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**LANCASTER CITY COUNCIL
REDEVELOPMENT AGENCY/FINANCING AUTHORITY
MINUTES
September 14, 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 5:00 p.m.

ROLL CALL

Present: Council Members/Agency Directors/Authority Members: Crist, Mann, 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 Mayor/Chairman Parris by the following vote: 4-0-0-1: AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

Absent: Mayor/Chairman Parris

Staff

Members: Deputy City Manager/Deputy Executive Director; City Attorney/Agency/Authority Counsel; Recording Secretary; Planning Director; Public Works Director; Parks, Recreation & Arts Director; Finance Director; Sr. Redevelopment Project Coordinator; Housing Director; Human Resources Director

INVOCATION

Pastor Sean Appleton – Quartz Hill Foursquare Church.

PLEDGE OF ALLEGIANCE

Council Member/Agency/Authority Member Crist

PRESENTATIONS

“Government Finance Officers Association (GFOA) Certificate of Achievement for Excellence in Financial Reporting

Presenter: Barbara Boswell, Finance Director

Constitution Week Proclamation

Presenter: Vice Mayor Smith

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AGENDA ITEMS TO BE REMOVED

None

APPROVAL OF AGENCY CONSENT CALENDAR

Agency Director Mann stated that he would need to recuse himself from Item No. RCC 4 due to the proximity of the project to property that he owns.

On a motion by Agency Director Marquez and seconded by Agency Director Crist, the Redevelopment Agency approved the Agency Consent Calendar with the exception of Item No. RCC 4, by the following vote: 4-0-0-1: AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris.

RCC 1. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the Lancaster Redevelopment Agency and Stephen Magiera for property located at 1315 West Avenue I, Lancaster, California. Funds will be expended from budgeted Housing Bond Proceeds.

RCC 2. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the Lancaster Redevelopment Agency and Stephen Magiera and Cheryl Magiera for property located at 1339 West Avenue I, Lancaster, California. Funds will be expended from budgeted Housing Bond Proceeds.

RCC 3. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the Lancaster Redevelopment Agency and Tri-Valley Investment and Lending for property (vacant land, APN: 3120-032-016) located at 13th Street West and West Avenue H-14, Lancaster, California. Funds will be appropriated from the Housing Bond proceeds.

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

RCC 4. ACQUISITION OF REAL PROPERTY

Addressing the Council on this matter:

Andrew Nieto – Interested in the City’s purpose for buying this piece of property, whether it was for commercial or residential use.

Vice Chairman Smith clarified this property is part of the Neighborhood Revitalization/Redevelopment Project.

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RCC 4. ACQUISITION OF REAL PROPERTY (continued)

On a motion by Agency Director Marquez and seconded by Agency Director Crist, the Redevelopment Agency approved an agreement for the acquisition of real property between the Lancaster Redevelopment Agency and Stephen Magiera and Cheryl Magiera for property located at 44038 Beech Avenue, Lancaster, California. Funds will be expended from budgeted Housing Bond Proceeds by the following vote: 3-0-1-1; AYES: Crist, Marquez, Smith; NOES: None; RECUSED: Mann; ABSENT: Parris.

At this time, Agency Director Mann returned to the dais.

APPROVAL OF MINUTES

On a motion by Council Member Marquez and seconded by Council Member Crist, the City Council approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of August 24, 2010 by the following vote: 4-0-0-1: AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

M 1. MINUTES

Approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of August 24, 2010.

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

Vice Mayor Smith requested that Item No. CC 14 be removed from the Agenda for separate discussion and vote.

On a motion by Council Member Crist and seconded by Council Member Marquez, the City Council approved the Council Consent Calendar with the exception of Item No. CC 14, by the following vote: 4-0-0-1: AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: 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. WARRANT REGISTER

Approved the Check and Wire Registers for August 8, 2010 through August 28, 2010 in the amount of \$6,331,733.32.

CC 3. MONTHLY REPORT OF INVESTMENTS

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

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CC 4. ORDINANCE NO. 951

Adopted **Ordinance No. 951**, an ordinance of the City Council of the City of Lancaster, California, establishing speed limits on Lancaster Boulevard between 10th Street West and Yucca Avenue and amending Section 10.04.020, Subparagraph D of the Lancaster Municipal Code.

CC 5. ACCEPTANCE OF STREETS FOR MAINTENANCE

Accepted the interior street trees for maintenance by the City for Tract No. 060524, Phase 2, (Lots 1-5 and 33-43), located on the west side of 57th Street West, approximately 331 feet south of Avenue K-8, Owner: KB Home Coastal, Inc.

CC 6. MONUMENTATION WORK

Approved the monumentation work for: Tract No. 53184, located on the northeast corner of 45th Street West and Avenue J-8, Owner: Western Pacific Housing, Inc.; Tract No. 53184-01, located on the southeast corner of 45th Street West and Avenue J-8, Owner: Western Pacific Housing, Inc.; Tract No. 53184-02, located on the northwest corner of 42nd Street West and Avenue J-13, Owner: Western Pacific Housing, Inc.; Tract No. 54261, located on the southwest corner of 45th Street West and Avenue J, Owner: Western Pacific Housing, Inc.; Tract No. 54401, located on the northeast corner 60th Street West and Avenue K, Owner: Forecast Homes and Tract No. 060811, located on the northeast corner of 60th Street West and Avenue K-12, Owner: Richmond American Homes of CA, Inc. and Plum Canyon Investments, LLC.

CC 7. ACCEPTANCE OF STREETS FOR MAINTENANCE

Approved the developer constructed streets and accepted the streets for maintenance by the City for Tract No. 060524, Phase 2, (Lots 1-5 and 33-43), located on the west side of 57th Street West, approximately 331 feet south of Avenue K-8, Owner: KB Home Coastal, Inc.

CC 8. SANITARY SEWER COLLECTIONS ANNUAL PERFORMANCE REPORT

Accepted the Sanitary Sewer Collections System Annual Performance Report for Fiscal Year 2009-2010.

CC 9. APPROPRIATION OF FUNDS

Appropriated \$108,240.00 from Fund Balance in the Drainage Impact Fees Fund 220 to Account No. 220-4999-832 (Transfers Out) to reimburse the Fund Balance of Community Facilities District (CFD) 91-1 for work completed under Capital Project No. 12SD024, Storm Drain Improvements 65th Street West and Avenue J-12 and increase estimated revenues in Account No. 832-3990-220 (Transfers In) by the same amount.

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CC 10. APPROPRIATION OF FUNDS

Appropriated \$11,000.00 to the Public Works Account No. 484-4712-301 to fund the Title and Appraisal reports required to acquire real property in accordance with the City's agreement with Global Investment and Development, LLC.

CC 11. RESOLUTION NO. 10-67

Adopted **Resolution No. 10-67**, authorizing and approving the loan application with the California Energy Commission relating to energy savings upgrades and authorize the City Manager, or his designee, to negotiate and execute all necessary documents for the completion of the aforementioned project.

CC 12. AGREEMENT FOR USE OF LPAC

Approved the agreement for use of the Performing Arts Center by Antelope Valley College for the 2010-2011 Season.

CC 13. PROFESSIONAL SERVICES AGREEMENT

Approved a professional services agreement with Stuart Consulting to perform the Long-Term Monitoring of the HOME Investment Partnership Program for 2010 in an amount not to exceed \$50,000.00. The Long-Term Monitoring of the HOME Investment Partnership Program is required by the U.S. Department of Housing and Urban Development (HUD) pursuant to Title 24 of the Codified Federal Regulations, Part 92 for the HOME Investment Partnership Program Final Rule.

CC 14. AGREEMENT WITH MORGAN SOLAR, INC.

The Public Works Director presented a brief staff report regarding this matter.

Addressing the City Council on this matter:

Andrew Nieto – He wanted to clarify the location of the property in question. Voiced concerns over the environmental impact on the area, specifically Joshua trees.

The Public Works Director responded and assured him the project would go through the proper environmental process and studies.

On a motion by Council Member Crist and seconded by Council Member Marquez, the City Council authorized the City Manager to negotiate and execute an option to lease agreement with Morgan Solar Inc. for the development of a two to five megawatt concentrated photovoltaic solar generation facility on City owned property adjacent to the Lancaster National Soccer Center and authorized the City Manager to execute the related application materials associated with SCE's annual renewable energy RFP solicitation by the following vote: 4-0-0-1: AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

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PH 1. ZONE CHANGE NO. 10-01, APPLYING A SENIOR MOBILEHOME PARK OVERLAY ZONE

The City Attorney requested this item be continued to the next City Council meeting.

On a motion by Council Member Mann and seconded by Council Member Marquez, the City Council approved the continuance of this item to September 28, 2010 by the following vote: 4-0-0-1; AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

NEW BUSINESS

No action required at this time.

COUNCIL AGENDA

No action required at this time.

COUNCIL REPORTS

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

Council Member Marquez presented the following information:

- The Board approved relinquishing operations and coordination efforts of the Antelope Valley Clean Cities Coalition and transferring these duties to Mr. Curtis Martin.
- The Board approved the transfer of \$74,595 in unobligated FY 08-09 Carl Moyer Funds to the East Kern Air Pollution District (EKAPCD) for a one-time multi-district Carl Moyer Program agreement between AVAQMD and EKAPCD. The basis of this agreement is that stationary agricultural diesel engines are a significant source of NO_x pollution in both districts. However, local agricultural operations that exist in both districts often straddle district and county boundaries with corresponding crop rotations. The benefit of partnering with EKAPCD is that transferred funds (*which are difficult to expend due to their restricted nature*) will be used to fund programs and compliance of equipment which will ultimately be moved across county lines and operated locally, thereby indirectly yet effectively enhancing Antelope Valley air quality.

CR 2. REPORT ON THE ACTIVITIES OF THE EDWARDS AIR FORCE BASE RESTORATION ADVISORY BOARD

Council Member Crist presented the following information:

- Received a Report on Technical Impracticability and Containment Zone. Under CERCLA, environmental remediation sites have Applicable or Relevant and Appropriate Requirements (ARAR's) that establish specific environmental clean-up criteria. However, waivers can be granted based on circumstances such as Technical Impracticability (TI), Inconsistent State Standards, or Fund Balancing. Regardless, any remedy must be protective of human health and the environment.

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CR 2. REPORT ON THE ACTIVITIES OF THE EDWARDS AIR FORCE BASE RESTORATION ADVISORY BOARD (continued)

- At Edwards AFB, the South Air Force Research Laboratory (AFRL) was recently granted a TI waiver based on hydro-geologic and contaminant constraints of environmental clean-up, and an evaluation of restoration potential and cost. Additional Edwards AFB sites being considered for TI waiver are: Arroyo Sites (36, 162 & 461), Site 25, OU 8, and the Northeast AFRL (Mars Blvd Sites).
- Received a Report on the Small Business Innovation Research Program. The Small Business Innovation Research (SBIR) Program is a DOD funded program created in 1982. Last year it had a local (Edwards AFB FY09 SBIR) budget of \$9 million. SBIR is intended to help small business compete for federal research and development awards. There are three phases to the program, which include demonstrating feasibility (Phase 1); developing a prototype (Phase 2); and military and commercial application (Phase 3). SBIR funds are not part of Air Force Environmental Management funds, however Edwards AFB is utilizing SBIR funds to research and develop new technologies that will address recognized technological gaps created by current or pending regulatory requirements

CR 3. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR DISTRICT NO. 14 OF THE COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

Vice Mayor Smith presented the following information:

- Approved warrants in amount of \$151,834.53. The warrants issued by the local District are for costs incurred for operation and maintenance, such as electricity, water, telephone, and chemicals, and for relatively small capital projects. Expenditures are made in accordance with the guidelines established by the budget procedure and the purchasing policy that has been adopted by the Board.
- Approved departmental invoice for \$10,244,293.96. The 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 in accordance with the authority granted through the approved annual budget and applicable joint powers authority.
- Regarding Annexations Nos. 352 and 401, the Board approved and ordered executed agreement in form of joint resolution with various agencies approving and accepting negotiated exchange of property tax revenues resulting in said annexations. For any jurisdictional change that will result in a special district providing new service, the law requires the governing bodies of all local agencies that receive an apportionment of the property tax from the area to determine by resolution the amount of the annual tax increment to be transferred to the special district. In addition, the law requires the Local Agency Formation Commission to hold a protest proceeding before ordering an annexation unless, among other things, the agencies affected by the proposed change of organization consent to a waiver of protest proceedings.

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LANCASTER FINANCING AUTHORITY

No action required at this time.

CITY MANAGER'S / EXECUTIVE DIRECTOR'S ANNOUNCEMENT

Deputy City Manager Jason Caudle conveyed the City Manager's apology for not being in attendance tonight but he is actively involved in getting new investments in China. This Thursday night is a milestone for Lancaster; Michael Bolton will be opening the new season at the LPAC and the recently completed section of THE BLVD will be unveiled.

CITY CLERK / AGENCY / AUTHORITY SECRETARY ANNOUNCEMENT

The Recording Secretary 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 – Spoke about his political views; youth are neglected; he has a proposal for a sports league to give youth more to do and bring in revenue.

William Crews – Cited for having a brown lawn; thanked Council Member Crist for intervening and helping him out; commented on the City's procedures for issuing and handling citations; presented pictures to the Council of graffiti problems in his neighborhood; feels his rights as a home owner are being taken away.

COUNCIL / AGENCY COMMENTS

Council Member Marquez congratulated the Finance Department for their award.

Council Member Marquez and her husband recently attended the Pepperdine 3000 Flag Project in remembrance of the victims of 9/11 and presented a brief video of the project.

Council Member Marquez touched on the Celebrate America downtown event from 5:00-10:00 p.m. on Saturday, September 18, 2010 and a rally for the celebration of the constitution on Avenue K and 15th St. West. It was an honor to have the City host the International Heritage Festival this year which was started 16 years ago by Bishop Henry Hearn.

Council Member Marquez commented on a study found online by Thomas Sowell regarding the effects of the stimulus packages on our economy. She is thankful for the City's proactive approach to improving our own economics.

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Government Code Sect 54956.9(a))

Palmdale et al v. Lancaster et al, BC443280

The above matter for Closed Session was not discussed.

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ADJOURNMENT

Vice Mayor Smith adjourned the meeting at 5:36 p.m. and announced that the next meeting of the City Council/Redevelopment Agency/Financing Authority would take place on Tuesday, September 28, 2010 at 5:00 p.m.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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)
