

**LANCASTER CITY COUNCIL/REDEVELOPMENT AGENCY  
MINUTES  
September 8, 2009**

**CALL TO ORDER**

Mayor/Chairman Parris called the regular meeting of the City Council/Redevelopment Agency meeting to order at 5:00 p.m.

**ROLL CALL**

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

Absent: None

**Staff**

Members: City Manager/Executive Director; Deputy City Manager/Deputy Executive Director; Deputy City Attorney/Deputy Agency Counsel; City Clerk/Agency Secretary; Assistant to the City Manager; Planning Director; Public Works Director; Parks, Recreation & Arts Director; Assistant Finance Director; Economic Development Director; Housing Director; Human Resources Director

**INVOCATION**

Pastor Larry Chappell – Lancaster Baptist Church

**PLEDGE OF ALLEGIANCE**

Pastor Larry Chappell

**PRESENTATIONS**

Student Speaker - Armando Carlos, Parkview Middle School

Mayor's Athlete of the Month and recipient of a \$1,500.00 mayoral scholarship:  
Adam Sundberg, Lancaster High School

**AGENDA ITEMS TO BE REMOVED**

None

**APPROVAL OF AGENCY CONSENT CALENDAR**

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

**RCC 1. MINUTES**

See CC 2 for the approval of the Regular Redevelopment Agency Meeting minutes of August 25, 2009.

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**RCC 2. ACQUISITION OF REAL PROPERTY**

Approved the agreement for the Acquisition of Real Property between the Lancaster Redevelopment Agency and HSBC Bank USA National Association as successor trustee to Wells Fargo Bank N.A. as trustee for Bear Stearns Mortgage Funding Trust 2006-AC1 for property located at 44806 Spearman Avenue, Lancaster, California.

**APPROVAL OF CITY COUNCIL CONSENT CALENDAR**

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

**CC 1. ORDINANCE WAIVER**

Waived further reading of any proposed ordinances. (This permits reading the title only in lieu of reciting the entire text.)

**CC 2. MINUTES**

Approved the Redevelopment Agency/City Council Regular Meeting minutes of August 25, 2009.

**CC 3. WARRANT REGISTER**

Approved the Check and Wire Registers August 9, 2009 through August 22, 2009 in the amount of \$3,681,501.67.

**CC 4. MONTHLY REPORT OF INVESTMENTS**

Accepted and approved the July 31, 2009 Monthly Report of Investments as submitted.

**CC 5. ACCEPTANCE OF MAINTENANCE FOR DRAINAGE IMPROVEMENTS**

Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Maintenance District Annexation Nos. 05-21, 05-36 and 04-18 installed for: Tract No. 060238, located on the northwest corner of 30<sup>th</sup> Street West and Lancaster Boulevard, Owner: D.R. Horton, Inc.; Tract No. 060905, located on the northeast corner of 35<sup>th</sup> Street West and Kildare Street, Owner: Pulte Home Corporation; and Tract No. 54201, located on the northwest corner of Lancaster Boulevard and 32<sup>nd</sup> Street West, Owner: Pulte Home Corporation.

**CC 6. MONUMENTATION WORK**

Approved the monumentation work for: Parcel Map No. 24597, located on the southwest corner of 10<sup>th</sup> Street West and Avenue L, Owner: Gus Christopoulos; and Tract No. 060905, located on the northeast corner of 35<sup>th</sup> Street West and Kildare Street, Owner: Pulte Home Corporation.

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**CC 7. APPROVAL OF COMPLETED SEWER SYSTEMS**

Approved the completed sewer systems installed by the developer of Tract No. 53102-01, located on the southwest corner of Avenue J-8 and 45<sup>th</sup> Street West, Owner: Magnolia, L.P.; and Tract No. 060238, located on the northwest corner of 30<sup>th</sup> Street West and Lancaster Boulevard, Owner: D.R. Horton, Inc.

**CC 8. PWCP NO. 09-020**

Awarded **Public Works Construction Project No. 09-020**, Beech Avenue Realignment, to Vance Corporation, in the amount of \$1,023,522.00, plus a 20% contingency and authorized the City Manager, or his designee, to sign all documents. Transferred \$50,000.00 from Capital Improvements Budget Account No. 260-15FA001-924 to Capital Improvements Budget Account No. 260-15ST021-924.

**CC 9. AWARD OF CONTRACT FOR PURCHASE OF TRUCK**

Awarded the contract for the purchase of one Sewer Cleaning Truck, Sewer Equipment Co. of America 800-HPR, in the amount of \$190,375.64 to Plumbers Depot, Inc. and authorized the City Manager, or his designee, to sign all documents.

**CC 10. SEWER SYSTEM ANNUAL REPORT**

Accepted the Sanitary Sewer Collections System Annual Performance Report for Fiscal Year 2008-2009.

**CC 11. GRANT FUND APPROPRIATION**

Approved the appropriation of \$36,856.00 in grant funds from the California Integrated Waste Management Board to Revenue Account No. 331-3306-100 and corresponding Expense Account No. 331-4740-777 to fund an education and awareness program for the proper disposal of used oil, a household hazardous waste.

**CC 12. AGREEMENT FOR USE OF LPAC**

Approved the Agreement for use of the Lancaster Performing Arts Center by Antelope Valley College for the 2009-2010 Season.

**CC 13. APPOINTMENTS TO LANCASTER VETERANS HOME CITIZENS COMMITTEE**

Mayor Parris nominated and appointed volunteers Betty J. Thomas, Emily A. Pack, Emery E. Pack, Lonny Potter and Micky Palmer to fill current and future vacancies on the Lancaster Veterans Home Citizens Committee and the City Council ratified these nominations and appointments.

**CC 14. APPROVAL OF INDEPENDENT HEARING OFFICER**

Authorized the City Manager to select an Independent Hearing Officer to hear matters under the Uniform Code for abatement of dangerous buildings.

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**CC 15. RESOLUTION NO. 09-86**

Adopted **Resolution No. 09-86**, a resolution of the City Council of the City of Lancaster, California, approving the Application for Grant Funds from the Recreational Trails Program for the following project: Amargosa Creek Pathway.

**JPH 1. AGREEMENT FOR THE SALE OF REAL PROPERTY BY AND BETWEEN THE LANCASTER REDEVELOPMENT AGENCY AND COMSITE LLC (SWC 30<sup>TH</sup> STREET WEST & AVENUE K)**

Mayor/Chairman Parris opened the Joint Public Hearing. The Economic Development Director presented the staff report.

Hearing no further testimony, Mayor/Chairman Parris closed the Joint Public Hearing.

On a motion by Vice Chairman Smith and seconded by Agency Director Mann, the Redevelopment Agency adopted **Resolution No. 23-09**, approving a Disposition and Development Agreement for the Sale of Real Property by and between the Lancaster Redevelopment Agency and Comsite LLC (APN: 3112-001-902) and authorized the Executive Director to execute all attendant documents related to the sale, 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 adopted **Resolution No. 09-85**, approving a Disposition and Development Agreement for the Sale of Real Property by and between the Lancaster Redevelopment Agency and Comsite LLC (APN: 3112-001-902) and authorize the City Manager to execute all attendant documents related to the sale, by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

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**CPH 1. APPEAL OF PLANNING COMMISSION DENIAL - CONDITIONAL USE PERMIT NO. 07-05**

This appeal was continued from the August 25, 2009 meeting of the City Council and the Planning Director presented the staff report.

Vice Mayor Smith requested clarification regarding the standards for noise and traffic studies for a lot of this size.

The Planning Director stated that it is rare to have a noise and traffic study done for a project of this size but it is not unheard of; he explained the process when a project comes in.

Vice Mayor Smith verified with the Deputy City Attorney that once an application has been submitted, they are actually under the onus of the designation at the time they are going to the Planning Commission and this continues to the public hearing in front of the City Council.

The Deputy City Attorney stated the more the land is down zoned, the more it interferes with the investment expectations of the landowner, or there could be a regulatory taking issue and he does not see that being the case with this particular issue.

Vice Mayor Smith discussed the information that was prepared on a project regarding land around the townhomes on a specific property, comparing the concerns of that project to this project.

The Planning Director explained the Conditional Use Permit process and how it is specifically tied to zoning; process of analyzing the size, shape, effects on adjacent properties that are appropriate to consider.

Mayor Parris inquired as to the length of time it took from when this project was first submitted and up to this meeting.

The Planning Director stated that it was approximately early 2008 when the plan was submitted; the project was delayed around May of 2008 since there was not a seated Planning Commission; in June the applicant was asked to go back and analyze some specifics; staff worked with the applicant regarding the studies, making sure all the information was there; it takes time to work out a revised plan; it was submitted to the Planning Commission in April 2009; the applicant requested a continuance in May, bringing this matter to Council now; the length of time on this project falls on the shoulders of both staff and the applicant.

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**CPH 1. APPEAL OF PLANNING COMMISSION DENIAL - CONDITIONAL USE PERMIT NO. 07-05 (continued)**

Further discussion took place regarding the timeframe surrounding this project; how to speed up the process; a tracking system may be in place by the end of the year that will be available to the stakeholders of the projects; noise levels; allowable decibels; noise at the tunnel opening of the carwash; traffic noise from Avenue J; clarification of what other businesses are in the area; technology has come a very long way over the years regarding noise levels; discussed the Chevron Station at Lancaster Blvd. and Valley Central Way; a McDonald's in the same area, no problems with noise issues in the corporate offices on the second floor of this building; very busy intersection at Valley Central Way; clarification regarding the traffic flow in relation to the coffee shop; possible timeframe for a signal in this area.

Planning Commission Chairman Vose discussed the history of this project; different dates of when this project came before the Planning Commission; discussed the issue of the ingress and egress points of the coffee shop; equipment noise; compatibility; testimony from public; number of employees; multiple activities on such a small space; noise mitigation analysis; traffic impact analysis; review of the revised plans; traffic signal issues.

The Planning Director stated that staff has addressed the issues outlined in the letter from Callanan, Rogers & Dzida; the carwash is an appropriate use for the area; very difficult to compare this project to the project at Valley Central Way; size of acreage is different; project was built in two phases.

The Deputy City Manager stated that City staff has been working with the hospital for a number of months regarding a signal and identifying their fair share for the signal. The signal is necessary for the improvements that the hospital is going to make; their development will be in phases and their fair share will be approximately \$400,000.00; the traffic impact fees will pay for signals throughout the community including signals at the carwash location; timing of the signal will be dependent on the Capital Improvement Plan and its priority within that setting. There are funds available for traffic mitigations and where this signal is prioritized will depend on the need and demand within the entire system. He discussed mitigating the signal, the hospital improvement phases; changes of access points; entry points; lessening the need for the signal and working to accomplish those goals.

The City Manager stated that this signal would be clarified in the next Capital Improvement Plan that is submitted to the City Council in May of 2010 and it will be compared to all other signals; staff will do the analysis; make recommendations to the Council and it could also change at that point as well.

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**CPH 1. APPEAL OF PLANNING COMMISSION DENIAL - CONDITIONAL USE PERMIT NO. 07-05 (continued)**

Vice Mayor Smith reviewed the timeframe from the time the Planning Commission heard this, to the time it was brought before the City Council; extra studies have been conducted stating no significant impact for traffic, noise, the use is under the commercial code; Planning Commission did not feel that this project was compatible with the area; there were no definite findings.

Chairman Vose stated that there were findings and it was the recommendation from the Planning Commission that this project be denied.

Further discussion took place regarding impacts; noise requirements; review of the studies; conditioning the noise impacts; project conformed with the General Plan; clarification regarding the design, walls and landscaping.

Addressing the City Council on this matter:

Jude Aoun, attorney for the applicant – discussed the noise and traffic levels; motivation behind why this project is being proposed; need to weigh in the balance between the homeowners and the applicant wanting to build on this land; technology has increased incredibly over the years regarding noise concerns; the block walls will help considerably to reduce the sound; staff has recommended it at every level and worked very hard to make sure the applicant meets the necessary requirements.

Further discussion took place regarding noise concerns; setting or not setting a precedent; concern for the people who have lived and worked in the area for years; applicant has done everything they have been asked to do; setting a condition to fine the owner if the noise decibels go over the allowable limit.

Armen Hagobian, architect for the project - worked extremely close with the Planning staff on this project over the past year; conditions such as drainage; traffic; noise have been addressed; discussed the design, zoning code conditions; sound issues; discussed the sound detonator; circulation patterns; it is streamlined; all of the carwash requirements have been met; applicant was not obligated to provide the traffic and noise studies but did so at the request of the Planning Commission; tremendous amount of landscaping has been offered that will meet the drought tolerant needs of the City.

Mike Panoussi – owns a carwash on Division and Avenue J; before Council considers a new business, please consider the existing businesses; other carwashes will not survive; noise issues should be a concern - mostly from the vacuum and detail area; asked the City Council to please deny this project.

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**CPH 1. APPEAL OF PLANNING COMMISSION DENIAL - CONDITIONAL USE PERMIT NO. 07-05 (continued)**

Addressing the City Council on this matter:

Dr. Mvazarrani – she has been practicing in this area for 30 years; her business was there before any other businesses were there; watched development coming up over the years; people will be impacted by this; the carwash will be right in front of her office building; she should not have to put up with sound/noise coming into her office; disagrees that there will be no impact.

Further discussion took place regarding enforcement of a possible fine if noise levels are extreme; property rights; put something in place to make the owner accountable; there needs to be a remedy to fix the sound issues.

Joseph Dzida – opposed to the project; his client lives behind the proposed project; concerns regarding the traffic signal; consider a post monitoring approval system; the City is not being business friendly here; this will drive other carwashes out of business.

Further discussion took place regarding the monitoring system; it should be incumbent upon the applicant to pay for this; monitoring every few months may work.

Nancy Schmidt – opposed to the carwash; discussed the current ambient noise and how much it will rise with the carwash; concerned with the building east of the carwash.

**RECESS** Mayor Parris requested a recess at 6:51 p.m.

**RECONVENE** Mayor Parris reconvened the meeting at 7:03 p.m.

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

Council/staff discussion and comments included:

People need to be accountable; liquidated damages; post monitoring system; having a daily fine that goes to the adjoining landowner; CEQA standards are pretty onerous on the face of it; flexibility is built in; Avenue J is a major thoroughfare; noise is a significant issue; not in favor of implementing and changing policy on the fly; concern for Dr. Mvazarrani's practice and patients; CEQA requirements; understanding the ramifications of the decisions that are made; how far into the future is the applicant to be responsible for changes that he may not have control over.



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**CPH 1. APPEAL OF PLANNING COMMISSION DENIAL - CONDITIONAL USE PERMIT NO. 07-05 (continued)**

Council/staff discussion and comments included:

The engineering technology exists to measure noise readings; may be difficult to determine; how is the noise brought back down if it does increase; against liquidation of damages in perpetuity; set for a six month review after the Certificate of Occupancy is issued; making sure no outside music is played, as this increases noise; monitoring the noise at six months, then a year; can noise be reduced down; will the predictions be accurate; applicant needs to have accurate sound studies done; if sound exceeds the noise limit, it is up to the adjoining property owners to seek legal solutions; landowner must have the due process rights to go through; review by the Architectural/Design Planning Commission.

Council Member Sileo made the following motion: There should be a onetime review, a set period of time to fix it, thirty days or whatever is reasonable and if they cannot meet the requirement, they are shut down until such point in time they can achieve that, by verified monitoring with an independent RFP by the landowner.

Additionally, within the staff report it was recommended that : (1) ensure that the parking lot is properly screened from the street with enhanced landscaping and berms; (2) that the applicant revise the elevations to be architecturally compatible with the surrounding uses; (3) and that the developer modify the streetscape to add a parkway planter. In the event of a dispute, the Architectural and Design Commission would render the final decision.

Further discussion took place regarding the procedure for the motion.

The Deputy City Attorney stated that it is the prerogative of the maker of the motion to simply follow the staff recommendation with some modifications /additions/conditions.

Vice Mayor Smith reviewed the process that the applicant and staff have gone through; the use issue; concerned that the applicant has done everything it was asked, they have gone above and beyond and it still gets denied by the Planning Commission. In favor of adopting the recommendation with the coffee shop, with the six month review on the noise mitigation by a separate, independent RFP and no outside music.

Council Member Sileo stated that one of the reasons he supports the coffee shop is that it is a slightly more intensive use; a large number of customers are going to be carwash customers so he doesn't think there will be a large increase in traffic. The esthetics of the coffee shop will prevent staring straight down at a carwash from Avenue J and it will shield a lot of the business of the drive by traffic.

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**CPH 1. APPEAL OF PLANNING COMMISSION DENIAL - CONDITIONAL USE PERMIT NO. 07-05 (continued)**

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted **Resolution No. 09-84** overturning the Planning Commission decision by approving the appeal for Conditional Use Permit 07-05, and approving the development plans originally considered by the Commission on June 16, 2008, consisting of a carwash and coffeehouse, for construction on the northwest corner of 17<sup>th</sup> Street West and Avenue J (thereby approving the project with added conditions) and with the six month review on the noise mitigation by a separate, independent RFP and no outside music, by the following vote: 4-1-0-0; AYES: Mann, Marquez, Sileo, Smith; NOES: Parris; ABSTAIN: None; ABSENT: None.

**PH 1. AMENDMENT TO TITLE 17 (ZONING ORDINANCE) OF THE MUNICIPAL CODE MODIFYING THE WIND ENERGY REQUIREMENTS TO REGULATE NON-COMMERCIAL VERTICAL AXIS WIND TURBINE SYSTEMS (VAWTS) IN RESIDENTIAL ZONES**

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

Discussion took place regarding the application fee and the Planning Director stated that the lowest fee that is currently in place is approximately \$125.00 and it was the consensus of the Council to have Planning place the same fee on this application fee, once it is determined.

Additional discussion included possible incentives for homebuyers; great energy savings; powering the need of a home; making this a requirement; having the turbines installed in the attic; empowering people to become homeowners rather than renters.

Addressing the City Council on this matter:

Teresa Malone – in favor of the Wind Turbine Systems and looks forward to having them installed.

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

On a motion by Vice Mayor Smith and seconded by Council Member Marquez the City Council introduced **Ordinance No. 933**, amending Title 17 of the Lancaster Municipal Code (LMC) by modifying the Wind Energy regulations in Residential Zones and Determine that the application fee for VAWTS would be the same as established for a Director's Review (Checklist B) for a fee of approximately \$125.00 by the following vote: 5-0-0-0; AYES: Mann, Marquez, Sileo, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

**LANCASTER CITY COUNCIL / REDEVELOPMENT AGENCY**

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**NEW BUSINESS**

None

**COUNCIL AGENDA**

None

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

None

**CITY CLERK / AGENCY SECRETARY ANNOUNCEMENT**

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

**PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS**

Addressing the City Council at this time:

David Paul – discussed the philosophy of lead, follow or get out of the way; discussed past experiences of working at a local jail.

Heather Brown – concerned about chloramines in the water; her car was taken from her property, she feels victimized by the City.

Edward Schroeder – requested that the City look into having a supermarket in downtown Lancaster.

Dan Selmsler – he is a victim of illegal immigration; a vehicle hit his daughter and himself and the other driver did not have insurance; the bumper fell off this persons car, he tried to leave the scene; Mr. Selmsler ran over and took the keys; when the Sheriff's Department arrived they stated that if his car was not current, his vehicle could be impounded; told him they couldn't arrest or impound the other car because he was a Mexican National; he plans to file a crime suit; someone needs to step up and do something about this; hopes that at some point, have an ordinance put in place, these vehicles need to be impounded, the drivers need to be placed in a facility until they can make restitution in some way.

Mayor Parris inquired as to where the City was regarding making sure everyone is documented that works for a licensed business in town.

The City Manager stated that the audit has been completed; there is a recommendation for Council that will be heard at the first meeting in October. Some businesses were not in compliance, the City took action but it needs to be determined whether it is the people that these businesses are hiring or is it their record keeping practices. Staff may recommend changing the business license procedures, using something similar to e-verify.

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**COUNCIL REPORTS**

**CR 1. REPORT ON THE ACTIVITIES OF THE EDWARDS AIR FORCE BASE RESTORATION ADVISORY BOARD**

Presented by: Council Member Sileo

The RAB convened and conducted the following environmental restoration actions at the August 20<sup>th</sup>, 2009, meeting:

Introduction of New RAB Members. Air Force Co-Chair Colonel Joe Torres (the new Vice-Commander of Edwards AFB) and Cal/EPA Regional Water Quality Control Board Remedial Project Manager Tim Post were introduced as the newest RAB members replacing the previous Air Force and RWQCB representatives to the RAB.

Update on Proposed Plan for Air Force Research Laboratory (AFRL) Arroyos, Operable Unit 4. Operable Unit (OU) 4 remedial project is a roughly 12 square mile Containment Zone (CZ) extending to a depth of 500 feet below ground surface in proximity of the AFRL's large rocket firing test stands. The primary groundwater contaminants at OU 4 are PCE, TCE and 1,2-DCE, and are attributed to pre-1972 practices such as test firing large rocket motors, release of solvents from above ground storage tanks, cleaning propellant systems and release of wastewater and spent solvents to drains and the ground surface. Human health risk at OU 4 is mitigated due to the sites remote location and because contaminated groundwater in the CZ is not a source of drinking water. Additionally, land use controls, long term monitoring and the low natural migration of contaminated groundwater from this site allow the Air Force to contain the contamination within the CZ for the next 200 years while actively searching for a better, more cost effective environmental remedy than currently exists.

**CR 2. REPORT ON THE ACTIVITIES OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT**

Presented by: Vice Mayor Smith

At the August 18, 2009, meeting, the Governing Board discussed the following significant items with AVAQMD staff (Staff):

Reappointment of Susan Burke as Medical Member on the AVAQMD Hearing Board, and selection of Jean Bracy as a candidate for the Special District Risk Management Authority Board of Directors, inherently resulting in greater regional AVAQMD representation.

Award of \$1.76 Million in Mobile Source Emission Reduction Funding to the Antelope Valley Schools Transportation Agency (AVSTA) to replace thirteen aging diesel school busses with new lower emission compressed natural gas (CNG) fueled school busses.

Exploring and capitalizing on new/emerging information technologies (e.g. Twitter) in efforts to better broadcast AVAQMD accomplishments, highlights and information.

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**CR 3. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR THE ANTELOPE VALLEY TRANSIT AUTHORITY**

Presented by: Vice Mayor Smith

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

Los Angeles County Board member Larry Levin announced his resignation from the Board effective immediately. Board member Diane Carlton announced her resignation last month. Supervisor Antonovich Deputy Norm Hickling is acting as an alternate filling in for Ms. Carlton. County replacements were not announced.

AVTA has \$1,082,000 in grant funding for bus stop improvements in the member jurisdiction right-of-way. The Board voted to authorize staff to recruit a contractor to implement the program. Once a firm is selected, AVTA staff will come back to the Board for approval. At that time, an equitable split of the grant monies will be determined.

The Board approved an additional \$126,775 for architectural and engineering services as a part of AVTA's Phase II facility upgrade. In addition, the Board approved a contract for \$2,162,454 with Martifer Solar. Martifer Solar will add a 325 kW PV Panel System that AVTA estimates will generate approximately 563,000 kWh of electricity per year. The base cost for this capital project, funded by the American Recovery and Reinvestment Act, is \$14,783,750 including a 20% contingency cost for construction.

**CR 4. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR THE HIGH DESERT CORRIDOR JOINT POWERS AUTHORITY**

Presented by: Vice Mayor Smith

The Board heard the following items during the August 26, 2009 meeting:

The Board authorized staff to pursue discussions with DesertXpress, a private enterprise planning to construct a high speed train system from Victorville to Las Vegas, concerning the potential cooperation between the JPA and DesertXpress including joint efforts of seeking funding, stakeholder outreach, and environmental review and impact reporting. In response to a Palmdale staff request, the Board approved formation of a special subcommittee involving the counties, the City of Palmdale, and other invited parties to coordinate the DesertXpress project with Palmdale and the California High Speed Rail Authority project.

The Board authorized the Chairman to execute an amendment to the Nossaman contract and approve a maximum expenditure cap of \$250,000 for legal services provided by the Nossaman firm.

Corey Boock of Nossaman gave a detailed presentation related to the public/private partnership organization structure alternatives for the HDC project, Senate Bill 4 and its implications to the Authority.

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**COUNCIL / AGENCY COMMENTS**

Mayor Parris stated that he is going to encourage the California High-Speed Rail Authority to have their station built in Lancaster rather than in Palmdale. The City should do a major push to put the rail station in Lancaster for a host of reasons; Lancaster is a much better place for this.

**CLOSED SESSION**

None

**ADJOURNMENT**

Mayor Parris adjourned the meeting in memory of the two Los Angeles County Firefighters who were killed while fighting the wildfires south of Palmdale.

- Firefighter Specialist Arnie Quinones joined the Los Angeles County Fire Department in 1998 as a volunteer firefighter and graduated from the Fire Academy in 2001. He is survived by his mother, his wife and his unborn child.
- Tedmund “Ted” Hall joined the Los Angeles County Fire Department in 1981 as a student worker and graduated from the Fire Academy in 1983. He is survived by his wife, two sons and his parents.

He stated that this is a terrible loss for their families, friends and the community and we will never forget the bravery and sacrifices of these brave men, as well as firefighters everywhere.

Mayor Parris adjourned the meeting at 8:20 p.m. and announced that the next regular meeting of the City Council/Redevelopment Agency would take place on Tuesday, September 22, 2009 at 5:00 p.m.

**ATTEST:**

**APPROVED:**

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

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R. REX PARRIS  
MAYOR/CHAIRMAN  
Lancaster, CA

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**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)

\_\_\_\_\_