

CC 2A
08/11/09
MVB

**LANCASTER CITY COUNCIL SPECIAL MEETING
MINUTES
July 21, 2009**

CALL TO ORDER

Mayor Parris called the special meeting of the City Council to order at 6:00 p.m.

ROLL CALL

Present: Council Members: Mann, Marquez, Sileo; Vice Mayor Smith; Mayor Parris

Staff

Members: City Manager; Deputy City Manager; City Attorney; City Clerk; Assistant to the City Manager; Planning Director; Acting Public Works Director; City Engineer; Senior Engineer; Assistant Planner; Principal Planner

INVOCATION

Bishop Henry Hearn

PLEDGE OF ALLEGIANCE

Council Member Sileo

PH 1. (Wal-Mart Project)

General Plan Amendment No. 06-04 and Zone Change No. 06-04

Conditional Use Permit No. 06-09 and Tentative Parcel Map No. 68150

Location: 40+ acres on the northwest corner of 60th Street West and Avenue L

Mayor Parris opened the public hearing and the Planning Director presented the staff report.

The general plan amendment and zone change requests were originally filed in October 16, 2006. On June 14, 2007, the City issued a Notice of Preparation for the preparation of an environmental impact report (EIR) for the proposed project. A draft EIR was prepared and circulated for public review in early 2009, (January 9, 2009), with a final EIR prepared in June 2009.

The final EIR, general plan amendment, zone change, and an associated conditional use permit for the development of a commercial center on the subject property were considered by the Planning Commission on July 7-8, 2009.

**CITY COUNCIL SPECIAL MEETING MINUTES
JULY 21, 2009**

PH 1. (Wal-Mart Project) (continued)

The applicant is requesting an amendment to the City's general plan and a concurrent zone change to allow the subject property to be developed with a commercial center. The site is located within an area that has, over the past few years, had a significant increase in both new housing construction and approvals for new housing development. The subject property is centrally located to this area of activity; a review of the development activity summary indicates that approximately 3,880 dwelling units have been constructed or approved for development within a mile of this site.

Mayor Parris inquired as to wall height requirements; involvement of the Architectural and Design Commission; concerns from the school district.

Mayor Parris explained the procedure that would take place regarding input from the public; requested courtesy from the public; explained that repetition held no value as it was not a good persuasive technique; all considerations must be reviewed on both sides. It was agreed that the applicant and consultants should present their case first; asked a representative of the public to select the five best speakers for their side, pro and con.

RECESS

Mayor Parris called for a brief recess at 6:28 p.m.

RECONVENE

Mayor Parris reconvened the meeting at 6:37 p.m.

Addressing the City Council at this time:

Stan Rothbart, of Rothbart Development Corporation – pleased and proud to present this project this evening, entitled “The Commons”; over 25 years of history working in and with the community; presented a brief history of the project.

Jennifer Guenther, Attorney for Gresham Savage Nolan & Tilden – discussed site features; transportation features; desert contemporary design; conceptual elevations; Wal-Mart's contribution to the Lancaster infrastructure; traffic improvements/offsets; improvements to Quartz Hill High School facilities with parking lot reconfigurations; intersection improvements; discussed existing drainage conditions; proposed drainage improvements; drought tolerant landscape plan; water conservation; energy saving and environmentally friendly features; efficiency measures; employment and benefits; security; economic impact.

John Mendez, Consultant – presented a map with population support of the project based on zip codes; public safety; comfortable shopping environment; store by store basis – study security measures; safe environment for customers; enhanced parking lot lighting; security tapes are required to be kept for 30 days; strengthening relationships with law enforcement; Wal-Mart outreach in regards to missing and exploited children; over 8,000 children have been found due to this public outreach program; positive construction working relationships with the schools and the community; when there is clear communication with schools it is a win-win situation for all.

**CITY COUNCIL SPECIAL MEETING MINUTES
JULY 21, 2009**

PH 1. (Wal-Mart Project) (continued)

The work has only just begun and he feels confident Wal-Mart representatives will be able to work with everyone concerned. Wal-Mart does its very best and takes extra measures to sell alcohol responsibly; bringing extra attention to associates in training about serving customers; explained the public outreach; information tables in stores; information at the fair, with approximately 2,000 people expressing interest; many customers have requested stores on the west side; filled out interest cards, contacted the 800 number and the Wal-Mart website to express interest.

Mayor Parris requested that the video tapes be kept longer than 30 days, to protect the health and safety of the citizens.

David Paul – easy to get lost in all the statistics but is it real; discussed buying and selling of natural products; major water concerns; thinks it will be an imaginary allotment of water; don't change the way of life in the name of progress.

Loretta Berry – urged Council not to approve this project; opposed everything the applicants have submitted.

Arnold Rodio – feels that Wal-Mart will destroy the way of life for mom and pop stores; addressed different technical aspects of the plan; addressed lack of bike lanes; land parcel deals; school fees are not a gift – they are mandated; addressed parking issues; noise control concerns; storm drain systems; water savings; energy savings; sales revenues.

Michael Goss – stated that the townspeople do not want the change; he plans to move if these developments are built; wants peace and quiet; concerns regarding potential crime across from high schools.

Cleo Goss – stated that the traffic data is outdated; invalid noise levels; mitigation concerns; fair share to road improvements is not a commitment; concerned about the economic analysis; do not build these commercial centers.

RECESS

Mayor Parris called for a brief recess at 7:34 p.m.

RECONVENE

Mayor Parris reconvened the meeting at 7:40 p.m.

Cecil Swetland – Stated that he was in favor of the project; it will be good for the community.

Pam Weir – represents an organization that assists male and female victims and child abuse victims in the valley; Wal-Mart has been a supporter for many years; they provide clothing; items for babies; have served over 50,000 residents in the Antelope Valley; their support is greatly needed and appreciated.

**CITY COUNCIL SPECIAL MEETING MINUTES
JULY 21, 2009**

PH 1. (Wal-Mart Project) (continued)

Shawny Barcelona – Wal-Mart is a huge competitor for her business, however she appreciates the quality that they bring to a community; appreciates the infrastructure that they will bring and the services they will provide to senior citizens; as a mother – when children need something at last minute, she is very thankful for Wal-Mart; will create jobs; save on gas; many positive things.

William Ball – stated that this is a tough issue; would like the convenience of having a Wal-Mart close by; resents the accusations that people were paid to support Wal-Mart – he was not and no one was; does not see the mom and pop stores that are going to be put out of business, those particular stores are not convenient.

Darren Parker – stated that he truly supports the recommendation of the Planning Commission to support this project; he was on the citizens planning committee; the blogs feed into lies; negatively impacted his family; he understands the politics; does not appreciate people who run these blogs and spread lies about people they do not know. As Chairman of the General Plan Citizens Committee, there were many meetings; testimony; improvements to Fox Field; improved east side; it is not right to allow personal prejudices to make decisions.

David Hesprich – opposed to the rezoning of the property across from the high school; concerns about traffic nuisance; concerned about property values; quality of life and safety issues; not convinced that these supercenters can be supported in these economic times; does not serve the residents.

Mike Thacker – concerned for safety; panhandlers; security people – how are they trained; safety of children walking to and from school; should require a full time deputy; who will pick up trash that blows onto private property; there will be destruction around the schools; traffic impacts;

Pat Frans – stated that she is not opposed to Wal-Mart, just the location across from the high school; stated that she lived close to a Wal-Mart in previous years but the neighborhood became trashed; shopping carts on grass, streets; people coming into neighborhood that don't belong there; she saw an increase in crime.

Henry Hearn – stated that he was in total support of this project; Wal-Mart is a good neighbor and has impacted the east side positively; Wal-Mart is willing to step up to the plate and help in every way possible; do what is right.

Neal Weisenberger – stated that he supports the project; discussed the roads; flooding issues; criminal safety; this project will address traffic, roads, safety; project has met or exceeded the requirements.

Kevin Sanders – supports the project; project will support local shopping and dining; building there will allow citizens to stay local; save on gas; stay in the local neighborhood; it will create jobs; sales tax.

**CITY COUNCIL SPECIAL MEETING MINUTES
JULY 21, 2009**

PH 1. (Wal-Mart Project) (continued)

Gerry Schoenfeld– traffic will cause bottlenecks; road improvements will not happen; safety of kids will not happen; need to look at whole picture before deciding; water concerns; build houses on the 40 acres, not a Wal-Mart.

Paul Harris – concerned about safety of the children; lack of water; air quality damage; cannibalization of existing sales; commercialization brings crime; response times of law enforcement; fire response; noise issues; road concerns.

Mrs. Don Samaranayake – stated that she is in favor of Wal-Mart; lives close to the proposed area; there is a need for this kind of shopping development; it will save time, it will be very convenient; people enjoy shopping there; please approve.

Hilary Smart – supports the project; Wal-Mart is not the villain; worked at Wal-Mart when she was 17; worked there through college; paid her own way; Wal-Mart offered health insurance; 401K; she dealt with a very diverse group of people and learned how to deal with these people and carried it into her career as a criminal investigator; Wal-Mart has a scholarship program and she was able to finish her education; they do a lot for the community; please approve.

Shirley Ball – inconvenient to go into town; why should the majority be punished because people aren't raising their children the way they should; citizens shouldn't have to suffer because of others; she is on a fixed income and loves Wal-Mart.

Deb Stuart – Wal-Mart does not comply with federal statutes regarding solid waste; concerned about pollutants that can cause birth defects; school districts have been advised not to say anything of this matter.

Tom Jordan – many changes have taken place; many good changes when done right; opposed to the location for this Wal-Mart; other locations are more desirable; current location will cause traffic congestion; feels it will be a nightmare. Mom and pop stores are going to be hurt; it will not be convenient for his commute to and from work.

Ruth Jones – stated that she is a regular visitor to Wal-Mart; concerned about the alcohol sales so close to schools and urged Council not to approve.

Roy Combes – he is an employee of Wal-Mart; dedicated and talented group of individuals in this company; employees are mothers, fathers, brothers, sisters; many diverse backgrounds; many own homes; many have children who go to school in area; proud to be a part of the group of individuals; inspired and humbled by the people he sees every day. Keep the comments to the matter at hand, do not belittle these people; debate what needs to be debated, but leave the employees out of this.

Wendy Ball – stated that she was not paid to be at this meeting; she is here to support her employer; benefitted from being close to school, she has been able to attend her child's events and participate and volunteer at school because of her employment. Employed for 18 years with Wal-Mart; disappointed in all the Wal-Mart bashing; it will affect all, not just in the proposed area and with positive results.

**CITY COUNCIL SPECIAL MEETING MINUTES
JULY 21, 2009**

PH 1. (Wal-Mart Project) (continued)

Patricia Williams – Invested in her neighborhood; potential for pollution; objects to Chairman Vose voting on this project; opposed to the proposed developments; do not approve, put elsewhere.

Eric Muravez – opposed to the location, not necessarily the project; opposed to having it so close to a high school; discussed the General Plan and Council’s concern repeatedly for the safety of the children; not just criminal element, but basic safety; look at historical data about crime in these type of areas.

Amber Goss – stated that she knows Sheriff Personnel who are opposed to this; schools will not discuss project; concerned about alcohol sales.

Shary Luna – works for Wal-Mart and the high school district; knows personally there is nothing on the west side for shopping; it is time for these improvements.

Lisa Mathews – on behalf of the Wal-Mart family, Wal-Mart welcomed her with open arms, boosted her confidence; proved she could be an asset; company has always been there for her and Wal-Mart cares.

Debra Jent – currently commutes 30 minutes to Wal-Mart; works at Quartz Hill High School; please approve the project; it will help the community and add more jobs.

Kyle Goss – concerned about water shortages; traffic impacts; parking lot issues; infrastructure concerns.

Wanda Deal – stated that her son got his start as an employee at Wal-Mart; in Texas and Florida, Wal-Mart’s are not near residential; lives on east side; watched the rise and fall of neighborhoods near Wal-Mart’s; home values plummet; concerned about homeless; shopping carts; trash; EIR seems to have holes in it regarding traffic studies.

Steve Walden – Requested the meeting cease; in violation of noticing requirements; concerned about traffic fees; water drainage issues; shopping carts; urged Council to not approve.

The City Attorney stated that he has reviewed the noticing issue; aware of the case that Mr. Walden was referring to. The case does not require the notice to refer to the Planning Commission in any way regarding their decision. State law requires that the notice contain a general statement of the items to be considered at the hearing. The City’s notice contained that statement and the facts differ substantially from the facts in the case that Mr. Walden cited. In that case, the County attempted an expedited process involving a notice of a public hearing before the Board of Supervisors had been published prior to the hearing by the Planning Commission. The Planning Commission Hearing was heard about five days prior to the hearing before the Board of Supervisors and at the Planning Commission meeting, the Planning Commission made substantial changes in the project which rendered the general description of the project that was published for the Board of Supervisors, inaccurate. It was a case of bad facts make bad law; the City’s facts are substantially different and the City has complied.

**CITY COUNCIL SPECIAL MEETING MINUTES
JULY 21, 2009**

RECESS

Mayor Parris called for a brief recess at 9:06 p.m.

RECONVENE

Mayor Parris reconvened the meeting at 9:15 p.m.

Amelia Jennings - concerned about environmental issues that may cause birth defects; undesirable impacts on Quartz Hill High School;

Paul Jennings – EIR for both shopping centers discusses urban blight; discussed floor space; radius around the shopping area; inadequacies of the EIR; statements are invalid; concerned about urban decay.

Doug Burgis – People are not against Wal-Mart, they are against the location; concerned about exposure to the traffic emissions; build elsewhere; suggested the prison area for the building of this commercial district; kids will be attaining alcohol.

Martha Michels – stated that she works for Wal-Mart – proud of this; she was helped through Desert Haven which helps challenged individuals find work; Wal-Mart welcomed her; will create jobs; very happy working for Wal-Mart.

Gary Rasmussen – he is a teacher for the high school district; concerned about truancy; absenteeism; tardiness because of having it located near a high school; what will Wal-Mart do about issue of kids at Wal-Mart during school hours; discussed testing scores of students.

Neil Cimo – do not go against the vote of the people, do not approve this project.

Wendy Reed – feels these commercial centers bring crime; invested in the area believing there would be no development there; this is personal; make things positively clear; the EIR is insufficient regarding water; flood control; safety; jobs and tax revenue will not increase; comes at a cost of loss of jobs at other businesses; severe impacts cannot be mitigated.

Claudette Graves – proud worker at Wal-Mart; hired at age 65; Wal-Mart hired her after a stroke; showed that she is able to be useful; appreciates Wal-Mart; she works with wonderful people to and the customers are wonderful; wonderful company; may have obstacles to improve but who doesn't.

George B. – represents the company of Wal-Mart; proud to be an employee; it is really good to know there is a solution to everything; something about coming together to find solutions; there are four successful Wal-Mart's in the City so why is it so difficult to understand that it will be a positive and helpful thing; the City has progressed and has been prosperous; very happy that he has the opportunity to work for Wal-Mart and live in a community of progress.

**CITY COUNCIL SPECIAL MEETING MINUTES
JULY 21, 2009**

PH 1. (Wal-Mart Project) (continued)

Marisel Fitting – no jobs out there; there must be growth, that is the only way to succeed; Quartz Hill needs money and needs jobs; this is a good thing; the community of Quartz Hill needs a Wal-Mart.

Sharon Perry – lives in Quartz Hill; never would have bought her home if she'd known a Wal-Mart was going to be built there, next to a school. There will be crime in the area; not against Wal-Mart, just the location; think of the quality of life not the convenience; against alcohol sales; would rather drive many miles than have it close to the schools and residence.

Oscar Martinez – there are laws about sexual predators living within school areas, residential areas, but no laws about having them shop in shopping centers; many students stay after school for events; sexual predators will be around; concerned about safety of children; let developers make their money elsewhere.

James Calhoun – supports the Wal-Mart; it is like a family; if a kid is raised without personal responsibility and accountability, they will find alcohol whether there is a Wal-Mart or not; there will always be crime; Wal-Mart creates jobs, not crime.

Mat Havens – spoke on behalf of the high school district; government agencies must follow the process; voiced concerns; hoped issues would be mitigated; addressed truancy; traffic; pollution; noise; pros and cons for both; the district is not silent, they did address the EIR; remained on the fence so they would not be looked at as favoring one side or the other; hope the traffic flow will be improved; any benefit will help the school district.

Further discussion took place with Mr. Havens and the Mayor asked if he should be concerned – will children be endangered by this project. Mr. Havens stated that the School District would be opposed if they thought that was the case; he cannot speak for the District. The Planning Director should require a full time Deputy Sheriff for the area.

Council Member Sileo inquired as to whether this would be a net gain or a net loss regarding parking spaces, to which Mr. Havens stated that there would be a slight net gain.

Vice Mayor Smith inquired as to the issued of a closed campus and Mr. Havens stated that it is indeed a closed campus, however, seniors have the option of leaving the campus.

Karen Smeltzer – understands where people are coming from regarding lost value of homes; assisted someone in purchasing a home in Quartz Hill because the person wanted to get away from the noise, lights and impacts of commercial development; now she is even closer.

Allison Martinez – building this project will turn it into a major highway; opposed to this; concerns regarding traffic, air pollution; safety.

Richard Hecker – discussed how Wal-Mart rounded up supporters; the CUP needs to be discussed; flaws in final EIR; building of projects will be detrimental to the community; listen and recognize how bad these projects are.

**CITY COUNCIL SPECIAL MEETING MINUTES
JULY 21, 2009**

PH 1. (Wal-Mart Project) (continued)

John Hull – decision cannot be made lightly; many things need to be looked at; does not believe it will be nice; not engineered correctly; infrastructure will be left to Los Angeles County and he does not have faith in this; bad idea all the way around.

Karen Mintey – lives close to high school; deals with a lot of traffic; now shopping centers; traffic will increase tremendously; concerned about sexual predators who could park in the shopping center lots; Wal-Mart is fine but not in this area.

Tim May – encouraged Council to get all concerns in order and do this right; submitted questions for the Council regarding income; increase of population; traffic; sales tax.

The City Council requested answers to the questions before making a final decision.

Erick Byarushengo – discussed the homes at 60th and L; quiet peaceful area; concerned about loud music; people living there wanted to be out there in the peace and quiet; environmental plans on the building; concerns regarding security; crime in the area.

Dave Landis – Wal-Mart has its heart in the right place to help build communities; discussed pipeline dependence; extensive amount of water that can be allocated to new projects; people will suffer from the traffic and pollution.

Lee Barron – California prohibits certain noise levels; Quartz Hill High School band and drill team practice on front property; traffic will interfere with this; Dept. of Education strongly encourages schools to not be built near shopping centers and malls; District 40 does not have water for this project; roads leading to this project go through Los Angeles County; concerns regarding lack of comments from school district.

Chantel Scott – concerned about truancy; obesity; parking concerns; mitigation concerns regarding vegetation and natural habitat of birds; construction noise will affect the students; concerned regarding alcohol sales.

Mike Scott – concerned about the construction; roadway segments; environmental impacts; traffic burdens; noise; student distraction due to the construction; vote against this project.

Daniel Herbert – Wal-Mart is a good store but should not be placed near a high school; concerned about students taking cars to parking lot to partake in the new trend of “drifting”; this would be a bad decision – build elsewhere.

Joe Feller – city after city is facing up to the blight of big box retailers; time for honest information from the developers; have study done by a competent, capable firm; receive an honest peer review of this matter.

**CITY COUNCIL SPECIAL MEETING MINUTES
JULY 21, 2009**

PH 1. (Wal-Mart Project) (continued)

Isaiah Gardner – concerns regarding traffic; lack of driving experience by students; not an advocate for big business; not going to be able to please everyone; majority do not want it there; this is capitalism; use your brains; not your hearts; students will ditch; opposed to this project.

Catherine Dodson – shoplifting is a major problem at these centers; Wal-Mart does not prosecute if theft is under \$25; placing a bank across from the school is a bad idea and dangerous; schools go on lockdown when there are bank robberies; against building in that location; please do not approve the project, residents do not want it.

Tammany Fields – Attorney submitted comments on behalf of Quartz Hill; must address the issue of beehives; displayed photos of other Wal-Mart's where trash is a problem; valley deserves better respect than that; alcohol issues; not responsible to build next to schools; Wal-Mart should donate the land.

Bruce Macpherson – concerns regarding the widening of roads; fair share set-asides; projects will create congestion; EIR is flawed and should not be certified or at the very least, conditions should be put in place regarding the roads; will not enhance education of the high school students; opposed at this location; do the right thing.

Denise Latanzi – as an eastside resident, she has dealt with her share of crime; trash; Wal-Mart's should not be built next to high schools; this project is an oversaturation of over development; must keep the current stores open.

Scott Pelka – discussed the wages of Wal-Mart employees; median income of a family; referred to a friend of his who was a full time employee at Wal-Mart but was homeless; wages cannot support a family; addressed the domestic violence shelter and funding they receive from Wal-Mart; must look at bigger picture.

Mayor Parris stated that the public comment portion of the hearing was now closed.

RECESS

Mayor Parris called for a brief recess at 11:00 p.m.

RECONVENE

Mayor Parris reconvened the meeting at 11:11 p.m.

It was the consensus of the City Council to continue this meeting to July 22, 2009 at 6:00 p.m., at which time the meeting would begin with the rebuttal from the applicants.

**CITY COUNCIL SPECIAL MEETING MINUTES
JULY 21, 2009**

ADJOURNMENT

Mayor Parris adjourned the meeting at 11:15 p.m. and stated that the adjourned special meeting would take place on Wednesday, July 22, 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)
