

**LANCASTER CITY COUNCIL  
REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
MINUTES  
December 14, 2010**

**CALL TO ORDER**

Mayor/Chairman Parris called the regular meeting of the City Council/Redevelopment Agency/Financing Authority meeting to order at 5:02 p.m.

**ROLL CALL**

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

Absent: None

**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 and Arts Director; Finance Director; Economic Development Director; Housing Director; Human Resources Director

**INVOCATION**

Dr. Sunday Olowosgba, Redeemed Christian Church of God

**PLEDGE OF ALLEGIANCE**

Council Member/Agency/Authority Mann

**PRESENTATIONS**

1. Mayor's Athlete of the Month - Kelsea Hundtoft, Lancaster High School. Ms. Hundtoft also received a \$1,000.00 scholarship.  
Presenter: Mayor Parris
2. Recognition of Manuel Jaramillo for life saving heroics.  
Presenter: Mayor Parris
3. American Public Works Association (APWA) High Desert Branch Project Awards:
  - Best Environmental Project
  - Outstanding Public Works Employee of the Year, presented to Ray Hunt, Capital Engineering Manager for the City of LancasterPresenter: City Manager and Public Works Director
4. Lancaster Photography Association slide presentation for the Prime Desert Woodland Preserve  
Presenters: David and Christine Wilkins

**AGENDA ITEMS TO BE REMOVED**

None

**AGENCY CONSENT CALENDAR**

No action required at this time.

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**APPROVAL OF MINUTES**

On a motion by Vice Mayor/Vice Chairman Smith and seconded by Council Member/Agency Director Crist, the City Council/Redevelopment Agency approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of November 9, 2010 by the following vote: 4-0-1-0; AYES: Crist, Marquez, Smith, Parris; NOES: None; ABSTAIN: Mann; ABSENT: None

**M 1. MINUTES**

Approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of November 9, 2010.

**APPROVAL OF CITY COUNCIL CONSENT CALENDAR**

On a motion by Vice Mayor Smith and seconded by Council Member Crist, 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. WARRANT REGISTER**

Approved the Check and Wire Registers for October 24, 2010 through November 27, 2010 in the amount of \$14,360,657.43.

**CC 3. MONTHLY REPORT OF INVESTMENTS**

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

**CC 4. ORDINANCE NO. 954**

Adopted **Ordinance No. 954**, an ordinance of the City Council of the City of Lancaster, California, amending Title 17 of the Lancaster Municipal Code, to modify the requirements for certain wind energy systems in the Rural Residential (RR-1 and RR-2.5) Zones.

**CC 5. RESOLUTION NO. 10-72**

Adopted **Resolution 10-72**, appointing the City Manager or his designee as the authorized representatives of the City of Lancaster to officially act on behalf of and enter into agreements with the CSAC EIA.

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**CC 6. ACCEPTANCE OF WORK FOR MAINTENANCE FOR LDBAD  
ANNEXATION NO. 06-80**

Approved and accepted for maintenance the work and materials for the drainage improvements for Lancaster Drainage Benefit Assessment District Annexation No. 06-80, installed by the developer of the subject project; appropriated \$1,595.00 from the first year's maintenance cost, that have been paid by the developer, to cover the remaining eight months of the fiscal year into Drainage Maintenance Operating Account No. 484-4743-404.

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

Approved the completed sewer system installed by the developer of Tract No. 49864-06, located on the southeast corner of Avenue K-8 and 30<sup>th</sup> Street East, Owner: KB Home Greater Los Angeles Inc.

**CC 8. ACCEPTANCE OF STREETS FOR MAINTENANCE**

Approved the developer constructed streets and accepted the streets for maintenance by the City for Site Plan Review No. 05-01, located on the northwest corner of Avenue M and 10<sup>th</sup> Street West, Owner: HDF Plaza LLC.

**CC 9. PWCP NO. 09-014**

Accepted the work constructed by Granite Construction Company for **Public Works Construction Project No. 09-014**, 2007/2008 Street Resurfacing, Phase II ESPL 5419-(021); 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.

**CC10. PWCP NO. 09-025**

Awarded **Public Works Construction Project No. 09-025**, Traffic Signal Upgrades HSIPL 5419(026), to Freeway Electric, Inc., in the amount of \$461,060.00, plus a 10% contingency and authorized the City Manager, or his designee, to sign all documents. The project is designed to improve intersection safety at five traffic signal locations.

**CC 11. RESOLUTION NO. 10-73**

Adopt **Resolution No. 10-73**, supporting the Business-Friendly Principles established by the Southern California Association of Governments as part of the organization's development of a Southern California Economic Growth Strategy.

**CC 12. FUNDING PARTNERSHIP OPPORTUNITIES**

Appropriated \$10,000.00 from Partnership Revenues to Account No. 101-4680-225 to fund expenses related to partnership opportunities.

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Mayor Parris requested that the order of the agenda be changed and requested that City Council meet in Closed Session at this time.

**RECESS** Mayor Parris recessed the City Council meeting at 5:15 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))  
Palmdale et al v. Lancaster et al, Los Angeles Superior Court Case No. BC443280

2) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION  
(Government Code Section 54956.9(a))

**RECONVENE** Mayor Parris reconvened the meeting at 5:50 p.m.

**CITY ATTORNEY ANNOUNCEMENT**

The City Attorney stated that City Council met in Closed Session regarding the aforementioned matters.

Item No. 2, the City Council met regarding the matter pertaining to the Allied Arts Association and gave direction to legal counsel on the handling of this case.

Item No. 1, the City Council met with the attorneys on this case and decided to continue the discussion in open session.

The City Attorney stated: The Palmdale litigation is a case brought forward by the City of Palmdale against the City of Lancaster and the Lancaster Redevelopment Agency in connection with opening of the Antelope Valley Chevrolet Dealership in the Lancaster Auto Mall. It involved allegations that this dealership was a relocation, which would have been prohibited by State law. The City would have been prohibited by State law of assisting with that dealership to relocate from the Palmdale Auto Mall to the Lancaster Auto Mall. This was not relocation, it was a new dealership. The old dealership lost the franchise for the dealership. Lou Gonzales was the dealer in Palmdale but he was the Saturn dealer, not the Chevrolet dealer. He has now been awarded a new franchise which he has chosen to locate within the Lancaster Auto Mall and that is not the assistance of relocation in a dealership. Last November the courts entered a preliminary injunction against providing any assistance until they could have the matter heard. We are now in the pleading stages of that and the dealership is now open. At this point it seems a little after the fact to be litigating about what we can assist and not assist with. In fact, we are pretty much in agreement that we don't need to assist them and this seems to be substantial waste of public funds to fight over something that has no consequences in the long run.

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**1) 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 – (Open Session discussion continued)**

Mayor Parris clarified that Palmdale was not seeking any money. If this went to trial and they won everything they would not get any money.

The City Attorney stated that this is correct; all we can get is a judgment stating that we cannot assist the dealership.

Mayor Parris clarified that the dealership would still be in Lancaster; still selling Chevy cars. He inquired about Palmdale's request to amend the complaint.

The City Attorney stated that the only reason to amend the complaint was to add an allegation concerning the second amendment to the Hawse dealership which has nothing to do with the Chevrolet dealership. There was a promissory note that was being paid with credits based on sales tax generation by the Toyota dealership. That promissory note was secured by the real property which was subsequently leased by Jim Hawse to the Chevrolet dealership. The sales tax that was being generated to pay that note was coming from the Toyota dealership. There have been some relocations; the Toyota dealership used to be in the building where the Chevrolet dealership is now. It moved to its new building and it was simply a clean-up amendment to move that note to the source of the sales tax that is paying and it has nothing to do with the Chevrolet dealership. It is not a new note, it is an existing note but Palmdale seems to feel a need to add this as an allegation or a separate cause of action.

Mayor Parris clarified again that Palmdale is not seeking any money or the return of the dealership to Palmdale and the City Attorney stated there was no basis for this.

Mayor Parris inquired as to how much has been spent in legal fees by all parties to date.

The City Attorney stated that the amount is around \$200,000.00.

The City Attorney stated that a settlement agreement would involve some kind of agreement with sanctions which would provide that the City and Agency of Lancaster would not provide any direct or indirect assistance either to the Chevrolet dealership or the Chevrolet dealership's landlord – Jim Hawse. That agreement would be in effect for a one year period. This doesn't really do anything but it raises a constant question of what constitutes assistance, direct or indirect. There are times when the City gives assistance, for instance the gift card program and the shop and drive program from last year. Something like that can be brought into question.

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**1) 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 – (Open Session discussion continued)**

Mayor Parris stated that what this really is, is the Mayor of Palmdale wants to be able to claim a victory and have some justification for having wasted \$200,000.00 of everyone's money, to bring a case that meant absolutely nothing. The City of Lancaster is in a position where they continue to spend money on legal fees or they can let Mayor Ledford have his pyrrhic victory. He stated that Lancaster has a "not in our town" bullying ordinance. That is all this is and it's the same thing Mayor Ledford did to the college. He wasted hundreds of thousands of dollars for legal fees so the college couldn't have a P.K. Shaw rule on the speaker cards. The same thing happened with the water boards in Palmdale where there are these pyrrhic victories. The victories mean nothing but the Palmdale Mayor gets to announce this is why millions of dollars of taxpayers' money was accumulated to accomplish something.

Mayor Parris stated that he is reluctant to be bullied; he understands frivolous lawsuits and that is exactly what this is. It is the citizen's money that Mayor Ledford is wasting and the reason why there are not very many frivolous lawsuits is because people have to spend money to do them. It takes a lot of money to do these kinds of suits and there isn't that much money unless it is with the use of taxpayers' money. If someone can explain why they are filing a lawsuit and what they hope to get back, something that is going to benefit your group, that makes sense. In this case, no one can see it, no one can explain it.

Council Member Crist stated that he thinks the City of Palmdale has declared war on the City of Lancaster. He asked the City Manager if he would please play a short video clip of a recent Palmdale City Council meeting in which they discuss the issues surrounding AVTA. Mayor Ledford states that Mayor Parris is completely delusional; his world is a different world than he has ever seen or heard of, yet he is convinced he is correct and this makes him very dangerous. He further compared the actions of Mayor Parris to the actions of someone in a third world country and how they would drag someone out and convict them on the spot. The end game will tell everyone what they need to know; there is no need to rush to judgment or rush to convict. He stated in the video that there is a commitment from the board to conduct a six year investigation and go back six years to review what has taken place.

Mayor Parris commented that his vision for Lancaster must have been delusional. Certainly people might have thought the plan for Lancaster Blvd. was delusional and it turned out to be visionary. He stated that he is less concerned about Mayor Ledford's shots at him, but more concerned about Mayor Ledford's other shots. The City is tied with this man; he is part of the AVTA Board. There isn't any question that AVTA administration was stealing the money. We have all seen the documents, we have seen the evidence. No one was dragged from their home; as soon as the evidence was presented, they all resigned. No one made them resign, no one asked them to resign, the three of them simply resigned. There doesn't seem to be any question that they were paying themselves and the Mayor of Palmdale and his City Councilman know this and the fact that they think this is okay is troubling. The fact that they somehow think it is a violation of people's due process to confront them with the facts is troubling. It is our money, the citizen's money that is being stolen.

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**(Government Code Section 54956.9(a)) Palmdale et al v. Lancaster et al, Los Angeles Superior Court Case No. BC443280 – (Open Session discussion continued)**

Mayor Parris stated that it would certainly benefit everyone in the Antelope Valley if we all got along but he does not know how to get along with people who support other people stealing money. It was not the Mayor of Palmdale that asked for a six year investigation, it was Council Member Crist and himself.

Council Member Crist clarified that the City of Palmdale was not present at that AVTA meeting when the Board requested hiring the investigator and conducting an investigation. The Board hired Deborah Riley when the City of Palmdale boycotted their responsibility to be at the AVTA meeting, so when they are making all these accusations, he would first tell them, before they make the accusations they need to show up.

Mayor Parris stated that the problem now is, the City of Palmdale takes this public purse and files lawsuits in which no one can explain how there is a benefit for them.

Vice Mayor Smith inquired to the City Attorney if Palmdale's position was now to take on both car dealerships, Jim Hawse and Lou Gonzales as defendants.

The City Attorney stated that there was discussion at the status conference by the Judge, who indicated that both Jim Hawse and Lou Gonzales, who have been heavily involved in the litigation are only real parties in interest and they do not have any real standing to object to anything or even comment on the status of the case. They are certainly involved in this but they are not the defendants. That could be cured if they were added as the party's defendants and there was a strong recommendation that Lancaster stipulate to an amendment of the complaint to add them as defendants. When an amended complaint is filed the process shows does one through one hundred and these two names would be specifically added. By doing this however the whole amendment would be subject to demurrer showing there is no cause of action stated against the defendant.

Vice Mayor Smith stated that this has cost the Toyota dealership approximately \$60,000.00 in legal fees so far. The court system is in place for citizens to seek relief against wrongs that have been done to them. Not only does this appear to be frivolous, they are not going to gain anything but also seems malicious against two businesses that service this valley and service Lancaster.

The City Manager stated that both businesses also employ residents both equal in Palmdale and Lancaster.

Vice Mayor Smith stated that he would understand all this if the outcome was for a remedy; something that was going to be given to them, they (Palmdale) was going to get something out of this, but this just seems frivolous.

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**(Government Code Section 54956.9(a)) Palmdale et al v. Lancaster et al, Los Angeles Superior Court Case No. BC443280 – (Open Session discussion continued)**

Vice Mayor Smith stated that if Palmdale wants a settlement, then drop the lawsuit, that would be the best settlement for everyone. It would save taxpayers money from both cities and it would save two dealerships in an economic downturn which is a hardship on these businesses anyway and save them money as well.

Mayor Parris stated that if that \$200,000.00 was in the anti-bullying program, every school in this valley would be safe and more importantly the children would feel safe. It is easy to pass around numbers but he realizes what those numbers represent and the huge significance of this when talking about hundreds of thousands of dollars.

Mayor Parris stated that he appreciates the City of Palmdale sending him a Christmas card; a nice customized Christmas card and he wanted to make absolutely certain that Lancaster is not spending thousands of dollars on cards the way Palmdale is. He thanked them for their card but maybe next time they could spend their money more wisely.

The City Manager stated that Lancaster is absolutely not sending cards.

Council Member Mann inquired as to what kind of action should be taken this evening.

Mayor Parris stated that this should be treated like every other bully out there and punch them in the nose. He wants to fight; he does not want Palmdale filing these lawsuits every time Mayor Ledford wants to claim a victory.

Council Member Crist inquired as to how Mr. Gonzalez received the dealership.

The City Attorney explained that there was an open competition among various General Motors dealers, particularly because they were closing the Saturn dealership. They actually took away all of Rally Auto Groups then they decided they would have an open competition to see who would take the Chevrolet dealership and they concluded based on that, given the quality of sales and service and the reputation of Saturn dealership that was run by Mr. Gonzales, that he should be awarded that franchise. Subsequently, there was a mediation that took place under a Federal law and the mediator gave back two of the three franchises but not the Chevrolet franchise and concluded that General Motors had properly awarded that franchise to Mr. Gonzales to become effective November 1, 2010. Mr. Gonzales attempted to negotiate some additional land acquisition with the City of Palmdale; they refused. The end result was that Mr. Gonzales could not get a site on which he could in good conscience invest his money in the Palmdale Auto Mall and that is when he began the conversations with Lancaster staff about opening the new AV Chevrolet dealership in the Lancaster Auto Mall.

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**(Government Code Section 54956.9(a)) Palmdale et al v. Lancaster et al, Los Angeles Superior Court Case No. BC443280 – (Open Session discussion continued)**

The City Attorney stated that the City of Lancaster did not have anything to do with the decision by General Motors. There were no discussions with General Motors until after Mr. Gonzales came to Lancaster about locating the dealership in the Lancaster Auto Mall. It was only at that point that Lancaster started discussions with General Motors and at that point they came out and looked at the Lancaster Auto Mall to see if it was going to be acceptable to them. They obviously liked what they saw and approved it.

Council Member Crist stated that Lancaster needs to protect their businesses; they need to protect who we are in the City of Lancaster and he does not feel that Lancaster should be bullied either.

Mayor Parris agrees with this and at the same time wants to be very clear about what is going on. There is waste going on and the only people getting any benefits are the lawyers. It makes it unprofitable to do business in either city when something like this happens. The last thing people want to see, is their profits being given to lawyers. All Mr. Hawse did was lease his property.

On a motion by Council Member Crist and seconded by Council Member Mann, the City Council agreed to fight this lawsuit and the settlement they would accept would be Palmdale dropping the lawsuit, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

The City Manager clarified that the City will not accept the settlement but would request them to drop the case.

Mayor Parris stated that this is a nonsense settlement; they are not asking for anything in addition to what they already have.

The City Attorney clarified that Palmdale is asking for restrictions that would be in place for one year. If the injunction gets extended for that time, that is what they would have. If it is concluded that the opening of the Chevrolet dealership was a relocation of a Chevrolet dealership then the law is very clear that the City and the Agency cannot provide directly or indirectly, any assistance to that relocation. If it is conclude that it is a new dealership and not relocation, then there is nothing in the law that would preclude the City or Agency from providing assistance at any point.

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**PH 1. RESOLUTION REVISING THE LANCASTER PARKING PENALTY SCHEDULE**

Mayor Parris opened the public hearing. It was the consensus of the City Council to waive the presentation regarding this matter.

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

Council/staff discussion included: The State is requiring cities to approve these additional fees; the base penalty amounts were adjusted to round the total penalty *down* to a whole dollar amount; staff is looking into possible grants; consider stickers for cars of local residents for free parking; staff will discuss ideas with local businesses; staff is actively working on several issues/ideas and should have something to present in the next 90 days.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council adopted **Resolution No. 10-74**, rescinding Resolution No. 09-14 in its entirety and establishing the Lancaster Parking Penalty Schedule, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

With the passing of the 2010/2011 State Budget, parking enforcement agencies were mandated to collect and remit an additional \$3.00 per non-correctable violation for the benefit of the Trial Court Trust Fund effective December 7, 2010 through July 1, 2013. Additionally, the base penalty amounts were adjusted to round the total penalty *down* to a whole dollar amount.

**PH 2. AMENDMENT TO TITLE 17 (ZONING ORDINANCE) OF THE MUNICIPAL CODE MODIFYING VARIOUS SECTIONS TO IMPLEMENT REQUIREMENTS FOR DEVELOPMENT PROJECTS TO MEET THE REQUIREMENTS OF THE ADOPTED CITY OF LANCASTER DESIGN GUIDELINES**

Mayor Parris opened the public hearing. It was the consensus of the City Council to waive the presentation regarding this matter.

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

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council introduced **Ordinance No. 956**, amending Title 17 of the Lancaster Municipal Code (LMC) to implement the requirement to comply with the adopted City of Lancaster Design Guidelines and determined that the application fee for Design Guideline Review for single family residences would be the same as an established fee for a Director's Review, Category F, 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 3. GENERAL PLAN AMENDMENT 10-01 AND ZONE CHANGE 10-02 (180± ACRES BOUNDED BY AVENUE H, 90<sup>TH</sup> STREET WEST, 80<sup>TH</sup> STREET WEST, AVENUE H-4, AND AVENUE H-8).**

Mayor Parris opened the Public Hearing. The Planning Director presented the staff report on this matter.

Addressing the City Council on this matter:

Mel Layne, representing the Greater Antelope Valley Economic Alliance (GAVEA) stated that the Alliance supports this action; discussed the importance of renewable energy; creation of jobs that will come from this industry.

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

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council adopted **Resolution No. 10-75**, approving an amendment to the adopted General Plan of the City known as General Plan Amendment No. 10-01, amending the General Plan land use designation on the subject property from UR (Urban Residential, 2.1 to 6.5 dwelling units per acre) and C (Commercial) to NU (Non-Urban Residential) to allow for the development of a photovoltaic solar energy generating facility, 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 Mayor Smith and seconded by Council Member Marquez, the City Council introduced **Ordinance No. 957**, amending the City Zoning Plan for 180± acres bounded by Avenue H, 80<sup>th</sup> Street West, Avenue K-8, Avenue H-4 and 90<sup>th</sup> Street West known as Zone Change No. 10-02; rezoning the subject property from R-7,000 (single family residential, one dwelling unit per 7,000 square feet) and CPD (Commercial Planned Development) to RR-2.5 (Rural Residential, one dwelling unit per 2.5 acres) to allow for the development of a photovoltaic solar energy generating facility, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

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**NB 1. RESOLUTION AND ORDINANCE PERTAINING TO BUILDING CONSTRUCTION**

It was the consensus of the City Council to waive the presentation regarding this matter.

Council/staff discussion included: Once again the State Legislation is putting the onus on cities to enforce new regulations; cities are stuck between a rock and a hard place; unfortunately cities do not have a choice; this is a way of the States enforcing nanny-state laws meaning it is their way of saying cities cannot take care of themselves; this is now required to be in our codes; cities get stuck with the bills over and over. If the City does not approve this they will still need to comply with the building codes; it would bring into question, the enforcement; this could wreak havoc on the building codes if the City does not have the findings to challenge.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted **Resolution No. 10-76**, presenting findings for modifying the 2010 California Building, Residential, and Electrical Codes which are reasonably necessary due to local climatic, geological, or topographical conditions, by the following vote: 3-2-0-0; AYES: Mann, Smith, Parris; NOES: Crist, Marquez; ABSTAIN: None; ABSENT: None

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council introduced **Ordinance No. 958**, adopting the 2010 Edition of the California Building Code; the 2010 Edition of the California Residential Code, the 2010 Edition of the California Electrical Code; the 2010 edition of the California Mechanical Code; the 2010 Edition of the California Plumbing Code; the 2010 Edition of the California Energy Code; the 2010 edition of the California Historical Building Code; the 2010 Edition of the California Green Building Standards Code; the 2011 Edition of the Los Angeles County Building Code, Chapter 67; the 2009 Edition of the International Property Maintenance Code; and the 2011 Edition of the Los Angeles County Fire Code, all pertaining to life and safety and to the construction, alteration, moving demolition, repair, maintenance and use of buildings, structures, and properties within the City, by the following vote: 3-2-0-0; AYES: Mann, Smith, Parris; NOES: Crist, Marquez; ABSTAIN: None; ABSENT: None

**NB 2. PROPOSED AMENDMENT TO THE LANCASTER MUNICIPAL CODE CHAPTER 10.20 RELATING TO VEHICLES PARKED ON A HIGHWAY DURING STREET SWEEPING TIMES**

The Finance Director presented the staff report on this matter.

On a motion Council Member Marquez and seconded by Council Member Mann, the City Council introduced **Ordinance No. 959**, amending Chapter 10.20 of the Lancaster Municipal Code relating to vehicles parked on a highway during street sweeping times, updating the exceptions to, and establishing a permit program for exempting a vehicle from the application of this chapter, 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 SUPPORT OF HOUSE RESOLUTION 6150  
(CONGRESSMAN ELTON GALLEGLY)**

Mayor Parris stated that he would need to recuse himself from this matter due to the fact that he is representing a family that lost their son in a train crash. Mayor Parris left the dais.

Vice Mayor Smith presented this matter which is also co-authored by Congressman McKeon. This resolution amends the limitation on liability for certain passenger rail accidents or incidents under Section 28103 of Title 49 of the United States Code. This is not an easy answer and the idea of certain caps is to keep down runaway litigation. On the other hand in regards to medical malpractice in California the cap has been set at \$250,000.00 for a death. If a person only lost a limb they may look at this, prorate it and say it is only worth \$50,000.00. There is such an egregious action that has been taken and HR 6150 states for gross negligence and willful misconduct and the rate is raised from \$2 hundred million to \$5 hundred million. In the case of a major train wreck or other incidences, maybe that money does not cover it. The idea is that the executive branch of government is coming in and controlling the judiciary branch. There is a jury system for that and the jurors/citizens are the ones that actually will decide what the final outcome is going to be. He stated that he personally supports Congressman McKeon in his efforts; it's not an easy answer; there are valid points on both sides but wanted to bring this forward for Council consideration of support.

Council Member Marquez stated that she has concerns with this and wonders what kind of Pandora's Box this opens. She stated that she did some research and one person in particular in that accident that Mayor Parris mentioned had every bone in their back broken. There is not enough money to help them with all the medical expenses they are going to have for a lifetime. She stated that she is not crazy about this but does see the possible need for this.

Vice Mayor Smith stated that the idea is also, do we hold businesses accountable for their willful misconduct and gross negligence. He is all for government staying out of things but this nation has gone through things before where businesses were not taking care of business. Sometimes the only remedy is for government to step in and do something or not do something and let the courts take care of it.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council approved support for H.R. 6150, by the following vote: 4-0-1-0; AYES: Crist, Mann, Marquez, Smith; NOES: None; RECUSED: Parris; ABSENT: None

At this time, Mayor Parris returned to the dais.

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REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
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**CR 1. REPORT ON THE ACTIVITIES OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT**

Council Member Marquez presented the following report:

The Governing Board met as regularly scheduled on November 16, 2010, discussed and/or approved the following significant items:

- The Board conducted a public hearing to consider the amendment of Rule 219 – Equipment Not Requiring a Permit. The purpose of this hearing was to amend Rule 219 to include agricultural equipment emission sources, because agricultural sources were not previously included. Public hearing was continued to January 18, 2011 regularly scheduled Board meeting.
- AVAQMD Staff provided the Board a legislative and regulatory update on aspects of the Federal Clean Air Act (CAA), §185; the Tailoring Rule; and forthcoming regulation of Greenhouse Gasses. The issue at hand is that the Antelope Valley is a “Severe 17” non-attainment area for ozone (O<sub>3</sub>), meaning on average 17 days out of the month exceed CAA standards for O<sub>3</sub>. If the EPA implements its proposed reduction of O<sub>3</sub> levels to 60 or 70ppm, Lancaster could possibly see 30 days out of a month of non-attainment for what are essentially background levels of O<sub>3</sub> locally.
- The remaining items approved by the AVAQMD were routine and/or adopted as consent items. The next AVAQMD Governing Board Meeting is tentatively set for December 21, 2010.

Addressing the City Council on this matter:

Lyle Talbot – Inquired as to the status of the Palmdale Hybrid Power Project; concerned with the health of the two cities if these gas turbines are built.

Council Member Marquez stated that there is no news to report on this issue.

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

Council Member Crist presented the following report:

- The Board authorized the executive director to release an RFP for an automated vehicle location (AVL) and automated passenger counting (APC) systems. The AVL system allows customer service representatives to see, in real time, the location of buses. This provides a great benefit to patrons in that they can call in to find out if they have missed a bus or when the next bus will arrive. This information can also be placed on the AVTA website or provided via a mobile device. The APC system keeps track of the number of passengers on the bus, in real time, and can provide boarding/alighting information at each bus stop. This information is necessary for the member jurisdictions as they use this data to determine bus stop amenity placement.

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**CR 2. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR THE ANTELOPE VALLEY TRANSIT AUTHORITY (continued)**

- The Board adopted Resolution 2010-009, authorizing an application to the director of Industrial Relations, State of California for a certificate to consent to self-insure workers' compensation liabilities. According to AVTA, Preferred Employers, the provider for workers' compensation liability for AVTA is not able to cover liabilities associated with transit-maintenance. The self insurance plan available for public agencies, which is applicable to AVTA, is through CSAC Excess Insurance Authority (EIA), a joint powers agency formed by the California State Association of Counties (CSAC) to serve the risk management needs of its members. This expenditure item will come under budget by \$53,790. The annual premium for Primary Workers' Compensation is \$99,720 and \$27,096 for the Excess Workers' Compensation liability, which total \$126,816. The budget in line item 1025.000 is \$62,558 plus \$118,048 for maintenance/bus stop-related operations, which add up to \$180,606.
- Three employees including the Executive Director resigned their positions effective October 28, 2010.

Additional discussion:

Mayor Parris stated that it is important to clarify the misconceptions that arose from the City of Palmdale.

Council Member Marquez stated that since she is on the board, when the information was coming to the board members, we could not just sit back and do nothing, we took the leadership. If anyone is delusional, it is Mayor Ledford in saying that something should not have been done. The board did not put these people on trial, we simply asked them not to show up and we received three resignations. It was important and obvious to show some leadership regarding this issue. She stated that she was on vacation and has not actually sat on the board again and will on December 21, 2010. The board did the right thing and absolutely went in the right direction.

Mayor Parris stated that the point that needs to be made is nothing was done in regards to these three people other than we asked them to stay home so that we could preserve the crime scene and within hours of that, all three had resigned. A board meeting took place and the issue was, do we talk about this in public or do we talk about this in closed session; every board member present voted to handle this in open session for everyone to hear including the two representatives from the City of Palmdale.

Council Member Crist stated that he wanted to make it clear that the City of Lancaster requested that this take place in open session.

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**CR 2. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR THE ANTELOPE VALLEY TRANSIT AUTHORITY (continued)**

Mayor Parris stated that there was a lot of grumbling about this but when it came time to vote, all voted to do it in open session. All of this was brought to the attention of the board by the County of Los Angeles; this was not something the City of Lancaster uncovered. To date we know bonuses were given out without approval of the board and after the board told them not to give any bonuses. They paid themselves thousands and thousands of dollars; a certain individual went and had breast implants done after she received the bonus then charged AVTA for her recuperation time as if she was at work and essentially, the AVTA was paying for breast enlargements. Double billings of per diems were very conclusive and obvious that people were stealing money. This does not account for the cash that was available and unsupervised. There was an abuse of credit cards that was shocking such as dinners that were \$200.00 per person; allegations just kept mounting and mounting.

This is unfortunate and embarrassing but what is to be gained by keeping it a secret? This has to be brought out to the light of day so other agencies know that when we get a hint of this we are going to investigate. We are not going to wait for the D.A. to get a conviction before putting this evidence out. If people find this to be uncomfortable, so be it – that is what accountability is all about.

There is an Interim Director that has been hired; there is an investigator and we have instructed her to investigate six years back and turn this over to the District Attorney's office. There was definitely some dissention on the board about getting this evidence to the Sheriff's Department.

Mayor Parris stated that he wanted the cell phones and laptop computers seized and turned over to the Sheriff's Department. The Mayor of Palmdale wanted someone else to do the investigation and did not want the Lancaster Sheriff's Department taking custody of this. The Lancaster Sheriff's Department was required to take this evidence because it was in their jurisdiction; the felonies were committed. There is always a reason for this and he understands that these people came from the City of Palmdale; they were originally employees of Palmdale, so he understands the embarrassment of these former Palmdale employees being caught in the act so to speak, but that does not mean it should be covered up. It is important to expose it, bring it forth and figure out how to do it better next time.

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**CR 3. REPORT ON THE ACTIVITIES OF THE EDWARDS AIR FORCE BASE  
RESTORATION ADVISORY BOARD**

Council Member Crist presented the following report:

- The RAB convened and conducted the following environmental restoration actions at the November 18<sup>th</sup>, 2010, meeting:
- Introduction of New RAB Members. Lancaster City Councilman Marvin Crist (Lancaster alternate), Patrick Morris (Base Housing), Bruce Davies (North Edwards) and Nancy Zimmerman (Main Base Air Base Wing) were introduced as the newest RAB members replacing previous representatives or filling current RAB vacancies.
- Received a Report on Applicable or Relevant and Appropriate Requirements (ARARs). Under CERCLA, environmental remediation sites have Applicable or Relevant and Appropriate Requirements (ARAR's) that establish specific environmental clean-up criteria. There are three categories of ARAR's: Ambient/Chemical Specific; Location Specific; and Action Specific. ARAR's are identified on a site-by-site basis and must be protective of human health and the environment. ARAR's are substantive, not procedural; corresponding to actual site environmental conditions, and can be waived if a project's circumstances meet any one of six measures. At Edwards AFB, the South Air Force Research Laboratory (AFRL) has been granted a 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 waivers are: Arroyo Sites (36, 162 & 461), Site 25, OU 8, and the Northeast AFRL (Mars Blvd Sites).
- The other items discussed and approved by the RAB were routine. The next regularly scheduled meeting is planned for February 17<sup>th</sup>, 2011 in Mojave.

**LANCASTER FINANCING AUTHORITY**

No action required at this time.

**RECESS** Mayor Parris requested a brief recess at 7:10 p.m.

**RECONVENE** Mayor Parris reconvened the meeting at 7:18 p.m.

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

Addressing the City Council at this time:

Nancy Acosta – stated that she was on Section 8 for several years; she is now a homeowner on the west side of Lancaster; she retrained for a new line of work; no longer needs outside assistance; her daughter had schooling issues; very thankful to come out of this; moved to Lancaster and her daughter attended Quartz Hill High School.

Maria Gutierrez – discussed issues regarding the homeless shelter such as health and safety requirements are not being met; discrimination against disabilities; misuse of shelter funds; proper licensing is not being met.

Mayor Parris requested that Code Enforcement look into this matter.

Robert Benitez – discussed a recent show on the Blvd. at the Art Gallery; over 100 people attended; it was a fantastic experience; bravo and many thanks for recent exhibits; thanked the City Council for bringing the Artist Lofts to Lancaster.

David Abber – thanked all the men and women in the armed forces for protecting us; leaders should make sound choices without discrimination; basic civil rights must be guaranteed; bantering between the two cities is not good.

Teresa Malone – stated that she believes and supports the first amendment; plans to boycott the Blvd for the rest of her life; the Blvd is ruining the environment because of the trees.

Ms. Gonzales – stated that she was originally a renter; she is trying to buy bank owed property; there should be a task force regarding habitability issues; she cannot get public records regarding code violations without a subpoena; very difficult to get the necessary answers so she can move forward.

The City Manager stated that staff would discuss the issues with her.

Andrew Nieto – stated that he appreciates the work of the Planning Department to adjust signal timings at the areas he mentioned a few weeks ago; enjoyed the Christmas celebration on the Blvd. and it appeared that some of his suggestions were used to improve the event. Discussed code enforcement on private property, feels there are too many ordinances in place; citizens no longer have control of their own property.

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

Georgia Young – inquired if the Council has passed the medical marijuana ordinance.

Vice Mayor Smith stated that any collectives in Lancaster are illegal under land use.

Georgia Young - stated that she will be filing a tort act in Federal and State courts regarding this matter; the statutes and her patience are running out.

James Jeffries – read a letter on behalf of Victoria Zavala; it has been a challenging year; thankful for collective donations; honored to participate in events; dedicated to healing; urged the establishment of safe access for medical marijuana, this will set a standard for valley.

Robert Long – concerned with the issues regarding the Chevrolet dealership; when the two cities constantly bump heads, this hurts the citizens; everyone needs to come together and work with surrounding town councils; have a united front and the Antelope Valley will be a better place.

Mayor Parris stated that he does not know what the resolution is with the Palmdale City Council; he has run out of solutions; he was hoping that Council Member Crist would be the bridge between the two cities but that has not happened. Two days after the election of Council Member Crist, he was slammed in the paper.

Council Member Crist stated that he has offered a handshake across city lines and Mayor Ledford decided that would not be good for his city; Lancaster has asked them to look into tax sharing and they refuse; they won't discuss anything which causes the problems; the leadership needs to change in Palmdale; Lancaster is more than willing to meet with Palmdale leadership.

Mayor Parris stated that it is best to remove the combatants and let others work it out; wishes the City did not have to spend so much time and money on frivolous matters; there are available solutions but Palmdale would rather fight; it is a level of immaturity that is intolerable.

Council Member Crist stated that the citizens are tired of this; be very clear it is not Lancaster; Lancaster has tried very hard to reach across the lines.

Kenya Jannah – concerned because she has been diagnosed as a schizophrenic; her child is in foster care; she was unaware she was living her life as a schizophrenic; it is a challenge to get assistance for a good home and have her child home; her intact memory is being aired on the radio and this is embarrassing.

David Paul – stated that he enjoyed Bill Warford's column regarding Christmas letters; appreciates everything that the Mayor is doing; this is a very serious job; it is very good to have a transformative Mayor.

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**CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENT**

The City Manager announced that three press conferences would be taking place soon regarding Pianos on the BLVD; Solarization of the Baseball Stadium and the Grand Opening of the Chevrolet Dealership. He stated that the Magical Christmas on the BLVD was amazing; staff makes it look easy but it is not; it is a true blessing to work with a staff that handles every single detail.

The Parks, Recreation and Arts Director stated that many events were taking place that same day/weekend, such as soccer tournaments; youth basketball leagues; performances at LPAC; Maintenance staff opening all the Parks; Breakfast with Santa at City Park. Staff shifted gears to achieve the success of the BLVD event and it was a very rewarding day.

The Senior Operations Manager for the Parks, Recreation and Arts Department stated that this was all a huge team effort; thanked the Mayor and City Council for their support and for giving staff the opportunity and latitude in programming the BLVD event; events came to fruition as a result of a staff retreat, ideas were put together. Total attendance for all the events on the BLVD have broke the 100,000 mark; business contributions were critical; 33 businesses participated; partnerships came through; proceeds for some of the events go to Wheelchairs for Veteran's and Christmas trees for needy families; Los Angeles County held the Spark of Love toy drive; this entire event was designed as a feel good event and it was a great success.

**COUNCIL / AGENCY COMMENTS**

Mayor Parris stated that the National Children's Study is taking place and gave the following information:

Today's children are faced with a variety of chronic conditions stemming from the complex interaction of environmental exposures and genetic factors. Many of these chronic conditions such as asthma, autism, obesity, and neurodevelopment difficulties, are increasing in prevalence, burden and costs both nationwide and locally.

The National Children's Study will examine the effects of environmental influences on the health and development of more than 100,000 children across the country from before birth until age 21, making it the largest and most important study of children's health and development ever conducted in the United States.

The data generated by the National Children's Study will form the scientific cornerstone for a children's health policy for generations to come.

This City supports the National Children's Study and commends the exemplary research efforts of the National Children's Study Group for its leadership in furthering the common goal of making our City a healthier place to live and raise a family.

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**ADJOURNMENT**

Mayor Parris adjourned the meeting at 8:06 p.m. in memory of LASD Explorer Matthew Ramsey, who was an Army Specialist 4 stationed in Afghanistan. On November 29, 2010, an Afghan border policeman killed six American servicemen during a training mission. The shooting occurred in a remote area near the Pakistani border and appeared to be the deadliest attack of its kind in at least two years. Specialist Ramsey was a former member of the Lancaster Station Explorer Post, having graduated from Explorer Class 79. He became an integral part of the Explorer staff assisting in the weekly operation of the Explorer Academy. He joined the United States Army on April 30, 2008, eventually attaining the rank of Specialist 4 (SPEC4) and was subsequently deployed to various assignments in the Middle East, including Afghanistan.

Mayor Parris stated that pursuant to action taken by the City Council / Redevelopment Agency on August 10, 2010, there will not be a City Council / Redevelopment Agency meeting on December 28, 2010 and announced that the next meeting of the City Council/Redevelopment Agency/Financing Authority would take place on Tuesday, January 11, 2011 at 5:00 p.m.

PASSED, APPROVED and ADOPTED this 11<sup>th</sup> day of January, 2011, by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

**ATTEST:**

**APPROVED:**

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

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R. REX PARRIS  
MAYOR/CHAIRMAN  
Lancaster, CA

**LANCASTER CITY COUNCIL/  
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**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)

\_\_\_\_\_