

CC 2
06/09/09
MVB

**LANCASTER CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES  
May 26, 2009**

**CALL TO ORDER**

Mayor/Chairman Parris called the regular meeting of the City Council/Redevelopment Agency meeting to order at 6:00 p.m.

**ROLL CALL**

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

**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; Management Analyst I (Parks); Management Analyst II (Finance); Economic Development Director; Housing Director; Human Resources Director

**INVOCATION**

Assistant Pastor Tim Christoson – Lancaster Baptist Church

**PLEDGE OF ALLEGIANCE**

Council Member/Agency Director Marquez

**PRESENTATIONS**

Armando Carlos - Student Speaker – 6<sup>th</sup> grade student from Tamarisk School gave his speech on the true meaning of Memorial Day.

Palmdale High School Health Academy's SADD Program (Students Against Destructive Decisions) gave a presentation on destructive decisions such as drunk driving; drug driving; cell phone/text messaging use.

Mayor's Athletes of the Month –

- Ashley Woodford – Paraclete High School – Received a \$1,000 Mayor's Scholarship
  - Melanise Chapman – Paraclete High School – Received a \$1,000 Mayor's Scholarship
- Presenter: Mayor Parris

Recognition of Mike Bradley, Firefighter Specialist with L.A. County Fire Department

Presenter: Mayor Parris

LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY  
MINUTES  
MAY 26, 2009

**PRESENTATIONS (continued)**

Commendations for LASD Gang Eradication Operation  
Presenter: Mayor Parris

**AGENDA ITEMS TO BE REMOVED**

None

**APPROVAL OF AGENCY CONSENT CALENDAR**

On a motion by Vice Chairman Smith and seconded by Agency Director Marquez, the Redevelopment Agency approved the Agency Consent Calendar, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**RCC 1. MINUTES**

See CC 2 for the approval of the Regular Redevelopment Agency Meeting minutes of May 12, 2009.

**RCC 2. PROFESSIONAL SERVICES AGREEMENT**

Approved a Professional Services Agreement with RBF Consulting to develop the Tierra Bonita Neighborhood Specific Area Vision Plan in an amount not to exceed \$66,946.00 for Phase I. The Tierra Bonita Neighborhood is bounded by 20<sup>th</sup> Street East to 30<sup>th</sup> Street East and from Avenue I to Avenue J.

**APPROVAL OF CITY COUNCIL CONSENT CALENDAR**

Item Nos. CC 4; CC 5; CC 13 were pulled for separate discussion and action.

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 Nos. CC 4; CC 5; CC 13, which were pulled for separate discussion and action, 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 May 12, 2009.

**CC 3. WARRANT REGISTER**

Approved the Check and Wire Registers (April 26, 2009 through May 9, 2009) in the amount of \$5,087,565.85.

**CC 4. ORDINANCE NO. 922**

On a motion by Vice Mayor Smith and seconded by Mayor Parris, the City Council adopted **Ordinance No. 922**, an ordinance of the City Council of the City of Lancaster, California amending Section 2.04.020 of the Lancaster Municipal Code relating to the selection of the Vice Mayor, by the following vote: 3-2-0-0; AYES: Marquez; Smith; Parris; NOES: Mann, Sileo; ABSTAIN: None; ABSENT: None.

**CC 5. ORDINANCE NO. 923**

Addressing the City Council on this matter:

Cleo Goss – stated that she was opposed to the adoption of Ordinance No. 923.

On a motion by Vice Mayor Smith and seconded by Council Member Sileo, the City Council adopted **Ordinance No. 923**, an ordinance of the City Council of the City of Lancaster, rezoning the subject property from R-7,000 (Single Family Residential, minimum lot size 7,000 square feet) to CPD (Commercial Planned Development), by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**CC 6. ACCEPTANCE OF MAINTENANCE FOR DRAINAGE IMPROVEMENTS**

Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District Annexation No. 03-49, installed for Tract No. 54401, located on the northeast corner of 60<sup>th</sup> Street West and Avenue K, Owner: K. Hovnanian Forecast homes, Inc.

**CC 7. MONUMENTATION WORK**

Approved the monumentation work for Tract No. 060154, located on the southeast corner of Avenue J and 30<sup>th</sup> Street East, Owner: Trimark Pacific – Lancaster 139, LLC.

**CC 8. SUBDIVISION UNDERTAKING AND MAINTENANCE AGREEMENTS**

Approved and accepted the Subdivision Undertaking and Maintenance Agreements and securities submitted by Ave K22, LLC (“Subdivider”) for Tract Map No. 061542, located on the south side of Avenue J-12, approximately 296 feet west of 56<sup>th</sup> Street West.

**CC 9. SUBSTITUTION OF SUBDIVISION UNDERTAKING AGREEMENT**

Approved substitution of the Subdivision Undertaking Agreement and securities and accepted the Maintenance Agreement and security submitted by Forestar Dorado Skies, LLC in place of the Subdivision Undertaking Agreement and securities submitted by Western Pacific Housing, Inc. / D.R. Horton, Inc. for Tract Map No. 061206, located on the southeast corner of Avenue J and 35<sup>th</sup> Street East.

**CC 10. APPROPRIATION OF FUNDS**

Appropriated \$250,000.00 from the Technology Infrastructure Reserve to Account No. 109-4335-751 to purchase an Automated Disaster Recovery System that will permit the City to recover and/or restore critical functions in the event of a single and/or multiple file server failure.

**CC 11. TAX SHARING RESOLUTION**

Adopted the Tax Sharing Resolution for proposed Annexation No. 40-132 (4-196) into Los Angeles County Waterworks District No. 40, Antelope Valley.

**CC 12. PWCP NO. 09-013**

Awarded **Public Works Construction Project No. 09-013, Stillmeadow Lane Sewer**, to J.F. Bruce Construction in the amount of \$83,880.00, plus 10% contingency, for the construction of Stillmeadow Lane Sewer; authorized the City Manager, or his designee, to sign all documents.

**CC 13. SECOND SUBSTANTIAL AMENDMENT**

Mayor Parris stated that he would need to recuse himself from Item No. CC 13 due to the fact that his wife owns property in this vicinity.

On a motion by Council Member Sileo and seconded by Council Member Marquez, the City Council approved the Second Substantial Amendment to the 2008 Consolidated Annual Action Plan for the Community Development Block Grant Recovery (CDBG-R) funds pursuant to Title XII of the American Recovery and Reinvestment Act of 2009, by the following vote: 4-0-1-0; AYES: Mann, Marquez, Sileo, Smith; NOES: None; RECUSED: Parris; ABSENT: None.

The grant monies will provide funds to carry out, on an expedited basis, eligible activities under the CDBG program.

**CC 14. LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT – ANNUAL ASSESSMENT FOR FISCAL YEAR 2009-2010**

A. Adopted **Resolution No. 09-42**, generally describing any proposed improvements or substantial changes in existing improvements and ordering the City Engineer to prepare and file a report for Lancaster Drainage Benefit Assessment District.

B. Adopted **Resolution No. 09-37**, preliminarily approving the Engineer's Report, fixing time and place for public hearing on the levy of the proposed assessment and declaring its intention to levy and collect assessments within Lancaster Drainage Benefit Assessment District.

**CC 15. LANCASTER LANDSCAPE MAINTENANCE DISTRICT NO. 1 – ANNUAL ASSESSMENT FOR FISCAL YEAR 2009-2010**

A. Adopted **Resolution No. 09-38**, generally describing any proposed improvements or substantial changes in existing improvements and ordering the City Engineer to prepare and file a report for Lancaster Landscape Maintenance District No. 1, pursuant to provisions of the Landscaping and Lighting Act of 1972 of the Streets and Highways Code of the State of California.

B. Adopted **Resolution No. 09-39**, preliminarily approving the Engineer's Report, fixing time and place for public hearing on the levy of the proposed assessment and declaring its intention to levy and collect assessments within Lancaster Landscape Maintenance District No. 1, pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California.

**CC 16. LANCASTER LIGHTING MAINTENANCE DISTRICT – ANNUAL ASSESSMENT FOR FISCAL YEAR 2009-2010**

A. Adopted **Resolution No. 09-40**, generally describing any proposed improvements or substantial changes in existing improvements and ordering the City Engineer to prepare and file a report for Lancaster Lighting Maintenance District, pursuant to provisions of the Landscaping and Lighting Act of 1972 of the Streets and Highways Code of the State of California.

B. Adopted **Resolution No. 09-41**, preliminarily approving the Engineer's Report, fixing time and place for public hearing on the levy of the proposed assessment and declaring its intention to levy and collect assessments within Lancaster Lighting Maintenance District, pursuant to Part 2 of Division 15 of the Streets and Highways Code of the State of California.

**CPH 1. NEWSRACK ORDINANCE**

Mayor Parris stated that this Public Hearing was opened at a previous meeting and continued to this evening. The Management Analyst presented the staff report regarding this matter.

Hearing no further testimony, Mayor Parris closed the Public Hearing.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council introduced **Ordinance No. 918**, an ordinance of the City Council of the City of Lancaster, California, amending Section 12.24 of the Lancaster Municipal Code regarding newsracks, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council adopted **Resolution No. 09-26**, a resolution of the City Council of the City of Lancaster, California, rescinding Resolution No. 95-59 in its entirety and establishing newsrack permit fees, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**PH 1. APPEAL OF PLANNING COMMISSION ACTION ON CONDITIONAL USE PERMIT 07-05**

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council continued this matter to the meeting of August 25, 2009 at the request of the appellant, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**PH 2. REGULATION OF THE USE OF CARGO CONTAINERS**

Mayor Parris opened the Public Hearing. The Planning Director presented the staff report regarding this matter. Additionally, he requested that the ordinance allow for a slight change that was missed under Section 17.08.050 A (b) (iv) which states: Containers shall not be closer than 100 feet to any property line. This should actually read as 50 feet.

Hearing no further testimony, Mayor Parris closed the Public Hearing.

Council Member Marquez stated that the reason she requested that this matter come forward was because these cargo containers should not be allowed to sit in the driveways or yards of residential areas. When the initial ordinance was presented, citizen input was given, changes were made based on this input and it is a good ordinance. She thanked the Planning Director and his staff for the work they did on this ordinance in order to bring it forward.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council re-introduced **Ordinance No. 921** as amended, an ordinance of the City Council of the City of Lancaster, California repealing and amending Sections 17.04.240, 17.08.050, 17.12.050, 17.12.060, 17.16.050, 17.20.180, and 17.20.190 of Title 17 of the Lancaster Municipal Code, to regulate the use of cargo containers, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**NB 1. DAYSTAR FARMS MEMORANDUM OF UNDERSTANDING**

The Public Works Director presented the staff report regarding this matter. Wayne Stevens, representing DayStar Farms, Inc. presented a brief overview of the plan.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council approved a Memorandum of Understanding (MOU) with DayStar Farms, Inc., to work cooperatively to develop the nation's first Solar Park which will provide well-established solar power generating corporations as well as emerging, entrepreneurial companies an opportunity to move quickly from technological concept through construction to solar-driven electricity production, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**COUNCIL AGENDA**

None

**CITY MANAGER'S / EXECUTIVE DIRECTOR'S 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 City Council at this time:

David Paul – addressed the issue of true laws; quoted articles regarding the passing of laws; referred to the SADD presentation; technological possibilities exists to prevent drunks from getting behind the wheel; referred to human accountability program; supports the idea of medicinal marijuana.

Richard Hecker – discussed the General Plan; not to be taken lightly; do not take from the citizens anything that they have been promised.

Carl Sundstrom – disappointed in the attitude of local car dealers; difficulty in obtaining a Carfax from the dealers; dealers inflate their costs; unnecessary add-ons to vehicles; causes people to shop elsewhere.

Cleo Goss – discussed rezoning and expressed her disagreement regarding 60<sup>th</sup> Street West being referred to as a north/south corridor.

Victoria Zavala – encouraged Council to consider a medicinal marijuana clinic in Lancaster; should abide by the constitution.

Mayor Parris stated that he has met with doctors who are in favor of this; he is very familiar with dealing with people in pain; many political leaders feel that it is time to open this up for debate.

The City Attorney addressed the laws; misinformation regarding Proposition 215; ordinance regarding this matter is being drafted.

Further discussion took place and the Mayor suggested that Ms. Zavala attend the next Criminal Justice Commission meeting on June 10, 2009. He stated that it is important to get community leaders involved; religious leaders involved and the community as a whole.

The City Attorney stated that meetings have been held in the past with the community on such matters as the massage ordinance and animal control. Having the community input helped to accomplish well written ordinances.

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

Vice Mayor Smith agreed that this should be presented to the Criminal Justice Commission and then determine the next steps to be taken and open up the communication; he would like to see additional case law on this issue.

Council Member Sileo expressed his concerns given the information that was presented by the high school students this evening, representing SADD; concerns regarding driving under the influence; specific ways to determine THC levels in the blood; concerns about secondary effects. Addressing the City Council at this time:

Melanie Coker – stated that she has been told by staff that it could take as much as a year to get something in place regarding medicinal marijuana and this is too long to wait; concerned for the patients who need it now.

Mayor Parris stated that this matter will be handled in an orderly process; receiving all input; and it is important to follow all of the laws pertaining to this matter.

Sergio Peña – Requested safe access to his medicine; allowing this will stimulate revenue and put illegal drug dealers out of business; medicinal marijuana is not dope – it is medicine to ease pain.

**COUNCIL REPORTS**

Vice Mayor Smith presented a report from the meeting on the activities of the Antelope Valley Air Quality Management District which took place on May 19, 2009. Some of the issues discussed were:

- Rule 403 - Fugitive Dust, Amendment Update: Staff working with AVAQMD legal counsel to finalize new rule and anticipate dust control workshops introducing revised requirements to various regional communities, groups and stakeholders.
- AVAQMD Cost Analysis Update: No change to permitting fees in this fiscal climate, but Staff intends to explore emission fees and graded permitting fee schedule for larger sources in order to stabilize revenue sources and reduce over dependency on state funding.
- Lawn Mower Exchange Program Update: A tremendous success, program was intended to run through June 20, but residents maximized all 50 vouchers on the very first day (April 18). Plans are already underway for next year's program and Staff is working to secure more funding to expand the program and provide pre-registration for vouchers, helping residents avoid long lines.

Council Member Sileo presented Council with a report on the activities of the Edwards Air Force Base Restoration Advisory Board meeting which took place on May 21, 2009. The report included information on:

- Accepted May 2009 Updates to the RAB Charter and By-Laws. RAB members voted to accept the revised RAB Charter and By-Laws aligning it with the over-arching Air Force RAB program.



LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY

MINUTES

MAY 26, 2009

**COUNCIL REPORTS (continued)**

- Discussed RAB Training. Proposed training will occur in two phases: Training for new RAB members dove-tailed into an up-coming regularly scheduled RAB meeting, and a “field-trip” to remedial site(s). Dates and times to be determined and an e-mail will be sent to RAB members.
- Updates on Cleanup Progress at Operable Unit 5/10 (North Base Area) and Site 19 Whey Powder treatability Study. Operable Unit (OU) 5/10 remedial project timeline is behind schedule, and the PM, Base and regulators are developing an accelerated schedule to hit the Air Force driven September 2012 CERCLA Remedy In Place date. In Situ bioremediation of Site 19 involving injecting whey carbon source to enhance microbial degradation of contaminants was effective but required bio-augmentation.
- Lancaster RAB Representation. Signed letter from Mayor Parris delivered to RAB Co-Chair confirming Mr. Zorba’s reappointment as the primary representative to the RAB and that City Council Member Ed Sileo should be identified as the City’s alternate representative.

**COUNCIL / AGENCY COMMENTS**

Mayor Parris requested that Dayle DeBry lead a committee of people to discuss the park naming policy and develop recommendations for honoring American Heroes within American Heroes Park.

Mayor Parris inquired as to the restrictions regarding the Shop & Dine Gift Cards as compared to the Palmdale Gift Cards.

The City Manager stated that Lancaster wanted to make sure the Shop & Dine Gift Cards were used locally and over 500 businesses participated in the program. Palmdale chose to use a Visa Gift Card which can be used anywhere nationwide. The Shop & Dine Gift Cards not only promoted local businesses and stimulated the economy in Lancaster but the cards also introduced new customers to many businesses, creating long-term customers.

**CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: (1 case)

**RECESS**

Mayor Parris recessed the City Council meeting at 7:37 p.m. for the purpose of a Closed Session regarding the aforementioned matter.

LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY

MINUTES

MAY 26, 2009

**RECONVENE**

Mayor Parris reconvened the City Council meeting at 8:12 p.m. and the City Attorney announced that Council met in Closed Session regarding the aforementioned matter and gave direction to Legal Counsel.

**ADJOURNMENT**

Mayor Parris adjourned the meeting at 8:13 p.m. and announced that the next regular meeting of the City Council/Redevelopment Agency would take place on Tuesday, June 9, 2009 at **6:00 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)

\_\_\_\_\_