

CC 2
08/25/09
MVB

**LANCASTER CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES  
August 11, 2009**

**CALL TO ORDER**

Mayor/Chairman Parris called the regular meeting of the City Council/Redevelopment Agency meeting to order at 5:14 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; Principal Planner; Public Works Director; Parks, Recreation & Arts Director; Finance Director; Economic Development Director; Housing Director; Human Resources Director

**INVOCATION**

Mayor/Chairman Parris

**PLEDGE OF ALLEGIANCE**

Vice Mayor/Vice Chairman Smith

**PRESENTATIONS**

Student Speaker - Matthew Ramirez, age 13 - Desert Christian Middle School – presented his speech on the flag’s history; the Declaration of Independence; America - home of the free and the land of the brave.

Recognition of James “Randy” Williams, Public Works Director

Presenter: Mark V. Bozigian, City Manager

**AGENDA ITEMS TO BE REMOVED**

None

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**URGENCY ITEM ADDED**

The City Attorney stated that an item needed to be added to the agenda regarding recent correspondence from the ACLU, either as an Urgency Closed Session item or as an Urgency Item on the regular agenda. This matter came to the attention of the City after the posting of the agenda. Upon further discussion, Council agreed that rather than have this discussion in Closed Session, it would be discussed in public.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council added Item No. CA 2 to the agenda regarding the aforementioned matter, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**APPROVAL OF AGENCY CONSENT CALENDAR**

Agency Director Mann stated that he would need to recuse himself from Item No. RCC 5, due to the proximity of the project to property that he owns.

On a motion by Vice Chairman Smith and seconded by Agency Director Mann, the Redevelopment Agency approved the Agency Consent Calendar, with the exception of Item No. RCC 5, 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 July 28, 2009.

**RCC 2. CANCELLATION OF REDEVELOPMENT AGENCY MEETINGS**

Approved the cancellation of the Redevelopment Agency meetings of November 24, 2009 and December 22, 2009 and directed the City Clerk to post the required notices.

**RCC 3. ACQUISITION OF REAL PROPERTY**

Approved the agreement for the Acquisition of Real Property between the Lancaster Redevelopment Agency and Jose Abeljardo Ramirez and Amparo Ramirez for property located at 3742 West Avenue K-14, Lancaster, California.

**RCC 4. ACQUISITION OF REAL PROPERTY AND RESOLUTION NO. 15-09**

A. Approved the agreement for the Acquisition of Real Property between the Lancaster Redevelopment Agency and Ervand Bolandi for property located at 551 W. Jackman Street, Lancaster, California.

B. Adopted Agency **Resolution No. 15-09**, regarding its intention to issue tax exempt obligations.

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**RCC 5. ACQUISITION OF REAL PROPERTY AND RESOLUTION NO. 16-09**

At this time Agency Director Mann recused himself from this item and left the dais.

On a motion by Vice Chairman Smith and seconded by Agency Director Marquez, the Redevelopment Agency approved the agreement for the Acquisition of Real Property between the Lancaster Redevelopment Agency and Horiconte Investments, LLC for property located at 44330 Beech Avenue, Lancaster, California; adopted Agency **Resolution No. 16-09**, regarding its intention to issue tax exempt obligations; appropriated \$720,000.00 from Lancaster Redevelopment Agency's Low- and Moderate-Income Housing Fund Balance to Parkview Neighborhood Foreclosure Acquisition Account No. 920-0802-820, 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 returned to the dais.

**RCC 6. ACQUISITION OF REAL PROPERTY AND RESOLUTION NO. 17-09**

A. Approved the agreement for the Acquisition of Real Property between the Lancaster Redevelopment Agency and Deutsche Bank National Trust Company, as Trustee under the Pooling and Servicing Agreement dated as of May 1, 2007 Securitized Asset Backed Receivables LLC Trust 2007-BR4 Mortgage Pass Through Certificates, Series 2007-BR4 for property located at 45115 Beech Avenue, Lancaster, California.

B. Adopted Agency **Resolution No. 17-09**, regarding its intention to issue tax exempt obligations.

**RCC 7. ACQUISITION OF REAL PROPERTY AND RESOLUTION NO. 18-09**

A. Approved the agreement for the Acquisition of Real Property between the Lancaster Redevelopment Agency and JP Morgan Chase Bank, National Association for property located at 45303 Kingtree Avenue, Lancaster, California.

B. Adopted Agency **Resolution No. 18-09**, regarding its intention to issue tax exempt obligations.

**RCC 8. AGREEMENT WITH SBDC AND SANTA CLARITA COMMUNITY COLLEGE DISTRICT**

Authorized an agreement with the Small Business Development Center (SBDC) and Santa Clarita Community College District to provide counseling and small business-related training to new and existing Lancaster-based businesses.

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**APPROVAL OF CITY COUNCIL CONSENT CALENDAR**

Council Member Sileo requested that Item No. CC 7 be pulled for separate vote; Vice Mayor Smith requested that Item No. CC 8 be pulled for separate vote, as there were speaker cards submitted.

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 7 and CC 8, 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**

(A) Approved the City Council Special Meeting Minutes of July 21, 2009.

(B) Approved the City Council Adjourned Special Meeting Minutes of July 22, 2009.

(C) Approved the Redevelopment Agency/City Council Regular Meeting minutes of July 28, 2009.

**CC 3. WARRANT REGISTER**

Approved the Check and Wire Registers July 12, 2009 through July 25, 2009 in the amount of \$11,584,370.13.

**CC 4. MONTHLY REPORT OF INVESTMENTS**

Accepted and approved the June 30, 2009 Monthly Report of Investments as submitted.

**CC 5. APPROPRIATION OF FUNDS FOR HOUSING GRANT PROGRAMS**

Approved appropriations totaling \$6,541,800.00 for various Housing grant programs for Fiscal Year 2009/2010.

**CC 6. ORDINANCE NO. 927**

Adopted **Ordinance No. 927**, an ordinance of the City Council of the City of Lancaster, California, amending Chapter 11.08 of the Lancaster Municipal Code relating to Mobilehome Park Rent Stabilization.

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**CC 7. ORDINANCE NO. 930**

An ordinance of the City Council of the City of Lancaster, California, amending the City Zoning Plan for 40± acres located at the northwest corner of Avenue L and 60<sup>th</sup> Street West, known as Zone Change No. 06-04.

Addressing the City Council on this matter:

Bob Lea – Discussed the EIR; concerned for the welfare of the children; all of this was for the sake of money; City needs to grow in the right direction; do not put children in danger; projects will bring in more crime; panhandlers; day laborers; this should not have been approved.

Tammany Fields – Against the approval of this ordinance; will take her business to Palmdale; decision was wrong.

Richard Hecker – Impacts have not been mitigated; should have added certain conditions; should listen to the citizens.

Cleo Goss – Shopping Center will reduce the shopping choices for citizens; grocery stores are closing because of these large super stores; against the approval of this ordinance.

Amelia Jennings – Challenged the rebuttal by Wal-Mart Representatives; discussed urban decay; concerned about several businesses in the Quartz Hill area.

Loretta Berry – Projects are unwanted and unneeded; decisions made will affect many, not just people in Quartz Hill.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council adopted Ordinance No. 930 by the following vote: 3-2-0-0; AYES: Marquez, Smith, Parris; NOES: Mann, Sileo; ABSTAIN: None; ABSENT: None

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**CC 8. ORDINANCE NO. 931**

An ordinance of the City Council of the City of Lancaster, California, amending the City Zoning Plan for 10.00± acres located on the north side of Avenue L-4 between 57<sup>th</sup> Street West and 60<sup>th</sup> Street West known as Zone Change No. 06-03.

Addressing the City Council on this matter:

Cleo Goss – No room for expansion; sexual predators will hide in areas and endanger the children; traffic areas will be horrendous; no alternative routes; people in Quartz Hill will be the ones who suffer.

Loretta Berry – Projects are unwanted and unneeded; EIR's were inadequate and should not have been approved.

Tammany Fields – Currently takes fifteen minutes to take her children to school; once projects are built, traffic will be horrendous; will take her business to Palmdale; decision was wrong.

Richard Hecker – Referred to an article in the press regarding these projects and the letter from the School District; noise levels; pollution levels; City has not mitigated all the concerns of the citizens; Antelope Valley Union School District did not discuss student health.

Scott Pelka – Reviewed past actions of the Council; decisions made are deplorable; feels that citizens are not treated fairly; feels that citizens are not listened to.

Amelia Jennings – Challenged the economic analysis of the representatives for Target; addressed population growth; water usage concerns.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council adopted Ordinance No. 931, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**CC 9. CANCELLATION OF CITY COUNCIL MEETINGS**

Approved the cancellation of the City Council meetings of November 24, 2009 and December 22, 2009 and directed the City Clerk to post the required notices.

**CC 10. ACQUISITION OF REAL PROPERTIES**

Approved the agreement for Acquisition of Real Properties between the City of Lancaster and ClearVue Opportunity VII , LLC for property located at 3528 West Avenue K-10 as part of the approved Neighborhood Stabilization Program.

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**CC 11. MONUMENTATION WORK**

Approved the monumentation work for: Tract No. 60003, located on the southwest corner of 60<sup>th</sup> Street West and Avenue J-8, Owner: Beazer Homes Holdings Corporation; and Tract No. 60502, located on the northwest corner of Avenue K and 62<sup>nd</sup> Street West, Owner: Beazer Homes Holdings Corporation.

**CC 12. ACCEPTANCE OF STREETS FOR MAINTENANCE**

Approved the developer constructed streets and accepted the streets for maintenance by the City for Tract No. 54406, located on the west side of 5<sup>th</sup> Street East, approximately 500 feet north of Avenue K, Owner: Silver Oaks Estates, L.P.; and Site Plan Review No. 06-03, located on the east side of 8<sup>th</sup> Street East, approximately 300 feet south of Avenue J-12, Owner: James S. and Jeanne T. Rasmussen.

**CC 13. APPROVAL OF COMPLETED WATER SYSTEM**

Approved the completed water system installed by the developer of Tract No. 54406, located on the west side of 5<sup>th</sup> Street East, approximately 500 feet north of Avenue K, Owner: Silver Oaks Estates, L.P.

**CC 14. TAX SHARING RESOLUTIONS**

Adopted the Tax Sharing Resolutions for proposed Annexation No. 14-403 into Los Angeles County Sanitation District No. 14.

**CC 15. JOINT TAX TRANSFER RESOLUTIONS**

Adopted the Joint Tax Transfer Resolutions, approving and accepting the negotiated exchange of property tax revenue resulting from Annexation Nos. 2006-41 and 2007-16 to the Quartz Hill Water District.

**CC 16. PWCP NO. 08-004**

Accepted the work constructed by Padilla Paving Company for **Public Works Construction Project No. 08-004, 2008 Alley Reconstruction Program**; directed the City Clerk to file the Notice of Completion for the project; authorized payment of the 10 percent retention 35 days after recordation, provided no stop notices, as provided by law, have been filed.

**CPH 1. AMENDMENT TO TITLE 17 REGARDING ADDITIONAL TIME EXTENSIONS FOR CONDITIONAL USE PERMITS AND SITE PLAN REVIEWS**

Mayor Parris stated that this was a Continued Public Hearing from a previous meeting and the Principal Planner presented the staff report.

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

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**CPH 1. AMENDMENT TO TITLE 17 REGARDING ADDITIONAL TIME EXTENSIONS FOR CONDITIONAL USE PERMITS AND SITE PLAN REVIEWS (continued)**

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council introduced **Ordinance No. 924**, amending Title 17 of the Lancaster Municipal Code to modify the expiration date for conditional use permits, and increasing the number of allowable time extensions for conditional use permits and site plan reviews, by the following vote: 5-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**NB 1. PRELIMINARY CONCEPT DESIGN OF LANCASTER BOULEVARD**

The Deputy City Manager presented the staff report regarding this item. Representatives from Moule & Polyzoides presented an overview of the project which included but was not limited to: incorporation of the vision for the downtown area; design elements; improvements; infill projects; landscaping; streetscape design.

Addressing the City Council on this matter:

Nicole Parson – Add health issues; would like a better understanding of the project; there should be alternatives.

Chris Grado – This is a wonderful project; Lancaster will reap the benefits of this.

Myrle McLernon – In favor of this project; it will benefit Lancaster.

Lindy Parke – Her business is on the boulevard; she lives downtown; all services are downtown; she is excited about these changes; it is important to grow and this will be a wonderful thing for the City.

Valerie Orcutt – Her business in on the boulevard; in favor of the project; this will be wonderful for the downtown area.

Josh Mann – Reviewed recent projects such as the musical road; stimulus package; eSolar; Grand Prix; believes in doing something the best possible way it can be done; the right team is here; Council brought this forward; Vice Mayor Smith brought this up in Monterey; stakeholder committees have come together for this; there have been no nay-sayers; this is exciting; full steam ahead, get this done.

Tammany Fields – Do right by Quartz Hill and Quartz Hill will do right by Lancaster.

Larry Jernigan – Supports this change in the downtown area; sentimental ties to Lancaster Boulevard; urged Council to consider a community clock on a pedestal in the area.



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**NB 1. PRELIMINARY CONCEPT DESIGN OF LANCASTER BOULEVARD  
(continued)**

Council Comments included:

The idea came about through Vice Mayor Smith; many people were involved; this is an exciting project; it took a lot of people to bring it together; in years past, people were on the boulevard all the time; it is exciting to have this back again.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council approved the Boulevard Public Realm Design Concepts, with consideration for a community clock and authorized Moule & Polyzoides, Architects and Urbanists, in conjunction with other design professionals to prepare construction plans and specifications, by the following vote: 5-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**RECESS** Mayor Parris requested a brief recess at 6:58 p.m.

**RECONVENE** Mayor Parris reconvened the meeting at 7:11 p.m.

**CA 2. URGENCY ITEM – APPROVED BY EARLIER ACTION OF THE COUNCIL**

The City Attorney stated that the City had received a letter from the ACLU regarding Sectarian Prayers at meetings of the City Council and Planning Commission. He presented information on Rubin v. City of Burbank; determinations by the Court of Appeals; discussed Marsh v. Chambers; presented some statistics on the laws within California; distinct divergence of opinions between judges about what is allowed; Supreme Court Justice Sandra Day-O'Connor has stated that the key issue is that it is not the job of the courts to embark on a sensitive evaluation or to parse the content of a particular prayer offered before a deliberative public body; first amendment rights. If the case goes to the State courts, there are risks, but in the Federal courts – they consistently follow the ruling in Marsh v. Chambers. At the Board of Supervisors level, potential organizations are picked on a random basis; free to offer whatever prayer they chose; consider a policy regarding this matter; consider a rotating list; random selection process. He presented a draft policy which had been provided by Council Member Marquez; it is a workable policy; consider this and bring it back to a future meeting for approval.

Addressing the Council on this matter:

John Fletcher – Hopes the City Council does not follow any other path except to pray as your conscience dictates; prayer comes from the heart and mind; use the same fortitude to tell the ACLU that they will not tell us how to pray.

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**CA 2. URGENCY ITEM – APPROVED BY EARLIER ACTION OF THE COUNCIL  
–ACLU CORRESPONDENCE (continued)**

David Paul – God is everything; everything is a part of God; must find a way to come together on this matter.

John Alvarez – God given right to pray in the name of Jesus; thanked the Council for taking a stance on this; the lord has blessed this City; ACLU is trying to tell people what direction to take and this is wrong.

Danny Coats – Thanked the City Council for their efforts over the last couple of years to bring crime down; the irony is that someone can ride in here and tell people how to pray; enough is enough; draw a line in the sand; stand and fight this.

Larry Chappell – There is a huge decrease in crime in the City; thanked the City Council for casting a vision; credit goes to all but especially to God; thankful to live in a City where the leaders seek their wisdom from God.

Council Comments included:

Council Member Marquez referred to the letter from ACLU; no complaints have been received at City Hall; concerned that people would not come here first and talk to the Council. If they wanted to come and pray, they could have come forward; City was not aware that someone wanted someone else to pray. She discussed the history of the American people and the founders of this country; ACLU is chipping away at American values; God's handprint is everywhere in this nation; the policy is a good place to start.

Council Member Sileo told a story he had heard from the late Dan Elkins, Fire Captain; about an issue he was having when he was a firefighter regarding being allowed to have men's magazine in the station and another person pulled out a bible, basically stating his right to have this book as well. He stated that he is willing to see a policy in place; willing to hear prayers or invocations that he doesn't agree with, as long as the person giving the invocation is loyal to their creator.

Council Member Mann stated that in all of his years on the Commission and the Council he could not ever remember this City being exclusionary; not sure where the complaints have come from; the City should continue down the same path; figure out a policy so that no one is left out.

Vice Mayor Smith discussed the history and the fights of the ACLU; after the Bill of Rights was passed, they had a prayer; stated that he likes the one line in the policy which states that it can be voluntary, according to your conscience; would like to see a consensus of the Council to work on the policy; should not write back to the ACLU they do not dictate to us; write a policy to give freedom of speech.

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**CA 2. URGENCY ITEM – APPROVED BY EARLIER ACTION OF THE COUNCIL  
- ACLU CORRESPONDENCE (continued)**

Mayor Parris stated that the ACLU has made some positive changes although it has been awhile since they have made any positive changes; sees this more as a fundraiser since they have not been successful in the past. This is not the first time he has fought the ACLU and does not want to see any legitimate faith excluded. He stated that he would like to see Vice Mayor Smith; Council Member Sileo and the City Attorney formulate a policy to bring back for approval.

Further discussion took place as to whether the City should respond to the letter from the ACLU and it was the consensus of the Council to have the City Attorney send a response to the ACLU no later than Monday.

**NB 2. SANITARY SEWER AND INDUSTRIAL WASTE ORDINANCE**

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

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council introduced **Ordinance No. 932**, an ordinance of the City Council of the City of Lancaster, California, to amend Ordinance No. 910, the Sanitary Sewer and Industrial Waste Ordinance, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

**CA 1. CONSIDERATION OF APPOINTMENT NOMINATIONS TO THE COMMISSIONS:**

Mayor Parris requested Council consideration of the following people to fill Commission vacancies:

- Nomination of Steven Derryberry to the Lancaster Neighborhood Vitalization Commission, replacing LeeRoy Halley who recently resigned from this Commission.
- Nomination of Cassandra Harvey (currently on the Architectural/Design Planning Commission) to the Planning Commission, replacing Johnathon Ervin.
- Nomination of April Bartlett to the Architectural/Design Planning Commission.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council approved the appointment of Steven Derryberry to the Lancaster Neighborhood Vitalization Commission, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

At this time, the City Clerk administered the Oath of Office to Mr. Derryberry.

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**CA 1. CONSIDERATION OF APPOINTMENT NOMINATIONS TO THE COMMISSIONS (continued)**

Addressing the Council on the potential removal of Planning Commissioner Ervin:

David Paul – Similar to past actions regarding a former City Manager; he is under the impression that Mr. Ervin does not mind the charges being made public; Mr. Ervin has great ambition; he has a level of sincerity; if he overstepped his bounds, give him compassion; have complete airing of this.

John Fletcher – Opposed to the removal of Mr. Ervin; he's honest and forthright; inappropriate actions if any are blown out of proportion; he has done his job and made intelligent votes; he has been a great asset to the Planning Commission.

Tammany Fields – City will lose a wonderful Planning Commissioner; he studied the discovery regarding the projects on 60<sup>th</sup> Street West; did his research; he did not do anything incorrectly; never did anything inappropriate.

Cleo Goss – Quoted a news article in the press regarding this matter; disagrees with the dismissal of Ervin; should not be filling the boards with “yes” people.

Further discussion took place between Mayor Parris and Ms. Goss regarding this matter and the Mayor presented a power point of a memo from the City Attorney regarding the inappropriateness of Mr. Ervin.

Richard Hecker – Neutral on this matter; as an individual, the City should hear both sides; sometimes it is not clear what is going on; should follow the laws; laws protect all of us; there is a perception that the Mayor appoints who he wants to these Commissions; people have no trust anymore.

Paul Harris – Discussed the fact that he wasn't allowed to show a power point presentation regarding Walmart; the Council is incompetent; they do not do their homework; he is ashamed to call this City his home; unacceptable to receive email responses four months later; citizens are entitled to be represented and heard.

Loretta Berry – Referred to a letter regarding the Ervin charges; people are not surprised by what is going on; quoted news article; quoted the bible.

Amelia Jennings – Mr. Ervin conducted himself as an informed Commissioner so he could be better prepared to make an intelligent decision.

Barbara Mayzels – Referred to an article in the press; Mr. Ervin is the kind of guy this City should want; he will go the extra mile for the City.

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**CA 1. CONSIDERATION OF APPOINTMENT NOMINATIONS TO THE COMMISSIONS (continued)**

Ginger Stout – No one could make deals with Mr. Ervin; referred to the news article in the press; Mr. Ervin did a lot of homework regarding the projects and he cares deeply.

Maureen Feller – Her God is more powerful than the ACLU and the ACLU has been a God for many; people did not complain to the Council because of the vandalism to a citizen's home when she spoke against prayer; she is offended when the Council prays; Mr. Ervin's integrity is being questioned.

Council Member Marquez clarified that the citizen in question complained about the motto: In God We Trust, she did not complain about prayer.

Paul Jennings – Requested clarification regarding the memo from the City Attorney; gave a brief history of how the commissioners are appointed; stated that the meetings are held at 5 p.m. to eliminate citizens from speaking; practices are unethical; Mr. Ervin spoke of his convictions on certain projects and now he is being let go.

Mayor Parris asked Mr. Jennings if he truly felt that he was unethical, in which Mr. Jennings stated that he may have been a bit harsh in using that word.

Arnold Rodio – Find out the truth; have a one-on-one discussion with Mr. Ervin; addressed rumors of incentives to allow the Walmart project; Mr. Ervin is being let go for talking to citizens and developers; Mr. Ervin did his homework; City should be addressing Commissioner Vose and his ethics and actions of Vice Mayor Smith.

Further discussion took place between Mayor Parris, Mr. Rodio and Vice Mayor Smith.

Vice Mayor Smith clarified that he too did his homework. He stated that he explained to the audience on July 21/22, 2009 that he did not "read" the minutes of the Planning Commission and chose instead to "watch" the meetings of the Planning Commission to get all the facts and make his own determinations.

Denise Latanzi - People are innocent until proven guilty; she does not approve of having Mr. Ervin dismissed.

Further discussion took place between Mayor Parris and Ms. Latanzi.

Scott Pelka – Stated that it is not fair to not have the citizens speak about their concerns; he has sent letters to Mayor and does not receive a response.

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**CA 1. CONSIDERATION OF APPOINTMENT NOMINATIONS TO THE COMMISSIONS (continued)**

Council Comments:

Council Member Mann stated that it seems to be a convoluted mess and he wasn't going to try to sway someone's thought process on the matter. There are still some things that are undecided and he feels that he may have some information that may not be privilege to others and he will cast his vote accordingly.

Council Member Marquez stated that Commissioner's and Council Members should be held to a higher standard; the Planning Commission received training; allegations are serious; wished that Mr. Ervin was present to speak on his own behalf and also wished that he had just talked with the Mayor.

Council Member Sileo stated that this seems to be based on the public behavior of Mr. Ervin at Planning Commission meetings; he saw nothing in his behavior that would deem it necessary to have him removed; he asked valid questions; if he is removed, reasons should be clearly defined; this will have a chilling effect on every other appointee. He will base his decision on what has been presented by the City Attorney; he has heard nothing that will cause him to vote for Mr. Ervin's removal, as this will be viewed as political retribution.

Vice Mayor Smith stated that the easy thing to do, is to do nothing; regardless, the vote on certain projects would have been the same; he stated that he, Council Member Mann and Council Member Sileo were all on the Planning Commission and talked to citizens; drove to sites; did the research. The fact is, if the Commission majority or the Council does not vote the way of the people they get upset. Mr. Ervin is a good man, he is sincere and went out there and talked with the citizens which is perfectly legitimate. But, asking for an auditorium is not appropriate; staff told him this is not mitigation; Mr. Ervin talked to the staff, he talked to the Principal and to the School District; developer and Chairman. If the allegations are not true, then citizens must be assuming that the staff, the Principal, the School District and the Planning Commission Chairman are liars. If all seven of the Planning Commission conducted themselves this way, it would be a disaster. This is the Mayor's appointment and Mr. Ervin refused to discuss the issues with the Mayor. All he had to say was that he made a mistake, but he chose instead to not say anything and went to the press.

Mayor Parris stated that as public servants, we do not negotiate with developers outside of mitigation; this is not acceptable; there are safeguards. Could Mr. Ervin have made a mistake? Yes. He wasn't doing this for himself but he was clearly told by staff, not to do this. Mr. Ervin voted no on the project and what kind of message does that send to the developer and this makes no sense. If Mr. Ervin would have been open to discussion, that would have been fine; but to say he is not going to talk about this at all was the wrong way to handle it.

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**CA 1. CONSIDERATION OF APPOINTMENT NOMINATIONS TO THE COMMISSIONS (continued)**

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council approved the removal of Commissioner Ervin, by the following vote:

3-2-0-0; AYES: Marquez, Smith, Parris; NOES: Mann, Sileo; ABSTAIN: None; ABSENT: None

On a motion by Vice Mayor Smith and seconded by Council Member Sileo, the City Council approved the appointments of Cassandra Harvey and April Bartlett, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

At this time, the City Clerk administered the Oath of Office to Ms. Harvey and Ms. Bartlett.

**CITY MANAGER'S / EXECUTIVE DIRECTOR'S ANNOUNCEMENT**

The City Manager introduced Cheryl Williams, wife of soon to be retired Public Works Director – Randy Williams.

The City Manager stated that a gang of Graffiti vandals has caused over \$270,000.00 worth of damage in the City and after a long two month investigation, all members of this gang were arrested.

**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 Abber – Commended the Public Works Director for his hard work in the community; addressed the selection process for Commissioners, the six o'clock meeting times are better; suggested having the invocation under public comment.

Sheldon Carter – Served with Mr. Ervin and he is a trusted man; he is methodical; thorough and to the point; thinks it was a great mistake to dismiss him.

Gary Burgess – Thanked the Public Works Director for serving on the staff for the City of Lancaster; the City has a good staff and that's what keeps his level of confidence up. Thanked the Mayor for being honest with him, calling him back and thanked other Council Members for returning calls as well. Issues addressed tonight are immense, but the Council has always shown honesty with him.

**LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY  
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**PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS (continued)**

David Sinclair – clarified statements made by Ms. Jennings earlier in the evening; feels that she is remembering the discussion incorrectly; he never said Walmart or anyone was putting in an auditorium or a stadium and he said he had heard those rumors too and that was the extent of it; he never told her to make a wish list; he told her that it was important to come to some sort of resolution regarding the development at 60<sup>th</sup> St. West and Avenue K.

Amelia Jennings – stated that she remembered correctly and she told him that she felt there was no way they were going to win the battle against the development.

**CR 1. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR DISTRICT NO. 14 OF THE COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY**

Council Member Sileo presented a report on these activities.

At the July 22, 2009, meeting, the Board of Directors adopted the following significant recommendations of the Sanitation Districts' staff:

- Approved departmental invoice in the amount of \$7,100,522.03. A departmental invoice is an internal document that transfers each District's proportionate share of expenditures made by District No. 2, the administrative district, on behalf of the participating districts.
- Approved change order no. 5 for payment of \$244,370 with Taisei-T&K Joint Venture, for construction of Lancaster Water Reclamation Plant Stage Five Plant Expansion-Phase I. The contractor was directed to provide additional and larger underground electrical structures.
- Approved and ordered executed agreement for purchase and sale of recycled water and related facilities – Lancaster Water Reclamation Plant and Palmdale Water Reclamation Plant with City of Palmdale. The agreement will provide Palmdale with the option to purchase up to 2,000 acre-feet per year of recycled water produced by the two plants for use at permitted reuse sites. A distribution system that will supply recycled water throughout the Antelope Valley is currently under construction. The agreement requires Palmdale to take delivery of minimum amounts of recycled water starting the first fiscal year after the initial delivery date.

The other items approved by the Board of Directors were routine and adopted as consent items.



**LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY  
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**CR 2. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR THE ANTELOPE VALLEY TRANSIT AUTHORITY**

Vice Mayor Smith presented a report on these activities.

The following significant items took place during the July Board meeting:

- Vice Mayor Smith was sworn in as Chairman of the Board. Los Angeles County Board member Diane Carlton was set to become Vice Chairperson but announced she was resigning from the Board effective immediately. Larry Levin (Los Angeles County) became the Vice Chairman. Ms. Carlton's replacement was not announced.
- The Board voted to extend Veolia Transportation's contract for bus operations and maintenance for twenty-three months. Although not on the agenda, the Board approved the contract extension with AVTA taking over parts procurement and management for six months. After the initial six months, AVTA will conduct a two month evaluation producing a cost benefit analysis to present to the Board in March 2010.
- The Board approved the procurement of eleven transit buses, six support vehicles, three commuter driver shuttle vehicles, and two vehicles for rural zone use totaling \$7,781,000. The vehicles are funded through the American Recovery and Reinvestment Act. Through this legislation, AVTA received a total allocation of \$10,206,000.

All other items approved were routine.

**COUNCIL / AGENCY COMMENTS**

Mayor Parris stated that there needs to be 100 percent enforcement against the selling of tobacco products to children under the age of 18; wants this looked into and enforced. Requested that staff look into this and bring something back to Council as soon as possible; this must be made a priority.

**CLOSED SESSION**

None

**ADJOURNMENT**

Mayor Parris adjourned the meeting at 9:59 p.m. in memory of "Budd" H.B. Aven, a long time community member who served the community for more than 50 years. His involvement included, but was not limited to - membership with the Lancaster Redevelopment Committee; Lancaster Economic Development Corporation; founding Director of the Antelope Valley Savings and Loan Association.

**LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY**

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Additionally, the meeting was adjourned in memory of Ronald Carter. He represented four generations of Carters who gave much to the community; a community member whose leadership was felt in almost every service organization in the valley; involved in many State Commissions affecting water, roads, fire prevention and fairs.

Mayor Parris announced that the next regular meeting of the City Council/Redevelopment Agency would take place on Tuesday, August 25, 2009 at **5:00 p.m.**

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
GERI K. BRYAN, CMC  
CITY CLERK/AGENCY SECRETARY  
Lancaster, CA

\_\_\_\_\_  
R. REX PARRIS  
MAYOR/CHAIRMAN  
Lancaster, CA

**CERTIFICATION OF MINUTES  
CITY COUNCIL/REDEVELOPMENT AGENCY**

I, \_\_\_\_\_, \_\_\_\_\_ of the City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original City Council/Redevelopment Agency minutes, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, CA on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

\_\_\_\_\_