

CC 2
07/14/09
MVB

**LANCASTER CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES
June 23, 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: Mann, Marquez, 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; Parks, Recreation & Arts Director; Finance Director; Economic Development Director; Housing Director; Human Resources Director

INVOCATION

Pastor Fred Ritzendollar - Antelope Valley Church

PLEDGE OF ALLEGIANCE

Vice Mayor/Vice Chairman Smith

PRESENTATIONS

Mayor's Athlete of the Month and the recipient of a \$1,000.00 Mayoral Scholarship

– Austin Raanes, Quartz Hill High School and received a

Presented by Mayor Parris

Neighborhood Courage Award - Faith Pascua-Morris

Presented by Mayor Parris

Subsequent need recommendation added to Item No. NB 5:

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council approved the addition of the following recommendation to be added to Item No. NB5, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

Recommendation: Direct staff to prepare letters to Assembly Members; Senators, et.al opposing a package of budget bills to close the State's estimated \$24 billion deficit projected for next year, including a trailer bill to take \$1.05 billion from Redevelopment Agencies. This matter came to the attention of the City, subsequent to the posting of the agenda.

AGENDA ITEMS TO BE REMOVED

None

APPROVAL OF AGENCY CONSENT CALENDAR

Agency Director Mann stated that he would need to recuse himself from Item No. RCC 2 due to the proximity of this area to property he owns.

On a motion by Vice Chairman Smith and seconded by Agency Director Marquez, the Redevelopment Agency approved the Agency Consent Calendar with the exception of Item No. RCC 2, 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 June 9, 2009.

RCC 2. PARK VIEW MASTER VISION PLAN

Agency Director Mann stated that he would need to recuse himself from Item No. RCC 2 due to the proximity of this area to property he owns.

On a motion by Agency Director Sileo and seconded by Agency Director Marquez, the Redevelopment Agency concurred with the vision plan and directed staff to commence with the planning, environmental, and redevelopment processes necessary to implement the Park View Master Vision Plan, by the following vote: 4-0-1-0; AYES: Marquez, Sileo, Smith, Parris; NOES: None; RECUSED: Mann; ABSENT: None.

At this time, Agency Director Mann rejoined the Redevelopment Agency meeting.

RCC 3. RESOLUTION NO. 09-09 AND ACQUISITION OF REAL PROPERTIES

A. Approved the agreement for the Acquisition of Real Properties between the Lancaster Redevelopment Agency and various agencies for properties located at 45531 10th Street West and 45423 10th Street West, Lancaster, California.

B. Adopted **Resolution No. 09-09**, a resolution of the Lancaster Redevelopment Agency, regarding its intention to issue Tax Exempt Obligations.

RCC 4. RESOLUTION NO. 10-09

Adopted **Resolution No. 10-09**, a resolution of the Lancaster Redevelopment Agency, approving the forms of and authorizing the execution of an Indenture of Trust, a Bond Purchase Contract, a Continuing Disclosure Agreement and an Official Statement relating to the issuance of the Agency's Combined Redevelopment Project Areas (Housing Programs) Tax Allocation Bonds, Issue of 2009 and approving certain actions in connection therewith.

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

Mayor Parris stated that he would need to recuse himself from Item No. CC 7 due to the fact that his wife owns property in the subject area.

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 7, 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 City Council/Redevelopment Agency Regular Meeting minutes of June 9, 2009.

CC 3. WARRANT REGISTER

Approved the Check and Wire Registers May 24, 2009 through June 6, 2009 in the amount of \$1,815,153.12.

CC 4. RESOLUTION NO. 09-60

Adopted **Resolution No. 09-60**, a resolution of the City Council of the City of Lancaster, California, regarding the issuance of the Agency's Combined Redevelopment Project Areas (Housing Programs) Tax Allocation Bonds, Issue of 2009, to Finance Additional Housing Program Costs.

CC 5. AGREEMENT WITH VERIZON

Approved an agreement with Verizon to provide a mobile/wireless communications service tower at the James C. Gilley Lancaster National Soccer Center.

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. 04-97, installed for Tract No. 060811, Phase 1, located on the northeast corner of 60th Street West and Avenue K-12, Owner: Richmond American Homes of CA, Inc.

CC 7. ACCEPTANCE OF MAINTENANCE FOR DRAINAGE IMPROVEMENTS

Mayor Parris stated that he would need to recuse himself from Item No. CC 7 due to the fact that his wife owns property in the subject area.

On a motion by Council Member Sileo and seconded by Council Member Mann, the City Council approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District Annexation No. 04-97, installed for Tract No. 060811, Phase 2, located on the northwest corner of 57th Street West and Avenue K-11, Owner: Plum Canyon Investments, LLC, by the following vote: 4-0-1-0; AYES: Mann, Marquez, Sileo, Smith; NOES: None; RECUSED: Parris; ABSENT: None.

At this time, Mayor Parris rejoined the City Council meeting.

CC 8. ACCEPTANCE OF INTERIOR STREET TREES FOR MAINTENANCE

Accepted the interior street trees for maintenance by the City for: Tract No. 060943, Phase 1, located on the northwest corner of Brianna Avenue and Carol Drive, Owner: Richmond American Homes of CA, Inc.; and Tract No. 061078, Phase 1, located on the northwest corner of Avenue K-8 and 15th Street East, Owner: Richmond American Homes of CA, Inc.

CC 9. MONUMENTATION WORK

Approved the monumentation work for: Tract No. 54197, located on the northwest corner of Avenue J-8 and 47th Street West, Owner: HHI Lancaster I, LLC; Tract No. 54366, located on the north side of Avenue K-8, approximately 675 feet east of Challenger, Owner: Richmond American Homes; Tract No. 54368, located on the northeast corner of Carol Drive and Avenue K-6, Owner: Richmond American Homes of CA, Inc.; Tract No. 54369, located on the southwest corner of 70th Street West and Avenue L, Owner: Richmond American Homes of CA, Inc.; Tract No. 54370-01, located east of 72nd Street West and Hemlock Avenue, Owner: Richmond American Homes of CA, Inc.; and Tract No. 061278, located on the northeast corner of Challenger Way and Avenue K-8, Owner: Richmond American Homes of CA, Inc.

CC 10. ACCEPTANCE OF STREETS FOR MAINTENANCE

Approved the developer constructed streets and accepted the streets for maintenance by the City for: Tract No. 54222, located on the southwest corner of Avenue H-8 and 20th Street West, Owner: K. Hovnanian Forecast Homes, Inc.; and Tract No. 54286, located on the east and west sides of Edson Avenue, between Avenue K-12 and Avenue K-14, Owner: Hill View Homes, Inc.

CC 11. COMPLETED WATER SYSTEMS

Approved the completed water systems installed by the developers for the following projects: Tract No. 061078, Phase 1, located on the northwest corner of 15th Street East and Avenue K-8, Owner: Richmond American Homes of CA, Inc.; Tract No. 54222, located on the southwest corner of Avenue H-8 and 20th Street West, Owner: K. Hovnanian Forecast Homes, Inc.; and Tract No. 54401, located on the northeast corner of Avenue K and 60th Street West, Owner: K. Hovnanian Forecast Homes, Inc.

CC 12. TAX SHARING RESOLUTIONS

Adopted the Tax Sharing Resolutions for proposed Annexation No. 14-402 into Los Angeles County Sanitation District No. 14.

CC 13. PWCP NO. 09-017

Rejected low bidder, ATE Environmental, Inc., as being non-responsive due to the “admitted surety insurer” not having the minimum rating of A-, VII and the failure of the Contractor to provide documentation as mandated by California Code of Civil Procedure Section 995.660.

Awarded **Public Works Construction Project No. 09-017, NGCP Demo – West of Sierra Highway**, North of Avenue I, to Vizion’s West, Inc., in the amount of \$99,420.00 plus a 10% contingency and authorized the City Manager, or his designee, to sign all documents. This project shall demolish the existing structures located at 45411-45543 Sierra Highway, 45755 Sierra Highway, and 45146 Beech Avenue.

CPH 1. LANCASTER MUNICIPAL CODE TITLE 17 AMENDMENT REGARDING ADDITIONAL TIME EXTENSIONS FOR CONDITIONAL USE PERMITS AND SITE PLAN REVIEWS.

This matter was continued to the City Council meeting of July 14, 2009.

PH 1. SERVICE RATE ADJUSTMENT FOR THE COLLECTION OF REFUSE AND RECYCLABLES

Mayor Parris opened the Public Hearing. It was the consensus of the City Council to waive the presentation of the staff report. The Public Works Director stated that trash rates were decreasing for residential and commercial.

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

On a motion by Vice Mayor Smith and seconded by Council Member Sileo, the City Council adopted **Resolution No. 09-46**, a resolution of the City Council of the City of Lancaster, California, setting the service rates for the collection and disposal of solid waste and recyclable materials pursuant to Section 13.16.080 of the Lancaster Municipal Code, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

PH 2. LANCASTER LANDSCAPE MAINTENANCE DISTRICT NO. 1 LEVY OF ANNUAL ASSESSMENT FOR FISCAL YEAR 2009-2010

Mayor Parris opened the Public Hearing. It was the consensus of the City Council to waive the presentation of the staff report.

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

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted **Resolution No. 09-47**, a resolution of the City Council of the City of Lancaster, California, confirming the diagrams and assessments and ordering the levying of an assessment in Lancaster Landscape Maintenance District No. 1 for Fiscal Year 2009-2010, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

PH 3. LANCASTER LIGHTING MAINTENANCE DISTRICT LEVY OF ANNUAL ASSESSMENT FOR FISCAL YEAR 2009-2010

Mayor Parris opened the Public Hearing. It was the consensus of the City Council to waive the presentation of the staff report.

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 adopted **Resolution No. 09-48**, a resolution of the City Council of the City of Lancaster, California, confirming the diagrams and assessments and ordering the levying of an assessment in Lancaster Lighting Maintenance District for Fiscal Year 2009-2010, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

PH 4. LANCASTER DRAINAGE BENEFIT ASSESSMENT DISTRICT LEVY OF ANNUAL ASSESSMENT FOR FISCAL YEAR 2009-2010

Mayor Parris opened the Public Hearing. It was the consensus of the City Council to waive the presentation of the staff report.

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

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted **Resolution No. 09-49**, a resolution of the City Council of the City of Lancaster, California, confirming the diagrams and assessments and ordering the levying of an assessment in Lancaster Drainage Benefit Assessment District for Fiscal Year 2009-2010, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

PH 5. LEVYING LANCASTER SEWER SYSTEM SERVICE CHARGES FOR FISCAL YEAR 2009-2010

Mayor Parris opened the Public Hearing. It was the consensus of the City Council to waive the presentation of the staff report.

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 adopted **Resolution No. 09-50**, a resolution of the City Council of the City of Lancaster, California, levying Lancaster Sewer System charges for maintenance and servicing of the Lancaster Sewer System for Fiscal Year 2009-2010, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

PH 6. ANNUAL ASSESSMENT OF THE PARKING AND BUSINESS IMPROVEMENT DISTRICT (PBID) LEVY IN THE LANCASTER OLD TOWN SITE AREA

Council Member Mann stated that he would need to recuse himself from this matter as his son is the President of the Lancaster Old Town Site.

Mayor Parris opened the Public Hearing. It was the consensus of the City Council to waive the presentation of the staff report.

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 adopted **Resolution No. 09-51**, a resolution of the City Council of the City of Lancaster, California approving the Lancaster Old Town Site 2008-2009 Year End Report and levying the annual assessment for the Downtown Lancaster Business Improvement District for the 2009-2010 Fiscal Year, by the following vote: 4-0-1-0; AYES: Marquez, Sileo, Smith, Parris; NOES: None; RECUSED: Mann; ABSENT: None.

PH 7. LANCASTER COMPREHENSIVE GENERAL PLAN UPDATE

Mayor Parris opened the Public Hearing. The Planning Director presented the staff report regarding this matter.

Mayor Parris stated that he had concerns on whether he should vote on any of this since he has no less than 200 clients in the City that would be affected by the General Plan. The City Attorney stated that this falls under “affecting the public generally” exception. The actions taken here affect a large segment of public therefore does not impact specifically on the clients. Mayor Parris stated for instance, if there is a motion to change 30th and K back to the residential that it was a year ago, then he would need to recuse himself. The City Attorney stated that as long as the Council is talking about the General Plan as a whole, then the exception applies. If Council is talking about a specific amendment to what is being proposed, then potential conflicts would need to be considered on an individual basis.

Council Member Mann requested clarification as to what could take place in areas designated as mixed use; clarification regarding future planned commercial developments.

PH 7. LANCASTER COMPREHENSIVE GENERAL PLAN UPDATE (continued)

Council Member Sileo stated that before public comment is taken from Dr. Kumar, that he needed to disclose that his place of employment is Antelope Valley Hospital and that Dr. Kumar is the Director of the lab that he works in. Although he does not have a direct influence on his compensation, he could have some direct input into his performance evaluations. Therefore, to avoid any possible accusations; for his own protection and Dr. Kumar's protection, he would recuse himself from this portion of the testimony.

Addressing the City Council on this matter:

Dr. Anil Kumar – stated that he and many other members of the Hindu community do not have a place to worship; owns property on 30th Street West and Avenue M; would like to build a temple on a portion of this property; the land is divided into four quadrants with the idea to build a temple on one quarter of the property and some sort of office space in the remaining three-quarters of land as a revenue source. He requested that the designation of this piece of property be changed from residential to office/professional.

Vice Mayor Smith suggested that Council make a decision regarding this matter now, so that Council Member Sileo would be able to rejoin the meeting and be involved in the discussion regarding the remainder of the General Plan.

Council Member Mann requested input from the Planning Director. The Planning Director stated that he saw no conflicts with this proposal and allowing one quadrant to remain as is, will allow for the applicant to file for a Conditional Use Permit for the Temple and the remaining three-quarters of the property would be changed to office/professional. This would accommodate Dr. Kumar's concerns over revenue generation for the Temple and at the same time it would not cause a problem for the surrounding area.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council approved the change to the General Plan pertaining to this area, changing three-quarters of the quadrant to office/professional and the last quadrant would remain as residential, by the following vote: 4-0-1-0; AYES: Mann, Marquez, Smith, Parris; NOES: None; RECUSED: Sileo; ABSENT: None.

At this time, Council Member Sileo rejoined the City Council meeting.

Addressing the Council on the General Plan:

Sergio Sandowsky – discussed the area of 50th West & Lancaster & Jackman; area is currently zoned as MR 2, would like to continue working on this project. It has been proposed that it be changed to 7,000 square foot lots; presented further information.

PH 7. LANCASTER COMPREHENSIVE GENERAL PLAN UPDATE (continued)

The Planning Director stated that the area is largely vacant; the prison site; County's youth facility; the Animal Shelter are all on the west side of 50th. He presented further information on the history and the status of the area and the project.

The City Attorney stated that he was asked a question about this particular area and as proposed in the General Plan, the density of this property would be one unit per half acre on some of it; one unit on one acre and one unit per two and a half acres, which are relatively large lots. He stated that the City has eliminated any reasonable return on investments; there is a certain level of expectations when property is purchased; there are no vested rights, no permits have been issued. Hoping that someone would build a custom home in proximity to the prison is a concern and highly doubtful. Going from eleven to one is quite a reduction in density and could be deemed as a regulatory taking that would subject the City to liability.

Mayor Parris stated that he is concerned with the opinion of potential liability. We are talking about huge property rights and he feels uncomfortable with this without some sort of report to go by that would indicate that this is a taking. He stated that he is uncomfortable taking a verbal report when he can't research this to see if he comes to a different opinion. He stated that he realizes this issue did not come up until this morning but how is he to make an educated vote without further information.

Council Member Mann clarified that he raised the question the previous day with the City Manager. He stated that his interpretation lines up with the opinion of the City Attorney.

The City Attorney stated that he did not disagree with the Mayor's concerns and would provide a detailed memo on this matter; there has not been any time to compile the research data and prepare a memo before this meeting, since the subject just came up.

Mayor Parris stated that what is being discussed is whether to have a buffer around the prison, and the jail, and this is a serious concern. He stated that everyone has made a pledge to this community that crime will be reduced first, before doing anything else. The Sheriff's Department has stated that this could be a crime issue. He stated that he wanted more information before making a decision to deviate from this issue.

The City Attorney stated that the statutes provide that when an applicant submits an application and the application is deemed complete; they are then allowed to process that application to fruition based on existing law and that is without the down zone. These two big projects that are being discussed are going to go forward no matter what happens. If something were to happen in that process and they were not granted that right, then the City would have exposure to a potential taking issue.

PH 7. LANCASTER COMPREHENSIVE GENERAL PLAN UPDATE (continued)

Mayor Parris requested consensus from the City Council to continue this issue to the next meeting and that he did not want to make decisions based on what we think might be the case, especially when talking about a crime issue.

Vice Mayor Smith stated that he agrees with taking the Sheriff's input on public safety and when the idea of when the prison or the jail needs a buffer. What is missing is the specificity of defining "buffer." He stated that he does not believe that two and a half acre and one acre lots for custom homes are a buffer.

Further discussion took place regarding buffers; constitutional takings; unlawful takings; case law on this matter; regulatory taking claims; feeling comfortable with the decisions that are made; public safety; importance of protecting the children in areas around prisons; there is a need for jails that serve the local community; not wanting to compromise safety; changing the zoning; importance of an actually having a definition of what a buffer is, in regards to prisons and jails – this needs to be defined.

The City Attorney stated that he will provide a written memo addressing these concerns and that he should have it by Monday or Tuesday of next week, which will give the Council two weeks to consider it before the next meeting.

Vice Mayor Smith requested a report from the Sheriff's Department; what does their data show; exactly how far should a buffer go, what evidence exists pertaining to this subject; important for the Council to make an informed decision.

Addressing the City Council on the General Plan:

David Sinclair – thanked the Council; staff for all the community outreach; Planning Commission did a great job, came up with a good plan; importance of having designated commercial zones.

Vice Mayor Smith requested the following changes to the General Plan:

3.1.2(d) - after Semi-colon input;

Individual wells should only be used in areas where it is not feasible to connect to a community water system.

3.2.2(b) - replace entire paragraph with:

Any proposed change in General Plan land use designation and any proposed development subject to Policy 18.2.3 shall mitigate against any reduction of water supply to future development.

3.3.4(a) - replace entire paragraph with:

Through the Development Review process, ensure that potential stationary air pollution sources that conflict with residential areas and other sensitive receptors are mitigated.

Goal 9

Change 75% to 55%

PH 7. LANCASTER COMPREHENSIVE GENERAL PLAN UPDATE (continued)

15.3.1(c) - remove:

At the time they are needed.

15.3.1(b) - replace entire paragraph with:

As a condition of approval for new development require that improvements be made, or mitigation measures be implemented to ensure that the performance of services and facilities to existing development will not fall below the performance objective identified in Objective 15.1.

18.1.1(c) - replace entire paragraph with:

Through the project review process and lobbying efforts with the County, support the Quartz Hill and Antelope Acres community's efforts to encourage development consistent with the area's character.

18.1.2 - replace entire paragraph with:

Encourage development that is compatible with the City's designated rural and non-urban areas.

Vice Mayor Smith further discussed the area of approximately J-8 and 110th Street West and changing the density of the specific plan; this is thinking in the future and he would like the staff to look at how much the City could accumulate on this particular side and overlay a larger specific plan; this is urban-residential, not one acre horse property.

Mayor Parris requested clarification that there is no entitlement of a developer to build without the City Council's approval and Council is under no obligation to approve it.

The City Attorney stated that if as a condition of development the Council is requiring a specific plan, then it would require Council approval. However, he requested time to look through the issues on this before making a determination. He stated that he would provide more information on the takings issue, the buffer zones and the issue of specific plan approvals and Council obligations.

Further discussion took place regarding specific plans; onus of the developers; importance of having all the information to make decisions; community outreach; keeping the citizens informed; changing of densities; looking toward the future; no entitlements without Council approval; the need for more information on buffers; takings; specific plans.

On a motion by Mayor Parris and a seconded by Vice Mayor Smith, the aforementioned changes were made to the General Plan by the following vote:
5-0-0-0: AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

It was the consensus of the City Council to continue the public hearing regarding the General Plan to the meeting of July 14, 2009.

PH 8. GENERAL PLAN AMENDMENT NO. 09-01 AND PRE-ZONING NO. 09-01 (PROPOSED ANNEXATION AREA GENERALLY BOUNDED BY AVENUES E TO H, 25TH STREET WEST TO 20TH STREET EAST)

Mayor Parris opened the Public Hearing. The Planning Director presented the staff report regarding this matter.

Addressing the City Council on this matter:

Alexander Trosil – would like more information on this issue; concerns with green corridors; cost of developments in the City are outrageous.

Pam Mills – lives in heavy industrial area; did not know anything about this annexation; worried about what is going to happen; lack of facilities; opposed to the annexation.

The City Manager explained that the process for an annexation is very lengthy; all concerns will be taken into consideration; action this evening is simply to give authority to process the application.

Council Member Sileo stated the importance of physical infrastructure; City cannot provide this if they are not part of the City.

Ronyda McMichael – the people in this area are concerned; they are low income; lack of information; people in this area cannot meet the requirements that are set by the City; submitted a petition against annexation.

Wendy Stewart – stated that she is against the annexation; worried that people will lose their homes.

Discussion by Council included:

No plans to remove the Mobilehome park; this has more to do with solar energy; there will not be an increase of burden on the citizens; should not react to fear – react to knowledge; there is a big difference between buying and annexing and the City is not trying to buy the land.

The Planning Director stated that laws allow for continuation of legally established areas and the City's code allows citizens to continue what they are doing – no plans to change this.

The City Attorney discussed a letter received from the Natural Resources Defense Council and their concerns with mitigation; asking for an indefinite delay of the project; believes that NRDC does not understand that the zoning will be consistent with current uses; no changes; advised the Council to move forward with this process.

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

PH 8. GENERAL PLAN AMENDMENT NO. 09-01 AND PRE-ZONING NO. 09-01 (PROPOSED ANNEXATION AREA GENERALLY BOUNDED BY AVENUES E TO H, 25TH STREET WEST TO 20TH STREET EAST) (continued)

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted **Resolution No. 09-53**, a resolution of the City Council of the City of Lancaster, California, approving General Plan Amendment No. 09-01, 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 Mann, the City Council introduced **Ordinance No. 925**, an ordinance of the City Council of the City of Lancaster, California, establishing the pre-zoning for the proposed annexation area generally bounded by Avenues E to H, 25th Street West to 20th Street East, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

JCB 1. FISCAL YEAR 2009-2010 REDEVELOPMENT AGENCY/CITY OF LANCASTER BUDGET

The City Manager presented the staff report regarding this matter.

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

A. **Resolution No. 06-09**, a resolution of the Lancaster Redevelopment Agency, adopting the proposed Lancaster Redevelopment Agency Fiscal Year 2009-2010 budget as submitted.

B. **Resolution No. 07-09**, a resolution of the Lancaster Redevelopment Agency, finding that the acquisition of property or construction of various improvements as approved pursuant to the adoption of the Fiscal Year 2009-2010 Budget will be of benefit to the Redevelopment Project.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted the following resolutions by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

A. **Resolution No. 09-54**, a resolution of the City Council of the City of Lancaster, California, adopting the proposed City of Lancaster Fiscal Year 2009-2010 General Fund Operating Budget, Special Funds Budget, and Capital Improvements Budget, as specified in the Staff Report and Budget Document.

JCB 1. FISCAL YEAR 2009-2010 REDEVELOPMENT AGENCY/CITY OF LANCASTER BUDGET (continued)

B. **Resolution No. 09-55**, a resolution of the City Council of the City of Lancaster, California, finding that the acquisition of property or construction of various improvements as approved pursuant to the adoption of the Fiscal Year 2009-2010 Budget will be of benefit to the Redevelopment Project.

C. **Resolution No. 09-56**, a resolution of the City Council of the City of Lancaster, California, establishing the annual Appropriations Limit for Fiscal Year 2009-2010.

D. **Resolution No. 09-58**, a resolution of the City Council of the City of Lancaster, California, amending Resolution No. 06-231 establishing a classification and compensation schedule for various non-represented and represented employees of the City.

NB 1. ANNEXATION OF TERRITORY LOCATED IN UNINCORPORATED LOS ANGELES COUNTY COLLECTIVELY REFERRED TO AS THE "GREEN CORRIDOR ANNEXATION"

It was the consensus of the City Council to waive the presentation of the staff report.

On a motion by Vice Mayor Smith and seconded by Council Member Sileo, the City Council adopted **Resolution No. 09-59**, a resolution of the City Council of the City of Lancaster, California, requesting the Local Agency Formation Commission (LAFCO) to initiate proceedings for the reorganization of territory for the annexation of 7,190 acres of land into the City of Lancaster and directed staff to file the annexation application with LAFCO; approved the Pre-Annexation Agreement and Memorandum of Understanding with Waste Management and authorized the City Manager to execute the agreement, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

NB 2. SANITARY SEWER FATS, OILS AND GREASE (FOG) ORDINANCE

It was the consensus of the City Council to waive the presentation of the staff report.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council introduced **Ordinance No. 926**, an ordinance of the City Council of the City of Lancaster, California, relating to Sanitary Sewer Fats, Oils and Grease (FOG), which designates the Utility Services Manager as the FOG Control Program Manager and approve the FOG Control Program Implementation Plan, which is attached to the staff report, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

NB 3. REPORT; DISCUSS AND POSSIBLE DIRECTION REGARDING THE RECOMMENDATION FROM THE CRIMINAL JUSTICE COMMISSION TO CONSIDER CHANGING THE LANCASTER MAYORAL TERM FROM TWO YEARS TO FOUR YEARS

The City Manager presented the staff report regarding this matter.

Addressing the City Council on this matter:

David Paul – feels that this is a great idea; people need time to get up speed; would like to see the City become a Charter city, but in the meantime, he supports the idea.

Scott Pelka – stated that he is opposed to the change of the term limit for the Mayor and that he will file a political integrity complaint if the Council goes through with this.

Arnie Rodio – stated that he does not understand why the Criminal Justice Commission would bring this forward, it does not relate to their duties; feels that it is a bad idea; the City is running fine, do not change the process.

Andy Visokey – supports asking the voters if they would support a 4 year term for the Mayor.

Richard Cook – supports asking the voters if they would support a 4 year term for the Mayor.

Council discussion/concerns included:

It takes time for a Mayor and Commission Members to get up to speed on the issues of the City and to understand all the components; importance of maintaining experienced leaders; educational component can be lengthy; concerns of Commission Members, that their experience may not be honored by the next office holder; importance of continuity and finding the right balance; staff needs stability; effectiveness of a Mayor in a two-year term versus a four-year term; consider changing rate of pay for a Mayor in the future since the Mayor spends substantially more time handling matters than anyone else; difficulty of campaigning every two years versus every four years; in favor of having staff return with information to change this to a four-year term; let the citizens decide; confusion as to why the Criminal Justice Commission would propose this; any of the Commission Members should feel free to make whatever recommendations they want; consider adopting campaign limits in the future; against pay raises and taking more tax dollars; against caps on campaign contributions, this goes against freedom of speech; against term limits; limit of service is already decided by the voters during the election; the Mayor is doing a great job; Presidential term is four years; Governor's term is four years; leader of a City should be four years.

The City Attorney discussed interpretation of the Election Code; wording for the measure on the ballot; effective date; the Code is not clear; effective immediately or would it be effective in 2012; stated that he will bring further information back to the Council in August or September for discussion so that a formal resolution could be adopted by the deadline of November 2009 to place the measure on the ballot if that is the desire of the Council.

NB 4. ARCHITECTURAL AND DESIGN PLANNING COMMISSION UPDATE

The Planning Director presented the staff report regarding this matter. Some of the information that was presented to the City Council included but was not limited to: several accomplishments; goals to complete design guidelines; goals to bring approvals to the City Council; they are going in the right direction; have gone above and beyond their duties; they have done an outstanding job.

On a motion by Council Member Sileo and seconded by Council Member Mann, the City Council appropriated \$50,000.00 from the Operating Contingency Account No. 101-4330999 to Account No. 101-4520301 for professional services to assist in final compilation and publication of the City's design guidelines, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

NB 5. CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS

It was the consensus of the City Council to waive the presentation of the staff report. By action taken earlier in the evening by the City Council, an additional recommendation was added to this item.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council approved the following actions by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

A) Adopted **Resolution No. 09-61**, authorizing the City Attorney to cooperate with the League of California Cities, other cities and counties in litigation challenging the constitutionality of any seizure by State Government of the City's Street Maintenance Funds.

B) Directed staff to prepare letters to Assembly Members; Senators, et.al opposing a package of budget bills to close the State's estimated \$24 billion deficit projected for next year, including a trailer bill to take \$1.05 billion from Redevelopment Agencies. This recommendation came to the attention of the City subsequent to the posting of the agenda.

NB 6. AGREEMENT WITH ESOLAR, INC.

The Public Works Director presented the staff report regarding this matter.

Mayor Parris stated that this was an awesome endeavor; absolutely magnificent; Mr. Williams has done an incredible job to see this project to fruition.

On a motion by Vice Mayor Smith and seconded by Council Member Sileo, the City Council approved an agreement with eSolar, Inc., 130 West Union Street, Pasadena, CA, to work cooperatively, and in limited partnership, with the City of Lancaster to construct solar-powered electricity generating facilities and to construct significant improvements to the City's recycled water supply system and future water supplies for the Antelope Valley, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

CA 101. DISCUSSION OF CHANGES TO COMMISSION APPOINTEES

Mayor Parris stated that he has asked the Chairs of each of the Commissions to evaluate the Commissioners and determine if there are any vacancies that may be coming up due to other commitments they may have. He encouraged the City Council to submit any names they would like to see serving as Commissioners.

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:

Ardis Mays - stated that he was not happy with how the Mayor was handling the homeless situation; referred to a past headline in the Antelope Valley Press.

Jon Collard – selected as incoming Chairman of Lancaster Chamber of Commerce; contacted the Mayor's office and is pleased that the Mayor will be performing the installation of new officers at the Chamber, as this has not been done in a very long time; important for the Chambers and the City to work together for the betterment of the community.

Richard Batman – stated his concerns regarding the deterioration of concrete slabs, walks, curbs; he was recently injured in an area that had deteriorated; concerned with deterioration in the area of Avens Furniture.

Erick Byarushengo – stated his opposition to the proposed development in the area of 60th Street West and Avenue L.

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

Cleo Goss – stated her opposition to the proposed development in the area of 60th Street West and Avenue L and inquired as to the noticing for the meetings.

Scott Pelka – inquired as to when he would receive a response to a complaint letter he submitted two weeks ago regarding Brown Act violations.

The City Attorney stated that he would provide a response within the allowable thirty day response time.

COUNCIL REPORTS

Council Member Marquez presented a report on the Activities of the Antelope Valley Air Quality Management District

At the June 16, 2009, meeting, the Governing Board discussed the following significant item(s) with AVAQMD staff:

- Approval of an agreement between the AVAQMD and Mojave Desert AQMD to provide contract air pollution control services and operations for five years (July, 2009 – July, 2014). Governing board members complimented staff performance since the AVAQMD's inception, but questioned the current level of AVAQMD autonomy and stand alone staffing and operational capability should the AVAQMD Governing Board ever decide to cancel the agreement and proceed separately. Agreement was approved unanimously, and the Governing board members indicated there was no desire to alter the current working arrangement with MDAQMD.

The remaining items approved by the AVAQMD were routine and/or adopted as consent items.

COUNCIL / AGENCY COMMENTS

Council Member Marquez inquired as to when the accusations by Mr. Pelka become slander.

Mayor Parris stated that as long as Mr. Pelka is speaking from the podium, he is allowed to be the biggest jerk that he wants and he can go on the blogs and be an even bigger jerk.

Vice Mayor Smith stated that Mr. Pelka deserves the same level of treatment that he gives the Council and should expect that when he takes a public platform.

Council Member Marquez stated that she was very displeased with Senator Boxer's dressing down of a General and that Ms. Boxer is the epitome of what an election official should not be.

Council Member Marquez stated that the Leadership Academy from this past weekend was great; the common thread throughout the weekend was the importance of having the entire community work together for the good of the valley; the academy encouraged a thought process that encourages leadership.

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COUNCIL / AGENCY COMMENTS (continued)

Council Member Marquez stated that Mr. Williams has done a phenomenal job for the City; he is going out with a bang; seeing eSolar to fruition has been fantastic.

Mayor Parris discussed the Leadership Academy; it was an interesting three days; over thirty people in attendance including Vice Mayor Smith and Council Member Marquez; it was grueling at times but no one gave up; no one left; and it was clear that everyone in attendance cared about making the community a better place to live.

CLOSED SESSION

None

ADJOURNMENT

Mayor Parris adjourned the meeting at 9:44 p.m. and announced that the next regular meeting of the City Council/Redevelopment Agency would take place on Tuesday, July 14, 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)
