DESTRUCTION OF RECORDS CC 7.

Adopted **Resolution No. 06-164**, authorizing the destruction of certain records (Travel Records, Risk Management Agendas & Minutes, Closed Session, Speaker Cards, Affidavits of Publication, Roster of Voters, **Public** Records Requests, Records Center Documentation, Correspondence, Insurance, Subpoenas, City Property Claims, Claims, Terminated Home Occupations, Recruitment Files, Violations of Municipal Codes, Sports related documents, Registration – Recreation Programs, Refunds-Recreation Programs, Repetitive Maintenance Reports, AV Film Office, Accident/Incident Damage Reports, CARES Program, Door Access Code Printouts, Bids, Special Classes -Centers, Jazzercise, Recreation-City Inspections, Willdan files, Invoices, Service Requests, Deposit Records, Banking Records, Financial Reports, Purchase Orders, Parking Citations, Payroll, Payroll-Registers, Payroll-Reports, Payroll-State & Federal Income Tax Returns, Accounts Receivable, Accounts Payable and Business License Files.)

ACQUISITION OF REAL PROPERTY WITH NENEH SEISAY

CC 8.

CC 9.

Approved an agreement for Acquisition of Real Property between the City of Lancaster and Neneh Seisay for property located at 1329 West Avenue J-3.

RESO. NO. 06-166 PROVIDING FOR THE LEVY OF A SPECIAL TAX WITHIN CFD NO. 89-1 Adopted **Resolution No. 06-166**, authorizing and providing for the levy of a special tax within Community Facilities District No. 89-1, of the City of Lancaster, for Fiscal Year 2006-2007, a District established to finance the acquisition and construction of regional water system improvements in various locations in the City.

RESO. NO. 06-167 PROVIDING FOR THE LEVY OF A SPECIAL TAX WITHIN CFD NO. 90-1 CC 10. Adopted **Resolution No. 06-167**, authorizing and providing for the levy of a special tax within Community Facilities District No. 90-1 of the City of Lancaster, for Fiscal Year 2006-2007, a District established to finance the construction of regional street and storm drain improvements in the area of Lancaster Boulevard and 25th Street West.

RESO. NO. 06-168 PROVIDING FOR THE LEVY OF A SPECIAL TAX WITHIN CFD NO. 91-1 CC 11. Adopted **Resolution No. 06-168**, authorizing and providing for the levy of a special tax within Community Facilities District No. 91-1 of the City of Lancaster, for Fiscal Year 2006-2007, a District established to finance the construction of regional water and sewer improvements for Quartz Hill II & III.

RESO. NO. 06-169 PROVIDING FOR THE LEVY OF A SPECIAL TAX WITHIN CFD NO. 91-2 CC 12. Adopted **Resolution No. 06-169**, authorizing and providing for the levy of a special tax within Community Facilities District No. 91-2 of the City of Lancaster, Phase III, for Fiscal Year 2006-2007, a District established to finance the construction of regional street, sewer and storm drain improvements in the Lancaster business Park Phase III.

JOINT USE AGREEMENT WITH SCE FOR RELOCATION OF EXISTING FACILITIES Approved the Joint Use Agreement with the Southern California Edison Company (SCE) to provide for the relocation of existing SCE facilities necessitated by the proposed widening of the southwest corner of 10th Street West and Lancaster Boulevard.

AGREEMENT WITH REDFLEX TRAFFIC SYSTEMS, INC. CC 14.

CC 13.

Approved an agreement with Redflex Traffic Systems, Inc., for a Red Light Photo Enforcement Program and authorized the City Manager, or his designee to sign all documents.

UTILIZATION OF FUNDS GRANTED BY OTS FOR SAFETY EDUCATION PROGRAM CC 15. Approved the utilization of funds granted by the Office of Traffic Safety (OTS) for a Pedestrian and Bicycle Safety Education Program and authorized the City Manager or his designee to execute and accept the terms, conditions and certifications of the Grant Agreement PS0702.

PWCP NO. 05-028 APPROPRIATION OF FUNDS FOR RECORDS STORAGE FACILITY CC 16. Approved the appropriation of an additional \$50,000.00 from Special Reserves – Building Replacement funds to Project Account No. 182-19; approved change orders 1 through 4; and increased the total amount of the contract with Bowe Contractors Inc. for **Public Works Construction Project No. 05-028**, Records Storage Facility Addition, by \$38,730.00 for a total revised contract amount of \$577,647.00.

PWCP NO. 05-038 AWARD OF CONTRACT FOR AV CHILDREN'S CENTER PARK-N-RIDE CC 17. Authorized increase of the contract award amount to Granite Construction for **Public Works Construction Project No. 05-038,** AV Children's Center Park-n-Ride, by \$60,796.00 for a total revised contract amount of \$792,396.00 for changes required that were discovered during construction.

ACCEPTANCE OF MAP AND DEDICATIONS FOR TRACT NO. 060034 CC 18. Approved the map and accepted the dedications as offered on the map for Tract No. 060034, located at the Southeast corner of 60th Street West and Avenue J-8; 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.

AGREEMENT WITH LANCASTER PAVILION, L.P. FOR TRACT NO. 060034 CC 19. Approved an agreement with Lancaster Pavilion, L.P., a California Limited Partnership, the developer of Tract No. 060034, to provide needed right-of-way for required street improvements for the tract through condemnation proceedings.

Proposed Annexations to Lancaster Drainage Benefit <u>Assessment District</u>

RESO. NOS. 06-170 AND 06-171 ANNEX. NOS. 05-105; 06-20; 06-44; 06-53; 06-55 TO LDBAD CC 20. Annexation No. 05-105, Permit No. 05-05687, located at 6633 West Avenue H-10. Owner: Walter McCalman and Julienne McCalman, husband and wife as joint tenants.

Annexation No. 06-20, Permit No. 06-00683, located at east side of 35th Street East, approximately 332 feet north of Avenue K-12. Owner: Joseph Hodge, a single man.

Annexation No. 06-44, Permit No. 06-02084, located at 3111 West Avenue L-4. Owner: Krikor D Der Nercessian, an unmarried man.

Annexation No. 06-53, Tract No. 062207, located at northeast corner of 25th Street East and Avenue J-6. Owner: Cambridge Homes, Inc. a Nevada Corporation.

Annexation No. 06-55, Tract No. 062664, located at southeast corner of 40th Street West and future Avenue M-4. Owner: Pulte Home Corporation, a Michigan Corporation.

- A) Adopted **Resolution No. 06-170**, initiating proceedings for the annexation of territories to Lancaster Drainage Benefit Assessment District to be established pursuant to the Benefit Assessment Act of 1982 and California Constitution Article XIIID (Annexation Nos. 05-105, 06-20, 06-44, 06-53, and 06-55.)
- B) Adopted **Resolution No. 06-171**, approving the Engineer's Report and the time and place for Public Hearing, and declaring its intention to annex territories into Lancaster Drainage Benefit Assessment District and to levy and collect assessments pursuant to the Benefit Assessment Act of 1982 and California Constitution Article XIIID (Annexation Nos. 05-105, 06-20, 06-44, 06-53, and 06-55.)

RESO. NOS. 06-172 AND 06-173 ANNEX. NOS. 635; 674; 701; 713; 716 TO LLMD CC 21.

Proposed Annexations to Lancaster Lighting Maintenance District

Annexation No. 635, Permit No. 05-05687, located at 6633 West Avenue H-10. Owner: Walter McCalman and Julienne McCalman, husband and wife as joint tenants.

Annexation No. 674, Permit No. 06-00683, located at east side of 35th Street East, approximately 332 feet north of Avenue K-12. Owner: Joseph Hodge, a single man.

Annexation No. 701, Permit No. 06-02084, located at 3111 West Avenue L-4. Owner: Krikor D Der Nercessian, an unmarried man.

Annexation No. 713, Tract No. 062207, located at northeast corner of 25th Street East and Avenue J-6. Owner: Cambridge Homes, Inc. a Nevada Corporation.

Annexation No. 716, Tract No. 062664, located at southeast corner of 40th Street West and future Avenue M-4. Owner: Pulte Home Corporation, a Michigan Corporation.

- A) Adopted **Resolution No. 06-172**, initiating proceedings for the annexation of territories into Lancaster Lighting Maintenance District, an Assessment district established pursuant to the Landscaping and Lighting Act of 1972 and California Constitution Article XIIID (Annexation Nos. 635, 674, 701, 713, and 716.)
- B) Adopted **Resolution No. 06-173**, approving the Engineer's Report and the time and place for Public Hearing, and declaring its intention to annex territories into Lancaster Lighting Maintenance District and to levy and collect assessments pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California and California Constitution Article XIIID (Annexation Nos. 635, 674, 701, 713, and 716.)

Proposed Annexations to Lancaster Landscape Maintenance District No. 1:

RESO. NOS. 06-174 AND 06-175 ANNEX. NOS. 359; 360 TO LMD CC 22. Annexation No. 359, Tract No. 062207, located at northeast corner of 25th Street East and Avenue J-6. Owner: Cambridge Homes, Inc. a Nevada Corporation.

Annexation No. 360, Tract No. 062664, located at southeast corner of 40th Street West and future Avenue M-4. Owner: Pulte Home Corporation, a Michigan Corporation.

- A) Adopted **Resolution No. 06-174**, initiating proceedings for the annexation of territories into Lancaster Landscape Maintenance District No. 1, an Assessment District established pursuant to the Landscaping and Lighting Act of 1972 and California Constitution Article XIIID (Annexation Nos. 359, and 360.)
- B) Adopted **Resolution No. 06-175**, approving the Engineer's Report and the time and place for Public Hearing, and declaring its intention to annex territories into Lancaster Landscape Maintenance District No. 1 and to levy and collect assessments pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California and California Constitution Article XIIID (Annexation Nos. 359, and 360.)

RESO. NO. 06-176 CONFIRMING DIAGRAMS AND ASSESSMENTS FOR ANNEX. NOS. 05-105; 06-20; 06-44; 06-53; 06-55 TO LDBAD PH 1. Mayor Hearns opened the public hearing. The Public Works Director presented the staff report regarding annexations into the Drainage Benefit Assessment District. There being no further testimony, Mayor Hearns closed the public hearing.

On a motion by Council Member Jeffra, and seconded by Vice Mayor Sileo, the City Council adopted **Resolution No. 06-176**, confirming the diagrams and assessments and ordering the annexation of territories into Lancaster Drainage Benefit Assessment District and levy of assessment (Annexation Nos. 05-105, 06-20, 06-44, 06-53, and 06-55), by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearns; NOES: None; ABSTAIN: None; ABSENT: None.

RESO. NO. 06-177 CONFIRMING DIAGRAMS AND ASSESSMENTS FOR ANNEX. NOS. 635; 674; 701; 713; 716 TO LLMD Mayor Hearns opened the public hearing. The Public Works Director presented the staff report regarding the annexations into the Lighting Maintenance District. There being no further testimony, Mayor Hearns closed the public hearing.

PH 2.

On a motion by Vice Mayor Sileo, and seconded by Council Member Jeffra, the City Council adopted **Resolution No. 06-177**, confirming the diagrams and assessments and ordering the annexation of territories into Lancaster Lighting Maintenance District (Annexation Nos. 635, 674, 701, 713, and 716), by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearns; NOES: None; ABSTAIN: None; ABSENT: None.

RESO. NO. 06-178 CONFIRMING DIAGRAMS AND ASSESSMENTS FOR ANNEX. NOS. 359 AND 360 TO LMD Mayor Hearns opened the public hearing. The Public Works Director presented the staff report regarding the annexations into the Landscape Maintenance District. There being no further testimony, Mayor Hearns closed the public hearing.

PH 3.

On a motion by Vice Mayor Sileo, and seconded by Council Member Jeffra, the City Council adopted **Resolution No. 06-178**, confirming the diagrams and assessments and ordering the annexation of territories into Lancaster Landscape Maintenance District No. 1 (Annexation Nos. 359, and 360), by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearns; NOES: None; ABSTAIN: None; ABSENT: None.

RESO. NO. 06-179 CONFORMANCE WITH CMP AND ADOPTION OF THE 2006 CMP LDR Mayor Hearns opened the public hearing. The Public Works Director presented the staff report regarding the Congestion Management Program. There being no further testimony, Mayor Hearns closed the public hearing.

PH 4.

Council Member Visokey requested clarification regarding Prop 111 regarding a nine cent increase in the gas tax over a 5-year period, and whether the State is still collecting this tax. The Public Works Director explained that the tax was to incrementally increase from zero to nine cents per gallon over the 5-year period; therefore, this is money that is received back and diverted to other programs.

On a motion by Vice Mayor Sileo, and seconded by Council Member Visokey, the City Council adopted **Resolution No. 06-179**, finding the City to be in conformance with the Congestion Management Program (CMP) and adopting the 2006 CMP Local Development Report (LDR), in accordance with California Government Code Section 65089, by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearns; NOES: None; ABSTAIN: None; ABSENT: None.

ORD. NO. 858 INTRODUCTION REGARDING LITTERING PH 5.

Mayor Hearns opened the public hearing. The Housing Director presented the staff report regarding the proposed amendment to Chapter 8.20 of the Municipal Code regarding Littering. There being no further testimony, Mayor Hearns closed the public hearing.

Council Member Visokey requested clarification regarding littering and whether it is already a State law. The City Attorney stated that Littering is a State law and by this action the City is reinforcing the State law and adding some regulatory provisions.

Council Member Smith stated his concern regarding one particular section that may be problematic. Regarding Section 8.20.060 – changing the wording from obscure from public view by opaque fencing, solid fencing, vegetation, topography to "approved" fencing, solid fencing or topography.

The City Attorney recommended that opaque fencing, solid fencing be changed to read as: "approved fencing" and leave in vegetation and topography, or any combination thereof.

On a motion by Council Member Jeffra and seconded by Mayor Hearns, the Council introduced **Ordinance No. 858 with the amendment stated by the City Attorney**, amending Title 8 of the Lancaster Municipal Code, replacing Chapter 8.20 - Littering in its entirety, by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearns; NOES: None; ABSTAIN: None; ABSENT: None.

SUPPORT OF OPPOSITION OF AB 2987 RELATIVE TO TELECOMMUNICATIONS SERVICES CB 1. This item was a continued item from the meeting of July 11, 2006. Assistant City Manager, Mark Bozigian presented the staff report regarding opposition of AB 2987 (Nunez/Levine) due to potential adverse economic and service issues relative to private telecommunications services provided in the City of Lancaster and adoption of **Resolution No. 06-149**, pertaining to principles to guide the City of Lancaster's positions and participation in the ongoing State and Federal debate over a new telecommunications regulatory framework.

Comments and Concerns from the Council included: reviewing of AB 2987 in detail; what is best for residents; taking something that is under local control and turning it into State control is disturbing; local control is far more important; support of staff's recommendation; the bill has gone through the assembly, bill is changing very fast; amendments are happening; opposing the bill if not amended; oppose the bill as it is currently written; local control is more important than dollars; clarification of process for voting; support of staff having the resolution to work with; not in favor of giving staff specific intent; desire to look at each piece of legislation; timeline on AB 2987; resolution gives staff direction for the debate of telecommunications; resolution is a common sense resolution and makes sense; against having Council name attached to a yea or nay vote before review of legislation; many amendments will be coming in the future; concern with new legislation coming forth.

The City Attorney explained that it is a two-part recommendation. First part – oppose the bill; second - is to adopt the resolution.

On a motion by Council Member Jeffra and seconded by Mayor Hearns, the Council approved the opposition to AB 2987, by the following vote: 4-0-1-0; AYES: Jeffra, Visokey, Sileo, Hearns; NOES: None; ABSTAIN: Smith; ABSENT: None.

On a motion by Vice Mayor Sileo and seconded by Council Member Jeffra, the Council adopted **Resolution No. 06-149**, pertaining to principles to guide the City of Lancaster's positions and participation in the ongoing State and Federal debate over a new telecommunications regulatory framework, by the following vote: 3-2-0-0; AYES: Jeffra, Sileo, Hearns; NOES: Smith, Visokey; ABSTAIN: None; ABSENT: None. Motion carried.

CONSIDERATION OF ALLOWING A GENERAL PLAN AMENDMENT

Vice Mayor Sileo presented for discussion - consideration to allow filing of a General Plan Amendment to the northwest corner of 60^{th} Street West and Avenue L.

CA 1.

On a motion by Vice Mayor Sileo and seconded by Council Member Smith, the Council approved the submission of an application for a General Plan Amendment by the Developer; staff will weigh the pros and cons and take it through the regular process, by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearns; NOES: None; ABSTAIN: None; ABSENT: None.

CONSIDERATION OF ALLOWING A GENERAL PLAN AMENDMENT

Council Member Smith presented for discussion - consideration to allow filing of a General Plan Amendment to the southeast corner of 60^{th} Street West and Avenue L.

CA 2.

On a motion by Council Member Smith and seconded by Council Member Jeffra, the Council approved the submission of an application for a of the General Plan Amendment by the Developer; staff will weigh the pros and cons and take it through the regular process, by the following vote: 5-0-0-0; AYES: Jeffra, Smith, Visokey, Sileo, Hearns; NOES: None; ABSTAIN: None; ABSENT: None.

CITY MANAGER'S ANNOUNCEMENT

Assistant City Manager, Mark Bozigian stated that on behalf of the City Manager, thanked all of the staff that were involved in putting on the Celebrate Downtown Event on Friday, July 21, 2006. They did an incredible job and should be recognized for their efforts.

Public Works Director, Randy Williams gave a brief report on the storms of last week beginning July 20, 2006. Over 100 incidents were reported located primarily in a 4 square mile area between 10th Street West; Challenger; Avenue H and Avenue J. The City responded quickly to calls of tree limbs that had fallen, and the scale of damage was low due in large part to the street tree maintenance program that the City has; lights went into flash mode automatically; Edison lost several poles; 18 signals went down completely; crews worked throughout the night and into the weekend; 8 signals continue in flash mode until the controller cards can be replaced; proud of the field crews, they knew what to do and handled the situation very well.

CITY CLERK'S ANNOUNCEMENT

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

PUBLIC BUSINESS FROM THE FLOOR NON-AGENDIZED ITEMS Addressing the Council at this time:

Alis Clausen, representing SCE, gave a brief follow up to the storm damage.

COUNCIL COMMENTS

Council Member Visokey stated that he, Mayor Hearns and Council Member Smith had the opportunity to attend the Desert Mountain League meeting at Mammoth Lakes and take a bus tour of the community. All cities are not alike, average home price in Mammoth Lakes is \$800,000.00 and the city has a program where they are able to provide affordable housing to their residents within their town for a period of one year, homes that are approximately \$170,000.00; once again proving that a city can have a great community when the public and private sectors work together.

Council Member Jeffra stated that he had recently been asked how he felt about the President's veto of funding for stem cell research. He stated that he had not given much thought to the issue because when the State had a brown out there were hundreds of planes in the air and no one knew where they were because the backup system failed and that is when he thought, why are we spending money on stem cell research when we can't even keep our airplanes intact? It doesn't make a lot of sense and he feels that we as a government should take a hard look at how we spend dollars, not only at the Federal and State level but also in local government.

Council Member Smith stated that he is very pleased with the new radar speed limit mechanisms that are in place and he is witnessing people slowing down and taking notice of their speed limits.

Mayor Hearns thanked the staff for all their hard work for the Celebrate Downtown Event, stating that it was a fantastic event and also thanked staff for the wonderful job they are doing on the General Plan. Mayor Hearns also encouraged people to join with others for the Lookin' Good Lancaster event on Saturday, July 29, 2006 at 8 a.m. at 25th Street East and Avenue I.

Council Member Sileo stated that on these hot nights – a great place to be is the freshly reopened Coldstones at 10^{th} Street West and K.

CLOSED SESSION

None

ADJOURNMENT	Mayor Hearns adjourned the meeting at 7:05 p.m. and announced the next regular meeting of the City Council would be held on Tuesday August 8, 2006.		
	ATTEST:	APPROVED:	
	GERI K. BRYAN, CMC City Clerk City of Lancaster	HENRY W. HEARNS Mayor City of Lancaster	
	STATE OF CALIFORNIA COUNTY OF LOS ANGELE CITY OF LANCASTER	ES) ss	
	CERTIFICATION OF MINUTES CITY COUNCIL		
		A, do hereby certify that this is a true and City Council Minutes, for which the original	
	WITNESS MY HAND A LANCASTER, on this _	ND THE SEAL OF THE CITY OF day of,	
	(seal)		