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05/25/10
MVB

**LANCASTER CITY COUNCIL
REDEVELOPMENT AGENCY/FINANCING AUTHORITY
MINUTES
May 11, 2010**

CALL TO ORDER

Mayor/Chairman Parris called the regular meeting of the City Council/Redevelopment Agency/Financing Authority meeting to order at 5:04 p.m.

ROLL CALL

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

Staff

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

INVOCATION

Sikh Pastor Nirinjan Singh – Member of the Human Relations Commission for the City of Los Angeles and Director of the California Sikh Council.

PLEDGE OF ALLEGIANCE

Vice Mayor/Vice Chairman Smith

PRESENTATIONS

Student Speaker – Kobe Wibowo – Jack Northrop Elementary School, presented a speech on the significance of Cinco de Mayo.

Mayor's Athlete of the Month – Keiona Matthews – Antelope Valley High School

Presenter: Mayor Parris

Public Works Week Proclamation

Presenter: Mayor Parris

AGENDA ITEMS TO BE REMOVED

None

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APPROVAL OF AGENCY CONSENT CALENDAR

On a motion by Vice Chairman Smith and seconded by Agency Director Marquez, the Redevelopment Agency approved the Agency Consent Calendar by the following vote: 5-0-0-0: AYES: Crist, Mann, Marquez, 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 April 27, 2010.

RCC 2. ACQUISITION OF REAL PROPERTY

Approved the agreement for the acquisition of real property between the Lancaster Redevelopment Agency and Skypro, LLC for property located at 1209-11 Boyden Avenue, Lancaster, California. Funds will be expended from budgeted housing bond proceeds.

RCC 3. EXTENSION TO THE OPTION TERM WITH KFG INVESTMENT COMPANY

Approved an extension to the Option Term with KFG Investment Company (formerly doing business as Larwin Investment Company) for a thirty-six month period, to be effective from December 31, 2010 to December 31, 2013, and authorized the Executive Director or his designee to execute an amendment to the Option Term.

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: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

CC 1. ORDINANCE WAIVER

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

CC 2. MINUTES

Approved the City Council/Redevelopment Agency/Financing Authority Meeting minutes of April 27, 2010.

CC 3. WARRANT REGISTER

Approved the Check and Wire Registers April 11, 2010 through April 24, 2010 in the amount of \$5,315,352.57.

CC 4. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the January 31, 2010 Monthly Report of Investments as submitted.

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CC 5. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the February 28, 2010 Monthly Report of Investments as submitted.

CC 6. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the March 31, 2010 Monthly Report of Investments as submitted.

CC 7. RESOLUTION NO. 10-22

Adopted **Resolution No. 10-22**, authorizing the City Manager, or his designee, to apply for all funds available to the City of Lancaster, from the Los Angeles County Metropolitan Transportation Authority, allocated for street and road improvements for the Fiscal Year 2009-2010 in the amount of \$4,057,217.00.

CC 8. MONUMENTATION WORK

Approved the monumentation work for Tract Map No. 061680, located on the southwest corner of Avenue K and 60th Street West, Owner: KB Home Greater Los Angeles, Inc.

CC 9. TAX SHARING RESOLUTION

Adopted the Tax Sharing Resolution for proposed Annexation No. 40-139 (4-202) into Los Angeles County Waterworks District No. 40, Antelope Valley.

CC 10. AGREEMENT FOR TEMPORARY DRAINAGE BASIN

Approved an agreement with Dennis Pursley to construct a temporary drainage basin on the ten (10) acre parcel located west of Paraclete High School, proposed to be developed as Tentative Tract Map No. 62998.

CC 11. ACQUISITION OF REAL PROPERTY

Approved agreement for acquisition of real property between the City of Lancaster and Federal National Mortgage for property located at 1103 West Avenue J-15 as part of the approved Neighborhood Stabilization Program.

CC 12. ACQUISITION OF REAL PROPERTY

Approved agreement for acquisition of real property between the City of Lancaster and Federal National Mortgage for property located at 45309 Genoa Avenue as part of the approved Neighborhood Stabilization Program.

CC 13. ACQUISITION OF REAL PROPERTY

Approved agreement for acquisition of real property between the City of Lancaster and Federal National Mortgage for property located at 45542 6th Street East as part of the approved Neighborhood Stabilization Program.

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CC 14. SUB-RECIPIENT AGREEMENT

Approved the Sub-Recipient Agreement between the City of Lancaster and the Housing Rights Center to provide fair housing services to the residents of Lancaster for the 2010 Community Development Block Grant (CDBG) Program Year.

CC 15. RESOLUTION NO. 10-23

Adopted **Resolution No. 10-23**, approving an amendment to the Trust Agreement relating to the Lancaster Housing Authority Lease Revenue Refunding Bonds (Brierwood Mobilehome Park Project) Issue of 1999 and authorized the City Manager to execute and deliver the amendment to the Trustee.

JPH 1. CONSIDERATION OF A DISPOSITION STRATEGY FOR THE SALE OF A SINGLE-FAMILY RESIDENCE AT 44734 CALSTON AVENUE ACQUIRED IN REDEVELOPMENT PROJECT AREA 7.

Mayor/Chairman Parris opened the Joint Public Hearing regarding this matter. It was the consensus of the City Council/Redevelopment Agency to waive the reading of the staff report.

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

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council adopted **Resolution No. 10-24**, a resolution of the City Council of the City of Lancaster, California, approving the sale of a single-family residence at 44734 Calston Avenue acquired in Redevelopment Project Area 7, by the following vote:

5-0-0-0: AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

On a motion by Vice Chairman Smith and seconded by Agency Director Marquez, the Redevelopment Agency adopted **Resolution No. 11-10**, a resolution of the Lancaster Redevelopment Agency, Lancaster, California, approving the sale of a single-family residence at 44734 Calston Avenue acquired in Redevelopment Project Area 7, by the following vote: 5-0-0-0: AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

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PH 1. 2010-2015 FIVE-YEAR CONSOLIDATED PLAN

Mayor Parris opened the Public Hearing regarding this matter. It was the consensus of the City Council to waive the reading of the staff report.

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

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted the 2010-2015 Five-Year Consolidated Plan and approved the One-Year Action Plan for the 2010 Program Year to be submitted to the United States Department of Housing and Urban Development, by the following vote: 5-0-0-0: AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

NB 1. ORDINANCE NO. 943, AMENDING CHAPTERS 2.34 AND 2.30 OF THE LANCASTER MUNICIPAL CODE TO EXTEND THE SUNSET PROVISIONS

The City Attorney presented the staff report regarding this matter.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council introduced **Ordinance No. 943**, an ordinance of the City Council of the City of Lancaster, amending Chapters 2.34 and 2.30 of the Lancaster Municipal Code to extend the Sunset Provisions for the Architectural/Design Planning Commission and the Criminal Justice Commission, by the following vote: 5-0-0-0: AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

NB 2. RESOLUTION NO. 10-25 - RENEW GRANT INITIATIVE

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

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council adopted **Resolution No. 10-25**, authorizing staff to enter into a contract with Los Angeles County Department of Public Health for the RENEW Grant Initiative and approved the appropriation of grant funds in the amount of \$240,000.00 from Los Angeles County Department of Public Health to Revenue Account No. 399-3303-100 and Expense Account No. 399-4200-770 to fund a Master Plan for Trails and Bikeways, by the following vote: 5-0-0-0: AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None.

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CA 1. CONSIDERATION OF NOMINATIONS BY MAYOR PARRIS TO THE FOLLOWING COMMISSIONS:

Mayor Parris submitted the following nominations to the existing commissions:

- **Planning Commission:** (Chair) James Vose; Raj Malhi; Daniel Jacobs; Cassandra Harvey; Randy Hall; Kit-ya Setzo.
- **Criminal Justice Commission:** Mark Brown; Jim Gaupel; Concepcion Harris; David Vierra; Sandy Smith; Tim Fuller; Alex Wheeler.
- **Architectural/Design Commission:** (Chair) April Bartlett; Matthew Buchanan; Timothy Wiley; Andrew Mercy; Dennis Greer; Diana Cook; Courtney Stallworth.
- **Lancaster Neighborhood Vitalization Commission:** Bret Banks; Steven Derryberry; Risa Shepler; Tim Sturtevant; Lew Stultz; George A. Todd, Jr.

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:

Andrew Nieto – Concerns regarding the traffic signals in the area of 10th St. West and Ave. L, in the Costco area. Suggested that Avenue I be considered as a parade route since Lancaster Blvd. will be remodeled, it will draw people to this area.

Nancy Acosta – Stated that she votes in every election; voted for a candidate who lost; wondering what would happen if those votes had gone to other candidates; feels that her vote was stolen; she comes from a religious background and it is important to avoid the appearance of evil.

David Erlich – Stated that these are struggling times in the economy; hopes everyone gets involved in the primary election and votes; addressed the issue of AB 32; the drop in the Stock Market; Federal issues; encouraged Council to put pressure on to keep AB 32 going.

Maureen Feller – Addressed remarks made about her at the last Council meeting; discussed freedom of speech; took issue with the Mayor on certain topics and pictures on Facebook.

Mayor Parris clarified that the picture in question on Facebook was removed by Facebook and it was also investigated by Sheriff's Department.

David Abber – Stated that many lawsuits are coming forward to the City; concerns regarding weeds that need removing; discussed the ground breaking ceremony involving BYD and why he was removed from this ceremony.

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CR 1. REPORT ON THE ACTIVITIES OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT

Vice-Mayor Smith reported the following information:

- The Board approved the District's Lawn and Garden Equipment Replacement Program which was very successful last year, and allocated \$10,000 matching funds for the program.
- The Board conducted a public hearing for amendments to Rule 403 (Fugitive Dust) and associated CEQA documentation. Rule 403 has been updated to better fit our region, and now requires submission of a Dust Control Plan. Councilman Smith stated Lancaster is also in the process of revising its Fugitive Dust Control ordinance, while a representative from the L.A. County Agriculture Commission expressed concerns with fire breaks that generate dust. Councilman Smith's opinion was that health issues outweigh the expense to property owners required to clear brush as a component of local fire breaks.
- AVAQM Staff concerns over the unrealistic pace and implementation of the California Global Warming Solutions Act (AB 32) of 2006. Councilperson Marquez stated that the issue of AB 32 will be brought before Lancaster City Council at the April 27th meeting.

CR 2. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR THE ANTELOPE VALLEY TRANSIT AUTHORITY

Vice Mayor Smith and Council Member Marquez reported the following information:

- The Board voted to split any future federal economic stimulus funds granted to AVTA for several projects. AVTA would purchase six trolley vehicles that can be used for a downtown Lancaster shuttle. \$750,000 could go to operating assistance. Staff will round out a list to the Federal Transit Administration with projects that make the most financial sense to AVTA.
- Regarding the possible dissolution of the agency's technical advisory committee (TAC), the Board took no action. Two proposals had been considered to dissolve the TAC or increase the membership from three to six or seven. A Los Angeles County Director asked staff to bring to the Board next month a possible TAC member list if the number were increased.
- The Board approved an AVTA staff request to take parts management in-house. In addition, the Board voted to have staff bring back a detailed proposal to take bus and vehicle maintenance under AVTA administrative control. This would result in an addition of 37 new employees to the authority. Currently, Veolia Transportation manages the operation and maintenance of an AVTA-owned fleet. There will be a reduction of approximately \$3,132,000 to the Veolia contract and an increase of approximately \$3,350,850 in AVTA costs. Staff says a portion of their cost can be covered by federal grants.

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COUNCIL / AGENCY COMMENTS

None

LANCASTER FINANCING AUTHORITY

No action required at this time.

CLOSED SESSION

RECESS Mayor Parris recessed the City Council meeting at 5:41 p.m. for the purpose of conducting a Closed Session regarding the following matters:

- 1) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
(Gov Code 54956.9(a))

ANTELOPE VALLEY GROUNDWATER CASES

Included Actions:

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.
Superior Court of California, County of Los Angeles, Case No. BC325201

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.
Superior Court of California, County of Kern, Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of Lancaster;
Diamond Farming Co. v. City of Lancaster;
Diamond Farming Co. v. Palmdale Water District;
Superior Court of California County of Riverside, consolidated actions;
Case Nos. RIC 353 840, RIC 344 436, RIC 344 668.

Santa Clara Case No. 1-05-CV 049053

- 2) Government Code Section 54956.9(a) CONFERENCE WITH LEGAL COUNSEL---
EXISTING LITIGATION (Rubin v. City of Lancaster, case number unknown)
- 3) Government Code Section 54956.9(a) CONFERENCE WITH LEGAL COUNSEL ---
EXISTING LITIGATION (Ervin v. City of Lancaster, case number unknown)
- 4) Government Code Section 54956.9(b) CONFERENCE WITH LEGAL COUNSEL ---
ANTICIPATED LITIGATION

RECONVENE Mayor Parris reconvened the City Council meeting at 6:25 p.m.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney stated that the City Council met under the aforementioned matters and gave direction to Legal Counsel regarding these matters.

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ADJOURNMENT

Mayor Parris adjourned the meeting at 6:27 p.m. and announced that the next meeting of the City Council/Redevelopment Agency/Financing Authority would take place on Tuesday, May 25, 2010 at 5:00 p.m.

ATTEST:

APPROVED:

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

R. REX PARRIS
MAYOR/CHAIRMAN
Lancaster, CA

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

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/Financing Authority 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)
