

**LANCASTER CITY COUNCIL
REDEVELOPMENT AGENCY/FINANCING AUTHORITY
MINUTES
September 28, 2010**

CALL TO ORDER

Mayor/Chairman Parris 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;
Mayor/Chairman Parris

On a motion by Council Member/Agency Authority Member Marquez and seconded by Council Member/Agency Authority Member Crist, the City Council excused Vice Mayor/Vice Chairman Smith from the meeting by the following vote: 4-0-0-1; AYES: Crist, Mann, Marquez, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

Absent: Vice Mayor/Vice Chairman Smith

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 Member Crist

PRESENTATIONS

Student Speaker – Daniel Chirino – Westwind Elementary School

Streets of Lancaster Grand Prix 2009 Video

Presentation from Los Angeles County Housing Authority - representing the L.A. County Housing Authority – Margarita Lourdes.

Ms. Lourdes discussed active contracts in the City; terminations; statistics on how many are elderly; disabled; fraudulent cases.

Mayor Parris requested that the L. A. County Housing Authority provide statistical data on the neighborhoods; examine what the neighbors think; find out what is real; how things can be fixed, using Housing Authority Funds.

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AGENDA ITEMS TO BE REMOVED

None

APPROVAL OF AGENCY CONSENT CALENDAR

Agency Director Crist stated that he would need to recuse himself from Item No. RCC 1 due to the fact that he has property in the vicinity of this project and he left the dais.

On a motion by Agency Director Marquez and seconded by Agency Director Mann, the Redevelopment Agency approved the Agency Consent Calendar by the following vote: 3-0-1-1: AYES: Mann, Marquez, Parris; NOES: None; RECUSED: Crist; ABSENT: Smith

RCC 1. LEASE AGREEMENT WITH LANCASTER SCHOOL DISTRICT

Approved a lease agreement between the Agency and the Lancaster School District for the Park View Middle School site at 808 W. Avenue J with an assignment of the lease to the University of Antelope Valley.

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

APPROVAL OF MINUTES

On a motion by Council Member/Agency Director Mann and seconded by Council Member/Agency Director Marquez, the City Council/Redevelopment Agency approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of September 14, 2010 by the following vote: 3-0-1-1: AYES: Crist, Mann, Marquez; NOES: None; ABSTAIN: Parris; ABSENT: Smith

M 1. MINUTES

Approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of September 14, 2010.

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

Mayor Parris requested that Item No. CC 7 be pulled for separate discussion and action.

On a motion by Council Member Mann and seconded by Council Member Marquez, the City Council approved the Council Consent Calendar, with the exception of Item No. CC 7, by the following vote: 4-0-0-1: AYES: Crist, Mann, Marquez, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

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 29, 2010 through September 11, 2010 in the amount of \$3,773,250.23.

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CC 3. MONUMENTATION WORK

Approved the monumentation work for Tract No. 060149, located on the north side of Avenue J-12, approximately 660 feet west of 60th Street West, Owner: Western Pacific Housing.

CC 4. PWCP NO. 09-006

Accepted the work constructed by Christopher R. Morales, Inc. for **Public Works Construction Project No. 09-006, Signal Operational Improvements and Upgrade Project**; 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.

CC 5. PWCP NO. 09-020

Accepted the work constructed by Vance Corporation, for **Public Works Construction Project No. 09-020, Beech Avenue Realignment**; 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.

CC 6. AGREEMENT WITH CEDAR STREET THEATRE

Approved the agreement for use of the Performing Arts Center by Cedar Street Theatre for the 2010-2011 Season.

CC 7. AGREEMENT WITH SOUTHERN CALIFORNIA ASSOCIATION OF SEVENTH-DAY ADVENTISTS

Addressing the City Council on this matter:

Louis Valencia – opposed to leasing the park to the schools; public funds are being used for a park that the public cannot use; should be open to the public at all times; look into other alternatives.

The Parks, Recreation and Arts Director stated that a vast majority of the park is virtually vacant; an alternative park is Jane Reynolds Park which is less than one half mile from American Heroes Park. The Park is not used entirely by the schools; schools are looking at the open turf areas; the Adventist school is looking to use the park in very small time frames; if it is used at other times, they will rent it just like the process for other parks.

Council Member Marquez stated that she is very happy to see both schools staying in the downtown area; this is money well spent; she is glad the schools are there.

On a motion by Council Member Crist and seconded by Council Member Marquez, the City Council approved the agreement with Southern California Association of Seventh-Day Adventists for reciprocal use of gymnasium/classroom space by the City of Lancaster and American Heroes Park recreational daytime field usage by the school, by the following vote: 4-0-0-1: AYES: Crist, Mann, Marquez, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

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CC 8. EXONERATION AGREEMENT WITH LGIC

Approved an exoneration agreement with Lincoln General Insurance Company (LGIC) for security provided for Tract Map No. 39910; located at the southeast corner of Avenue L and 57th Street West.

CPH 1. ADDITION OF SENIOR MOBILEHOME PARK OVERLAY ZONE

Mayor Parris stated that this hearing was continued from the meeting of September 14, 2010.

The Planning Director presented the report on this matter regarding Zone Change 10-01. This ordinance would apply the Senior Mobilehome Park Overlay Zone to three existing mobilehome park properties located in the City. The Director presented a brief history of the project.

The City Attorney stated that a substantial package of material was submitted at the last meeting opposing this action and that is why he requested Council consideration of continuing the meeting. A review of this information has been completed and it has been discovered that there is only one new case cited in all of that material that had not previously been addressed with a very lengthy analysis that is almost word for word the same case submitted by another attorney regarding various arguments.

In conclusion, the ordinance adopted in 2008 was in compliance with all Federal laws and the City Attorney quoted from case law involving the City of Insonia. This city provided a notice to the developer of approximately sixteen homes that they could not lease, sell or rent those homes to families with children; it was subject to a particular city ordinance and it was subsequently discovered that this ordinance didn't exist. The city entered into a settlement agreement with HUD where they agreed not to adopt such an ordinance. The case does not reach the substance to where the city has the right to adopt a zoning ordinance that restricts a certain area of senior housing. Under California law there are specific code sections that specifically authorize a city to designate areas in mobilehome parks as senior mobilehome parks. Lancaster's ordinance which was adopted in 2008 is still sound and there is no Federal prohibition against adopting the ordinance this evening.

Addressing the City Council on this matter:

David Evans – representing the Western Manufactured Housing Community Association, stated that this ordinance will not withstand legal muster; arguments are compelling; discussed qualifying percentages; violation of the Fair Housing Act and he is opposed.

Ray Chavira – thanked the City Council and previous Councils on the adoption of Mobilehome ordinances; encourage the Council to support the Planning Commission's recommendation and hopes this will be enforced as soon as possible.

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**CPH 1. ADDITION OF SENIOR MOBILEHOME PARK OVERLAY ZONE
(continued)**

Hearing no further testimony, Mayor Parris closed the public hearing.

On a motion by Council Member Mann and seconded by Council Member Marquez, the City Council introduced **Ordinance No. 952**, approving Zone Change No. 10-01, applying a Senior Mobilehome Park Overlay Zone to three existing mobilehome park properties in the City (Refer to “Exhibit A” on the staff report), by the following vote: 4-0-0-1: AYES: Crist, Mann, Marquez, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

**NB 1. URGENCY ORDINANCE AMENDING SECTION 9.18.010 OF THE
LANCASTER MUNICIPAL CODE RELATING TO LOITERING AND
ATTENDANCE AT CITY EVENTS BY MEMBERS OF A CRIMINAL STREET
GANG**

The City Attorney presented the staff report regarding this matter explaining that this ordinance would expand the scope of Section 9.18.010 to prohibit members of a criminal street gang from attending or being physically present at a city event with the intent of publicizing criminal street gangs; dominance over the territory in an effort to control it and keep others out or to conceal ongoing criminal activity. There has been a lot of discussion regarding the constitutionality of that and there have been a number of Supreme Court cases and others in which attempts to regulate conduct have been stricken because they were overly vague. Those cases deal a lot with wearing gang colors and being non-specific as to what a gang member is; prohibiting standing on the sidewalk without any other intent. This section has been carefully drafted so that the focus is on not just being present but being present with the intent to do certain illegal things. The California Penal Code defines criminal street gangs as an organization of three or more people, whether formal or informal as having their primary activities fall into various types of crimes. In order to be subject to this ordinance, they would have to be a member of a street gang which qualifies under the code section within the California Penal Code. Examples would be: burglary; rape; looting; kidnapping; mayhem; aggravated mayhem; assault; possession of firearms; possession of drugs.

Mayor Parris stated that this ordinance is directed at groups that engage in a pattern and consistent course of conduct that has been described and it would not apply to anyone else.

Council Member Crist inquired as to whether it applies to groups who are flying their colors.

The City Attorney stated no – not just flying their colors. They have to be there with the intent to intimidate other members of the public to not be there or to cover up other criminal activity that they might be engaged in.

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Council Member Crist inquired if the presence of a Harley's owners group was at an event, they are not a street gang, flying their colors and is this permitted.

The City Attorney stated that they would be fine.

Addressing the City Council on this matter:

Norman Fernandez - Bikers rights attorney; disagrees with the ordinance; supports liberty for all; supports motorcyclists rights; ordinance is unconstitutional; supports freedom of speech by allowing colors to be worn.

Further discussion took place between Mr. Fernandez and Mayor Parris.

Joseph Lester – attorney representing motorcyclists groups across the country; this ordinance gives too much leeway to law enforcement as to who is a gang member; the constitution protects their rights to freedom of speech.

Mayor Parris stated that just because this is difficult does not mean the City shouldn't try; he would be a lot more sympathetic to attorneys who had alternatives; when a club has been designated by the FBI and the ATF as a criminal outlaw gang, then there is an obligation to protect the citizens.

Further discussion took place between Mr. Lester and Mayor Parris.

David Paul – it is important to have a connection of an open heart and acceptance.

Ansar Stan Muhammad – there are a lot of young people not affiliated with gangs but concerned that those people will become targeted if this becomes a reality; referred to gang injunctions in the City of Los Angeles; this is a broad net; there are alternatives – attitudes can be changed; concerned about some of the policies put upon the citizens.

Lyle Talbot – this is an elected group; in the City of Bell, the elected group turned out to be a gang of criminals; Boy Scouts are a gang; even people who sit at a dais are a gang.

Emmett Murell – in this audience is a group of people, not a gang; they have been forced to cop a plea to get out of jail; atrocities upon this group in this community; doesn't pretend that each and all atrocities were factual but some were frightened too much to even come to a place like this. The group has become victimized; the ordinance is not needed; it is already being enforced; there are other alternatives.

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Lynde Williams – not gang affiliated; wears Lakers colors; continues to move forward; just because someone looks a certain way, it is not right to profile them; we do not need any more fear; the people will push back; we will stop calling when there is a party down the street; find us; unite us.

Mayor Parris stated that Ms. Williams is very sincere but why is there not outrage at the death of a 14 year old girl; priorities are misplaced; people are more upset about their colors but nobody is coming forward to protect the children.

Ivan - satisfied with the current ordinance as it helps the law enforcement; new ordinance will criminalize his organization; denying his rights to City events is wrong; taking away his rights is wrong.

Johnny Bryant – no one in his club is a sex offender; his group does not intimidate anyone; he is what he is.

Jay Eddy – he has no criminal record; he is not affiliated; he is not a menace to society; he has not caused any trouble; he is not a gangster, just a member of a man's motorcycle club.

Teresa Malone – Monte Vista School is covered with a very large gang sign as big as the Council dais; the solution is to arrest when necessary; make photos of criminals' public; discussed her history in the military.

Jay Martin – he was present at downtown event; deputies told everyone wearing colors to leave; he left Pacoima because he doesn't like gangs; he is not in a gang – never has been; group has the right to go anywhere; his friends do not intimidate people; reach out and meet people.

Bob Fulbright – he is a member of the Vagos Motor Club; should treat each other with respect; need to have open communication; Club does many things for the community; try to make a practice of getting along and doing good for community.

Mayor Parris stated that he wants a resolve that works for everyone. The Streets of Lancaster event is coming up and this ordinance will cover the event. After the event he will request that the Criminal Justice Commission review and consider re-writes of the ordinance and if Mr. Fulbright is willing to work with the City on this, then that would be appreciated.

He asked Mr. Fulbright to set something up with the City Manager and bring no more than two other people along and move forward and figure something out.

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GANG (continued)**

David Erlich – discussed clothing; colors and Nazi’s; discussed the constitution.

Nigel Holly – this ordinance will profile; the Sheriff’s Department is going to be able to stop and decide intent; discussed harassment by the Sheriff’s Department; this ordinance will cause unnecessary tensions that are already here; do not implement a bad ordinance; this is a democracy, not a dictatorship.

Darren Parker – responsibility first starts at home; created the Human Relations Commission to help people; people must trust government; without trust there is tyranny; but this will cause anarchy; people fear what they do not know and hate what they fear; he supports the Sheriff’s Department; all must work collectively and do whatever is humanly possible to bring people together.

Cynthia Madrigal – she is not affiliated with the Vagos; helps; volunteers; helps groups like this when a member passes away.

Janice Hunt – it seems on the surface that this ordinance does not include everyone; what steps will the City take to prevent her club from being lumped in to this ordinance; suggested having an event that celebrates the clubs that are not criminal biker clubs; take proper steps to make sure harassment does not happen.

Aaron Rumsey – representing a motorcycle club; proud to live in a country where people can come up and speak; this bike club was founded on a law enforcement foundation; involved in assistance to the homeless; boys and girls club; can’t assume people are a member of a certain club by what they wear; he has been harassed at different events for just being there and not breaking any laws.

Pharaoh Mitchell – discussed T-CAL (Community Action League); they are of one voice; not concerned for the gangs; wants to get rid of gangs; concerned about profiling; demands law enforcement stop profiling; quit harassing the young people; only 10 percent is a bad element but 90 percent of the community is being targeted; there are solutions; desires to partner with the City; will not stand by and allow people to be profiled.

Johnny O’Kane – representing IronWorks; many of his membership live in this community; Iron Workers have their own patch; many kids have turned their lives around because of this organization.

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GANG (continued)**

Kelly Baker – many here took an oath for this country; they are veterans; for someone to say something that makes everyone’s blood boil is an outrage; fought for the right to say what you want; we stand up for our country and constitution; discrimination against people for the wearing of patches or how someone looks, breeds fear. They show up to events; they raise money for organizations such as the cancer society; they give to the community; time to give back to the clubs – be fair; racial profiling no matter what, is unconstitutional.

Council Member Marquez stated that the intent is not to harass or profile or bother, but when information comes from the FBI, then Council is going to pay attention to this. In 2007 there was graffiti everywhere and pit bull attacks happening everywhere. Citizens are going to be safe; this Council took an oath of office; she thanked all Veteran’s for their service. People may have been profiled; harassed; or arrested on trumped up charges; however, our deputies do an outstanding job and she recommended that anybody who can, go on a ride-along with the deputies. She has done this in the past and was amazed by the kindness and professionalism the deputies displayed. This is a Republic and there are rules and laws; Council is trying to come up with a good ordinance so as *not* to profile.

Council Member Crist stated that he has participated in Thunder on the Lot for sixteen years; the bikers give out of their hearts and to over 28 charities. It is not about the bikers, it is about the criminal activity; it is not about the Veteran’s as a biker group, it is about criminal activity; if a group is conducting criminal activity, they need to be taken out of the event. It is important to give the necessary tools to law enforcement to do so. Bikers are a great group of people and this is about the 10 percent who are breaking the law; the deputies need our support.

Council Member Mann stated that this ordinance is about criminal street gangs; there is a willingness not to have a divided community; this is an urgency ordinance; the Mayor has extended a hand to have members of the clubs come back and work with the Criminal Justice Commission. This will allow for people to work together and come up with solutions; important to make sure the deputies have the right tools; streets need to be safe; make sure there is clarity on the urgency ordinance; bring people back to make modifications; always important to include the public.

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Mayor Parris stated that he understands how dismissive he can be but he is at a loss; this is very clear; there is no hidden agenda; we are attempting to do wonderful things and great things are being created; the downtown is fragile; most places that have a downtown like this usually price everyone out; this downtown does the opposite and includes everyone. This is a tapestry designed to bring everyone together. If there is one shooting or one explosive event, people will be afraid to come. It is a wonderful place of community and we must figure out all the ways to protect it. Stated that his desire is to successfully avoid any bad situations; does not want colors of outlaw clubs at this event (Streets of Lancaster); after 30 days he would like to meet with Mr. Fulbright and a small group, then send the information to the Criminal Justice Commission for a re-write.

On a motion by Council Member Mann and seconded by Council Member Crist, the City Council adopted Urgency **Ordinance No. 953** (the "Ordinance"), amending Section 9.18.010 of the Lancaster Municipal Code relating to loitering and attendance at City events by members of a criminal street gang, by the following vote: 4-0-0-1: AYES: Crist, Mann, Marquez, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

CA 1. CONSIDER NOMINATIONS AND APPOINTMENTS OF THE FOLLOWING PEOPLE TO THE LANCASTER MUSEUM/ART GALLERY FOUNDATION

Mayor Parris nominated the following people with the exception of Mr. Ed Cox to the LMAG Foundation and requested approval by the City Council.

- Ralph Bozigian
- Ingrid Chapman
- ~~Ed Cox~~
- Marilyn Dalrymple
- Sue Dell
- Yvette Emard
- Al Hoffman
- Ramon Ramirez
- Bridget Razo
- Robert Regalado
- Michelle Shaver

On a motion by Council Member Crist and seconded by Council Member Mann, the City Council approved the appointments of the aforementioned people (with the exception of Ed Cox) to the LMAG Foundation by the following vote: 4-0-0-1: AYES: Crist, Mann, Marquez, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

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CA 2. DISCUSSION OF LANCASTER HUMAN RELATIONS TAPESTRY

Mayor Parris discussed human relations and his idea for some type of commission. With this type of commission, they could deal with issues that were brought up this evening; he has asked Sue Dell to provide him with names of people for such a commission/committee. A tapestry is made up of many different colored threads; different textures; there must be an outlet for groups that think they are being targeted and he wants this to be a Lancaster group, not an Antelope Valley group. He does not want it politicized; requested input from the Council, and any names of people they feel should be involved. He does not want this to become a Brown Act Commission if at all possible; looking for maybe seven members; allow them use of the Chambers; give it the weight it deserves.

Members of the City Council thought this was a very good idea and felt that staff should move forward with the idea.

COUNCIL REPORTS

None

LANCASTER FINANCING AUTHORITY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENT

The City Manager discussed the community garden in conjunction with the Senior Center and Los Angeles County; the two SAVVY Awards that the City recently won – which will be showcased at the next City Council meeting; discussed the success of the recent event on THE BLVD.

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:

David Paul – discussed his experience in riding along in the Sheriff's party-car; related his own experience in years past in regards to enforcement; he is involved in graffiti removal; taken on the marijuana issue – he has an economic generating idea and would like to bring it to a meeting to discuss with the mayor, as it is a genuine opportunity for the City.

Sonjia Bishop – lives in a crime infested HUD housing project because of her financial status. Does not understand why she must live with the crime in this building; inside management is involved in the criminal activity; people are scared; she has lived with corruption and the senior citizens are scared; experience is knowledge and she needs help.

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

Mayor Parris requested that Ms. Bishop talk with Mr. Lee D'Errico, Public Safety Manager for the City.

David Erlich – Everyone should act like adults; we are all adults here; get past childish games; there are a lot of good people and many good opportunities; discussed money raised by a friend of his who was going to run for the Republican Committee.

Andrew Nieto – discussed the constitution; pointed out some text in constitution – referred to a Supreme Court case; Constitution is a document set in stone.

COUNCIL / AGENCY COMMENTS

None

CLOSED SESSION

RECESS Mayor Parris recessed the City Council meeting at 7:58 p.m. for the purpose of conducting a Closed Session regarding the following matters:

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Government Code Section 54956.9(a))

Palmdale et al v. Lancaster et al, Los Angeles Superior Court Case No. BC443280

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Government Code Section 54956.9(a))

Engineered Pipeline, Inc. v. Lancaster, Los Angeles Superior Court Case No. BC 418788

RECONVENE Mayor Parris reconvened the City Council meeting at 8:29 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 the first case – (Palmdale et al v. Lancaster). In the matter of the second case (Engineered Pipeline, Inc. v. Lancaster), the Council approved a settlement of that case in the amount of \$2.4 million and Counsel and staff will be bringing back the necessary documents for approval of the appropriation of these funds.

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ADJOURNMENT

Mayor Parris adjourned the meeting at 8:30 p.m. and announced that the next meeting of the City Council/Redevelopment Agency/Financing Authority would take place on Tuesday, October 12, 2010 at 5:00 p.m.

PASSED, APPROVED and ADOPTED this 12th day of October, 2010, by the following vote:

AYES: Council Members: Crist, Mann, Marquez, Mayor Parris

NOES: None

ABSTAIN: Council Member: Vice Mayor Smith

ABSENT: None

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)
