

**LANCASTER CITY COUNCIL
REDEVELOPMENT AGENCY/FINANCING AUTHORITY
MINUTES
August 10, 2010**

CALL TO ORDER

Vice Mayor/Vice Chairman Smith called the regular meeting of the City Council/Redevelopment Agency/Financing Authority meeting to order at 5:03 p.m.

ROLL CALL

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

On a motion by Council Member/Agency/Authority Director Crist and seconded by Council Member/Agency/Authority Director Marquez, the City Council/Agency/Financing Authority excused Council Member/Agency/Authority Director Mann and Mayor/Chairman Parris by the following vote: 3-0-0-2: AYES: Crist, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

Absent: Council Member/Agency Director: Mann; 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; Planning Director; Public Works Director; Parks, Recreation & Arts Director; Finance Director; Economic Development Director; Housing Director; Human Resources Director

INVOCATION

Reverend Maxine Shiltz – Revealing Truth Church

PLEDGE OF ALLEGIANCE

Council Member/Agency/Authority Director Marquez

PRESENTATIONS

Presentation to Showdown Chef's

Presenters: Vice Mayor Smith and Council Member Crist

Mayor's Athlete of the Month – Taylor Aikenhead, Desert Christian High School

Presenter: Vice Mayor Smith

Recognition of recipients of the Southern California Association of Governments scholarships

Presenter: Vice Mayor Smith

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AGENDA ITEMS TO BE REMOVED

None

Vice Mayor Smith stated that Item No. NB 1 would be discussed at the conclusion of the Closed Session.

APPROVAL OF AGENCY CONSENT CALENDAR

On a motion by Agency Director Marquez and seconded by Agency Director Crist, the Redevelopment Agency approved the Agency Consent Calendar by the following vote: 3-0-0-2: AYES: Crist, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

RCC 1. CANCELLATION OF MEETINGS

Approved the cancellation of the Redevelopment Agency meetings of November 23, 2010 and December 28, 2010 and directed the City Clerk to post the required notices.

RCC 2. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the Lancaster Redevelopment Agency and Manuel Vargas for property located at 1258 W. Avenue H-15, Lancaster, California. Funds will be expended from budgeted Housing Bond Proceeds.

RNB 1. LANCASTER ECONOMIC DEVELOPMENT INITIATIVE - POSITIONING FOR PROSPERITY

The Economic Development Director presented the staff report regarding this matter; presented a slide presentation and a video about the City of Lancaster. The presentation included but was not limited to: Commerce and the increase of local tax revenues; the BLVD Transformation; City-Wide Merchant Programs; Destination Lancaster; Industry and making job creation priority one; Growing our own Entrepreneurs; Creating sites for wealth and importing business expansion; Applying new ideas to current challenges; discussing the virtuous cycle of business growth, job growth, tax revenue growth, more government services infrastructure and an enhanced quality of life.

Representatives from CB Richard Ellis (CBRE) were introduced and gave a brief presentation.

Council Member Crist inquired as to the expertise of CBRE versus local companies and the importance of not excluding local brokers from this process.

On a motion by Agency Director Marquez and seconded by Agency Director Crist, the Redevelopment Agency approved the appropriation and implementation of the Lancaster Economic Development Initiative: Positioning for Prosperity, by the following vote: 3-0-0-2: AYES: Crist, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

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RNB 2. CB RICHARD ELLIS (CBRE) STRATEGIC PLAN AND IMPLEMENTATION PHASE

On a motion by Agency Director Marquez and seconded by Agency Director Crist, the Redevelopment Agency approved a partnership between the City of Lancaster and CB Richard Ellis for Strategic Planning and Implementation Services, by the following vote: 3-0-0-2: AYES: Crist, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

On a motion by Council Member Marquez and seconded by Council Member Crist, the City Council approved the Council Consent Calendar by the following vote: 3-0-0-2: AYES: Crist, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

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 Regular Meeting minutes of July 27, 2010.

CC 3. WARRANT REGISTER

Approved the Check and Wire Registers for July 11, 2010 through July 24, 2010 in the amount of \$10,941,228.37.

CC 4. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the June 30, 2010 Monthly Report of Investments as submitted.

CC 5. CANCELLATION OF MEETINGS

Approved the cancellation of the City Council meetings of November 23, 2010 and December 28, 2010 and directed the City Clerk to post the required notices.

CC 6. AMENDMENT TO SUBDIVISION UNDERTAKING AGREEMENT

Approved and accepted an amendment to the existing Subdivision Undertaking Agreement, extending the date of completion to March 1, 2012, submitted by Avenue K 22, LLC ("Subdivider"), for Tract Map No. 061542.

CC 7. PWCP NO. 08-044

Accepted the work constructed by Cass Construction, Inc., for **Public Works Construction Project No. 08-044, Amargosa Creek Underground Conveyance**; 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.

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CC 8. APPROVAL OF NEW CIP FOR DRAINAGE IMPROVEMENTS

Approved the creation of a new Capital Improvement Project for the installation of drainage improvements and a detention basin at the northwest corner of Avenue I and 20th Street East (12SD025).

CC 9. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the City of Lancaster and Bank of New York Mellon for property located at 44651 Foxton Avenue, as part of the approved Neighborhood Stabilization Program (NSP).

CC 10. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the City of Lancaster and U.S. Bank, National Association for property located at 45430 Elm Avenue, as part of the approved Neighborhood Stabilization Program (NSP).

CC 11. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the City of Lancaster and Rufino Acain and Norberta Acain for property located at 1156 West Avenue J-14, as part of the approved Neighborhood Stabilization Program (NSP).

CC 12. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the City of Lancaster and Citibank N.A. for property located at 1120 West Avenue H-4, as part of the approved Neighborhood Stabilization Program (NSP).

CC 13. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the City of Lancaster and Bank of America N.A. for property located at 813 West Avenue H-5, as part of the approved Neighborhood Stabilization Program (NSP).

CC 14. RESOLUTION NO. 10-60

Adopted **Resolution No. 10-60**, authorizing the City Manager to apply for a Community Challenge Planning Grant from the United States Department of Housing and Urban Development for the Yucca District Planning Area (YDPA), and authorized the City Manager or his designee to execute all documents relative to the grant.

CC 15. APPROPRIATION OF FUNDS

Appropriated \$1,358,800.00 in American Recovery & Reinvestment Act funds to Account No. 383-11EE001924 and increased estimated revenues in Account No. 383-3402702 by the same amount. Appropriated \$3,277,660.00 in lease proceeds to Account No. 101-11EE001924, and increased estimated revenues in Account No. 101-3650101 - Other Financing Sources.

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PH 1. AMENDING CHAPTER 17 REGARDING REQUIREMENTS FOR DIGITAL ADVERTISING DISPLAYS (DAD) FOR OFF-PREMISES ADVERTISING

Vice Mayor Smith opened the public hearing. The Planning Director presented the staff report on this matter.

Council Member Crist inquired as to the public safety component; the solar component and the use of the signs for events such as the Streets of Lancaster and the Poppy Festival.

Addressing the City Council on this matter:

Todd Porter, representing Lamar Advertising was on hand to answer any questions the Council might have.

Council Member Marquez inquired as to the oversight of the messages and advertising of tobacco and alcohol.

Mr. Porter explained that tobacco advertising has been outlawed and as for alcohol – they have an excellent reputation and it is a matter of taste and they will not be putting anything up in poor taste.

Hearing no further testimony, Vice Mayor Smith closed the public hearing.

On a motion by Council Member Crist and seconded by Council Member Marquez, the City Council introduced **Ordinance No. 950**, amending Title 17 of the Lancaster Municipal Code (Zoning Ordinance) to establish requirements for the installation and operation of digital advertising displays (DAD for off-premises advertising, by the following vote: 3-0-0-2: AYES: Crist, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

JNB 1. PROPOSED NEW ANTELOPE VALLEY CHEVROLET DEALERSHIP AT LANCASTER AUTO MALL

The City Manager/Executive Director and the Economic Development Director presented the staff report regarding this matter. The report included but was not limited to: discussions with Mr. Lou Gonzales regarding the opening of a new dealership in Lancaster; securing a site; the transaction involves an agreement between JCH Automotive Properties and Antelope Valley Chevrolet, Inc., the owner of the newly created Antelope Valley Chevrolet. The location will be in an existing building; the structure is ideally located and configured to accommodate the new Chevrolet franchise. The deal points and details were discussed regarding the three-party agreement.

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**JNB 1. PROPOSED NEW ANTELOPE VALLEY CHEVROLET DEALERSHIP AT
LANCASTER AUTO MALL (continued)**

Mr. Gonzales stated that he is the President of Saturn of Antelope Valley and he is also representing Antelope Valley Chevrolet, Inc. He thanked the Mayor and the City Council for the support they have shown for this new business venture. He acknowledged several staff members and Council Member Crist for their integral part and support for the new Antelope Valley Chevrolet. He stated that he and his wife Joyce are very excited, as well as the forty full time employees and their families for this new opportunity and that an additional twenty to thirty new employees will be hired to join this new company.

Vice Mayor Smith clarified with Mr. Gonzales that Antelope Valley Chevrolet is a new company and inquired if Mr. Gonzales had a partnership of any kind with Rally Chevrolet. Mr. Gonzales stated that this is a new dealership and he has nothing to do with the Rally organization.

The City Attorney stated that he was somewhat shocked to see Mr. Kane in the audience this evening and also shocked that Mr. Kane would submit documents at the eleventh hour and in this case, 5 minutes before the meeting, demanding a lot of various actions by this Council. The tactic of submitting documents at the eleventh hour is a tactic used by attorneys to delay things. The issues raised range from Brown Act violations to violations of the Health and Safety Code and the Government Code in providing assistance to Mr. Gonzales. The first issue is stating that there was a violation of the Brown Act at the July 27, 2010 Council meeting regarding the Closed Session matter dealing with the Auto Mall and related items. Mr. Kane claims that the property address was left off the Closed Session item and he is demanding that the Council remedy this. The remedy is not to cancel all further proceedings but the remedy is to take action on that item in open session or go back and re-notice the Closed Session. In his opinion, approving the agreement in open session cures a defect of going into Closed Session.

The City Attorney stated that the second issue is that tonight's action is a violation of the Brown Act because the City failed to put on the agenda and on the staff report, the correct APN numbers regarding the parcels the City is acquiring. The staff caught this error and corrected the agenda and staff report on Monday. This does not render the agenda in violation of the Brown Act. There is nothing in the Brown Act that requires an open meeting agenda to provide property addresses on property. It is clearly described in the staff report and there can be no confusion provided that there is adequate visual information provided to everyone. The Brown Act for open sessions only requires that a brief summary is placed on the agenda regarding the item that is to be considered, not to exceed roughly twenty words and in every case; the City has complied with that.

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JNB 1. PROPOSED NEW ANTELOPE VALLEY CHEVROLET DEALERSHIP AT LANCASTER AUTO MALL (continued)

The City Attorney stated that the third issue deals with the Health and Safety Code Section 33426.7 and Government Code Section 53084. Government Code Section 53084 specifically excludes Redevelopment Agencies, therefore this does not apply. The City was legitimately concerned with Section 33426.7 when Mr. Gonzales came to talk to the City for the very first time about the possibility of locating this new dealership in Lancaster. It prohibits an agency from providing assistance directly or indirectly to relocate a dealership from one city to another where the person has an ownership with a vehicle dealer that will close and the one that is opening. They have tried to make an argument that Mr. Gonzales, by having an ownership in the Saturn dealership makes him a dealer for this purpose and on the other side of the equation, an ownership in the new Antelope Valley Chevrolet dealership is the same. That is not what this statute says. The section reads (from Mr. Kane's letter): "Relocating" means the closing of a vehicle dealer...in one location and the opening of a vehicle dealer...in another location within a 365-day period when a person...has an ownership interest in both the vehicle dealer...that has closed or will close and the one that is opening.

The City is not relocating the dealership; that dealership will be closed; the Chevrolet component of that franchise has been terminated. In his opinion, this code section does not apply. They also object to the staff report because it fails to disclose the price that is being paid for the Hawse and JCH properties, however the staff report clearly states that the Agency would purchase the property for \$1.1 million from JCH Automotive Properties, LLC and assume the existing note on the property, for the purpose of providing a public parking lot. Again, this is a non-issue and the price is clear.

The final issue raised in their letter is that somehow the acquisition or the creation of the proposed public parking lot is unsafe. That is not a legal issue; it is a policy issue for this Council to decide. He then reviewed the required actions that Council would take this evening and stated that there are still some issues to be worked out in the agreement; however the deal points will not be changed.

Vice Mayor Smith inquired – what is the difference between what is going on with Mr. Gonzales now or the difference between Rally Chevrolet terminating their franchise and someone coming here later and saying we want a Chevrolet franchise to open here in Lancaster.

The City Attorney stated there is no difference; they are separate entities; separate ownerships; separate dealerships and it is not a relocation of a dealership

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**JNB 1. PROPOSED NEW ANTELOPE VALLEY CHEVROLET DEALERSHIP AT
LANCASTER AUTO MALL (continued)**

Addressing the City Council on this matter:

Murray Kane of Kane, Ballmer and Berkman, a law corporation, on behalf of the City of Palmdale stated that they strongly object in the strongest possible terms of the flagrant violations of the statutes that have been discussed. Lou Gonzales is a vehicle dealer in the City of Palmdale and he is relocating from the City of Palmdale. Lou Gonzales is going to receive financial assistance from the City of Lancaster if this is approved this evening. The courts have said this cannot be done and if this goes to court the judge will say the same thing to Lancaster. He compared this situation to a court case involving La Mirada and Carson and a big box retailer and quoted from that case and the intent of the legislation. Mr. Kane submitted documents regarding his arguments.

The City Attorney stated that the terms of the agreement have been presented and are sufficient to give direction and authority to the City Manager to finish off and bring back the signed agreement. The case that Mr. Kane referred to dealt with the relocation of a big box retailer from Carson to La Mirada. The retailer was owned by the same company and the issue of that case was not the application of the statute per se, it was the definition of retail. The argument made by La Mirada was that this big box was not a retail dealer, but a wholesale dealer. That was the issue in that whole case – was it a retail or a wholesale dealer. If it was retail, the statute clearly applied. In this case, the City is not talking about whether it is wholesale or retail, it is a discussion about whether or not it is a relocation of one in the same dealerships and it clearly is not. Mr. Kane can wave all the documents he wants but there is nothing that is finalized in terms of relocating Antelope Valley Chevrolet in Palmdale. Those documents were never signed therefore they do not exist. He stated that he has been in touch with General Motors to make sure the City has all their bases covered on this and it is a new dealership and did not exist in Palmdale and will exist in Lancaster.

The City Manager stated that he can't tell them how disappointed he is in the characterization by Mr. Kane and what has occurred both towards Mr. Gonzales and towards the City of Lancaster. This is not a discussion about a bidding war, it is an open and honest conversation about a new business and he resents greatly any characterization in this aspect. It is very unfair to the private business person and to the City of Lancaster. He is very impressed and proud of the way the City Attorney, without any advance warning has been able to deal with every one of these issues and he has given you everything you need without having the benefit of being able to research it for any length of time.

Vice Mayor Smith clarified that the City Attorney had time to peruse the legal documents that had been submitted this evening.

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JNB 1. PROPOSED NEW ANTELOPE VALLEY CHEVROLET DEALERSHIP AT LANCASTER AUTO MALL (continued)

Council Member Crist stated that he has worked with Lou Gonzales for fifteen to twenty years and he is a great public servant. He adds to the entire community; he has always been that way. He strives to give to the kids of the Antelope Valley and he is a great asset for the Antelope Valley. That being said, the next part is the political part.

Council Member Crist stated that when he ran and he was elected, the Antelope Valley Press called him and talked to him and their question was – what is your plan? The first plan was to work with the cities and get them to work together and get them to share, to do things and actually work together and frankly Mr. Kane, this is not the way to do it; this is not what we are talking about. Mr. Kane is talking to us about squandering money, but not talking about the \$5 million that Palmdale gave to Macy's – that is felony stupid. Mr. Kane is not talking about the \$500,000.00 they gave to a car dealer in Palmdale for no reason, a dealer who wasn't moving anywhere and he's actually talking to Lancaster about squandering money. The Mayor of Palmdale said he is tired of this kum bay ya that he (Council Member Crist) was approaching this with and that's just not right. We need to work together; he is not a big fan of giving tax money to businesses. This is a new business and the City of Palmdale should look at and start working together with the City of Lancaster and not be turning to Lancaster and telling them that they are squandering money, when Palmdale has given \$5 million to Macy's and yet, he tells us that we are squandering money – he doesn't think so.

On a motion by Agency Director Marquez and seconded by Agency Director Crist, the Redevelopment Agency adopted **Resolution No. 16-10**, authorizing the Executive Director to execute an agreement, and any related documents, with JCH Automotive Properties, LLC for the acquisition of property in the Lancaster Auto Mall (APN 3125-024-008 and 009) to provide a public parking lot, and making findings in connection therewith, by the following vote: 3-0-0-2: AYES: Crist, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

On a motion by Council Member Marquez and seconded by Council Member Crist, the City Council adopted **Resolution No. 10-62**, authorizing the City Manager to execute an agreement, and any related documents, with JCH Automotive Properties, LLC for the acquisition of property in the Lancaster Auto Mall (APN 3125-024-008 and 009) to provide a public parking lot, and making findings in connection therewith, by the following vote: 3-0-0-2: AYES: Crist, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

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JNB 1. PROPOSED NEW ANTELOPE VALLEY CHEVROLET DEALERSHIP AT LANCASTER AUTO MALL (continued)

On a motion by Council Member Marquez and seconded by Council Member Crist, the Redevelopment Agency authorized the Executive Director or his designee to execute an agreement, and any related documents, with Hawse Automotive Properties, LLC; JCH Automotive Properties, LLC; 7Jays, LLC; and Antelope Valley Chevrolet, Inc to provide for the establishment and operation of a new Chevrolet Dealership in the Lancaster Auto Mall, by the following vote: 3-0-0-2: AYES: Crist, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

NB 1. ANTELOPE VALLEY ACCORD-RESOLUTION NO. 10-61

This item was discussed and acted upon at the conclusion of the Closed Session meeting.

On a motion by Council Member Marquez and seconded by Council Member Crist, the City Council adopted **Resolution No. 10-61**, approving the Antelope Valley Accord - A Statement of Agreed Principles for Settlement of the Antelope Valley Groundwater Cases, by the following vote: 3-0-0-2: AYES: Crist, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

COUNCIL AGENDA

None

CITY MANAGER'S / EXECUTIVE DIRECTOR'S ANNOUNCEMENT

The City Manager stated that the City of Lancaster has a wonderful staff on board; a staff he trusts completely. He was on vacation last week and there was a lot going on with auto deals; fires and the staff handled everything wonderfully. Mr. Tainatongo was working every day, day and night with the fire department, with the City of Palmdale, with the emergency services of Los Angeles County, attending meetings, making sure our shelters were ready. Mr. Tainatongo is often an unsung hero and wanted to compliment him on the work he did on behalf of the entire Antelope Valley.

CITY CLERK /AGENCY/AUTHORITY 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:

Christine (no last name) – stated her opposition to the adoption of Resolution No. 10-54 which was adopted by the City Council on July 13, 2010; discussed statistics regarding Hispanics; citizens make up every race and the rule of law resolution should not have been adopted.

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

David Paul – discussed the constitution and the crisis of human affairs; legalization of marijuana; history of opium; importance of having fellowship and kindred people.

Julie Foster – representing the Massage Company – “Over Did It”; frustration of not having the business succeed due to the issues regarding illegal massage parlors which cover for brothels; frustrated that she never met with city officials regarding this matter; looking to relocate.

Vice Mayor Smith requested that the City Manager arrange a meeting with Ms. Foster in the near future and see what can be done to assist them.

Jackie Contreras – expressed her opposition to the adoption of Resolution No. 10-54 which was adopted by the City Council on July 13, 2010; feels that this resolution will cause racism and hatred to increase.

Lilia Galindo – discussed statistics regarding the Hispanic community; the City Council should help the Hispanic community; community must be united; important to see the big picture; many jobs have been outsourced; focus on bringing jobs to the region; no one is going to want to invest in the community.

Victoria Zavala – stated that she talks with people every day in the community; it is important to keep an eye on what is important; the City segregates the Hispanic community; where are the local programs to help people get involved; what is the City doing to invite people to the community.

Robert Alvarado – Invited the City Council to attend the Antelope Valley International Heritage Festival on September 11, 2010 at Lancaster City Park; it is a great event that brings many people together; it is a great opportunity to talk and to network and create friendships; the event unites and educates the public and people learn from each other.

Barbara Mayzels – discussed the Wellness Home; important to use local contractors for many of the jobs in the neighborhoods; hire some of these men who are talented and not working, such as her son; just put them to work – send them to homes to do carpentry; it is up to the City to create jobs.

Lyle Talbot – discussed the parking at BeX; customers are not going there because they are being targeted and told that they will be towed; parking seems to favor the apartments; the City should publish a list of the owners of Section 8 homes and those that hide behind property management companies; consider honoring General Fox on the boulevard; inquired as to the discussion regarding the Palmdale Power Plant and when will the City take a position on this. It is important for the City to intervene for the health and safety of the community.

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**CR 1. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR
THE ANTELOPE VALLEY TRANSIT AUTHORITY**

Council Member Marquez presented the following information:

- The Board approved the award for construction management services to Harris & Associates for the facility phase II expansion project. The approved contract is not to exceed \$954,500. Proposals were received from two consulting firms. A selection committee consisting of Lancaster, Palmdale, and AVTA Staff and AVTA's project manager reviewed the proposals and participated in the interview process. Based on the evaluation criteria stated in the RFP, it was determined that Harris & Associates would be ranked first.
- The Board authorized the executive director to enter into an agreement with Moore and Associates for the development and implementation of the Mobility Management Program. This three-year program is federally funded under the Job Access Reverse Commute (JARC) Grant, and administered through Los Angeles Metro. The contractor will identify gaps in local transit service and in turn, recommend changes and improvements to service including forming partnerships with local social service agencies. The grant amount is \$378,401 with Federal Transit Administration participation of \$302,721.
- The Board approved the Scope of Work (SOW) and authorized the executive director to execute an agreement with RNR Consulting for assistance in crafting the next bus operations contract. Staff is confident that the SOW will result in the development of a RFP for Operations and recommendation for award that will encompass best practices as well as address previous issues experienced by AVTA. The approved contract amount is \$101,336.

COUNCIL / AGENCY COMMENTS

Council Member Marquez stated that she appreciated the presentation regarding CBRE and Positioning for Prosperity; she enjoyed the video highlighting the City of Lancaster; it was a very good presentation.

Council Member Marquez briefly discussed an operation which took place regarding the Sheriff's Deputies and the arrest of many leading gang members. The Deputies did a fantastic job; citizens are stepping up and being the eyes and ears of the community; Lancaster is well on its way to being one of the safest places to live.

Council Member Crist thanked the Sheriff's Deputies; they took out leadership of the Pasadena/Denver Lane gang; this sends a clear message that it is not "*if*" we will target you but when.

LANCASTER FINANCING AUTHORITY

No action required at this time.

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RECESS Vice Mayor Smith recessed the City Council meeting at 7:05 p.m. for the purpose of conducting a Closed Session regarding the following matters:

CLOSED SESSION

1) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Government Code Section 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 Dist., 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) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Government Code Section 54956.9(a))

Mongols Nation Motorcycle Club v. City of Lancaster, et al
Case No. BC439791

3) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code Section 54956.8)

43244 Drivers Way

Negotiating Party: Transcontinental Management, Inc. and Rick Clutter
Agency Negotiator: Executive Director, Mark Bozigian
Negotiations concerning price and terms of payment

RECONVENE Vice Mayor Smith reconvened the City Council meeting at 7:35 p.m.

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CITY ATTORNEY ANNOUNCEMENT

The City Attorney stated that the City Council met under the aforementioned matters.

Regarding Closed Session Item No. 1 – the City Council gave direction to outside Legal Counsel on those matters and there is a resolution on the agenda that will require action.

Regarding Closed Session Item No. 2 – Council received an update on this litigation and no action was taken.

Regarding Closed Session Item No. 3 – direction was given to the Agency’s Negotiator/Executive Director concerning price and terms of payment on that real property with the two individual entities listed.

ADJOURNMENT

Vice Mayor Smith adjourned the meeting at 7:37 p.m. and announced that the next meeting of the City Council/Redevelopment Agency/Financing Authority would take place on Tuesday, August 24, 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)
