

M1
04/26/11
MVB

**CITY COUNCIL/REDEVELOPMENT AGENCY/
FINANCING AUTHORITY
MINUTES
April 12, 2011**

CALL TO ORDER

Mayor/Chairman Parris called the regular meeting of the City Council/Redevelopment Agency/Financing Authority meeting to order at 5:01 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

Bishop Don Sather – Church of Jesus Christ of Latter-Day Saints

PLEDGE OF ALLEGIANCE

Council Member/Agency Director Marquez

PRESENTATION

Mayor Parris introduced Amanda Hawse and stated that he will be nominating and requesting Council approval for the appointment of Ms. Hawse to the Architectural/Design Planning Commission at the next meeting.

AGENDA ITEMS TO BE REMOVED

None

AGENCY ACTIONS

See **M1** for approval of the Lancaster Redevelopment Agency Regular Meeting minutes.

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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/Authority approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of March 22, 2011, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

M 1. MINUTES

Approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of March 22, 2011.

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 March 7, 2011 through March 25, 2011 in the amount of \$7,315,782.62.

CC 3. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the February 28, 2011, Monthly Report of Investments as submitted.

CC 4. ACCEPTANCE OF DRAINAGE IMPROVEMENTS FOR MAINTENANCE

Approved and accepted for maintenance the work and materials for the drainage improvements for Drainage Benefit Assessment District Annexation No. 05-71, installed by KB Home Coastal, Inc., located on the southwest corner of Avenue K-4 and 20th Street East and appropriated \$1,635.00 from the first year's maintenance cost, that has been paid by the developer, to cover the remaining three months of the fiscal year into Drainage Maintenance Operating Account No. 484-4743-404.

CC 5. APPROVAL OF MONUMENTATION WORK

Approved the monumentation work for Tract No. 49864-06 located on the southeast corner of 30th Street East and Avenue K-8, Owner: KB Home Greater Los Angeles Inc.

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PH 1. ZONE CHANGE 10-03 (20± ACRES LOCATED AT THE NORTHWEST CORNER OF 40TH STREET EAST AND AVENUE K-8)

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

Addressing the City Council on this matter:

Mark Roberts – applicant of this project, discussed the challenges of the project; appreciates working with the staff of the City of Lancaster; looks forward to doing many more projects with the City. Significant changes have been made to the design, based on concerns from citizens; changes not limited to, but including access and landscaping.

Michael Rives – stated that he is opposed to the zone change for the purpose of solar energy. The City should slow down on this and involve the public further; quoted information out of Washington D.C. regarding various forms of energy.

Brian Mills – stated that he is the homeowner just south of this development; has attended several meetings regarding this project; he has concerns and is not totally against the project and he appreciates the Council bringing this forth for discussion. Discussed his concerns regarding noise; lighting; fencing and has been assured that these concerns will be taken care of.

Mayor Parris stated that he did not anticipate any problems with this project but if so, those problems would be taken care of.

Council Member Crist inquired as to what kind of fencing Mr. Mills would be agreeable to and Mr. Mills stated that landscaping; shrubbery would be acceptable as a cover surrounding the chain link fencing.

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

Council Member Marquez stated that she has talked with Mr. Mills and agrees that chain link would not be acceptable and it is important to set a precedent for these kinds of projects. She stated that she appreciates Mr. Mills working with the applicant and City staff to come to a resolution on this.

Council Member Mann requested clarification regarding the fencing and landscaping and thanked Mr. Mills for stepping up to the plate and allowing the City to move forward with this project.

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PH 1. ZONE CHANGE 10-03 (20± ACRES LOCATED AT THE NORTHWEST CORNER OF 40TH STREET EAST AND AVENUE K-8) (continued)

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council introduced **Ordinance No. 963**, amending the City Zoning Plan for 20± acres located at the northwest corner of 40th Street East and Avenue K-8; rezoning the subject property from SRR (Semi-Rural Residential) 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

NB 1. MEMORANDUM OF UNDERSTANDING WITH US TOPCO ENERGY

The Deputy City Manager presented the report on this matter.

On a motion by Vice Mayor Smith and seconded by Council Member Crist, the City Council approved and authorized the City Manager to execute a Memorandum of Understanding (MOU) with US Topco Energy, Inc. for the development of solar generating facilities, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CR 1. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR DISTRICT NO. 14 OF THE COUNTY SANITATION DISTRICTS OF LOS ANGELES

Vice Mayor Smith presented the following information:

At the February 24, 2011, regular meeting, the Board of Directors considered the following agenda items:

- The minutes for the special meeting held February 24, 2011, were pulled from the agenda and will be under consideration for approval at the April meeting after staff makes several corrections at the request of Director Smith.
- The Board ordered a wastewater service charge report, containing a description of each parcel and the amount of the proposed wastewater service charge for fiscal year 2011-12 for each parcel, filed with the clerk of Board of Directors of the District. In order to continue to collect the service charge at the current rate on the property tax roll for fiscal year 2011-12, the Board is required to file a service charge report and hold a public hearing on the report and the continued collection of the service charge on the property tax roll. The public hearing is scheduled for April 21, 2011, at 1 p.m.

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CR 1. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR DISTRICT NO. 14 OF THE COUNTY SANITATION DISTRICTS OF LOS ANGELES (continued)

- The Board approved an amendment to the master service charge ordinance concerning the service charge rebate program for low water use. Previously, customers seeking rebates did so in arrears, or after the sanitation charges were due to the District. The approved change to the ordinance provides for a rebate in advance of the service charges. In order to receive the rebate for low water use, customers will provide two years of past bills for potable water service. Staff will then study the customer's two-year water use trend and bill for services based on that trend.

Council Member Crist inquired as to how two years were decided upon rather than the one year that Vice Mayor Smith originally proposed.

Vice Mayor Smith stated that there were not enough votes; he couldn't get the votes and stated that Jim Ledford would not vote for it.

Council Member Mann stated that he was present at the meeting and there were approximately eight businesses that were aware they could apply for the rebate. The rebate was anywhere from forty to seventy percent and there was a discussion over whether businesses could qualify. He stated that he just doesn't understand the rationale on this and why it had to be deferred to two years.

Vice Mayor Smith stated that one of the main things the Board is looking at in the District's budget is the reason they want to raise their rates. He was able to stop the new Prop 218 from going forward to raise the rates and argued that this must be delayed because once this is online with recycled water; well, nothing has been factored in for the sale of recycled water. There are 23 million acre feet – a large amount that will be produced from that plant, yet the District does not calculate the sale of the water to offset the costs of running that plant to the citizens through the rate payers and it was important to delay this action. The argument was – there are no signed contracts and he proposed the City of Lancaster take all of it. The County is going to have to put up and sign on the dotted line in the future so that the water can actually be sold.

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

Council Member Crist presented the following information:

The following significant events took place during the March Board meeting:

- The Board heard a report from a representative of Mayer, Hoffman & McCann on the draft fiscal year 2009/2010 financial audit. In a separate new business item, the Board approved the interim executive director to issue a Request for Proposals (RFP) for Audit Services for the fiscal years ending on June 30th of 2011, 2012, and 2013. The release of the RFP will not have any fiscal impacts to the AVTA.

While the audit at a base level will test financial systems, programs, and policies, the final version will include requirements for compliance audits, Proposition 1B (PTMISEA and Homeland Security) audit, and a requirement for the auditor to prepare the Transit Operators Financial Transactions Report (State Controller's Report), and a review of selected procedures including travel and conference expenses, credit card use and petty cash.

- The Board approved the interim executive director to issue a RFP for Legal Services. The release of the RFP will not have any fiscal impact to the AVTA. As presented by AVTA consultant, Michael Busch, the ideal firm should have extensive transit experience and be able to provide a full range of legal services. The position reports directly to the Board of Directors.

- The Board heard a presentation by Dan Nichols with PB Americas on the results of the maintenance review. The Fleet & Facilities Division of PB Americas, Inc. conducted an on-site review of the AVTA maintenance program beginning January 31, 2011. The purpose of the review was to evaluate performance and identify opportunities to improve efficiency and overall performance of the maintenance functions, which were transferred from Veolia to AVTA staff in August of 2010.

Council Member Crist stated that the Board is looking for a new audit firm; new legal services; new Executive Director; new Chief Financial Officer. The Board has received the preliminary report from Investigator, Deborah Rice and this will now be going to criminal investigation and will soon be open to the public. He stated that the interim Executive Director is interested in the position and details are being worked out.

LANCASTER FINANCING AUTHORITY

No action required at this time.

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CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

- The City Manager stated that the Poppy Festival is this weekend (April 16 & 17, 2011) and encouraged everyone to come out to Lancaster City Park from 10 a.m. to 6 p.m. to enjoy the festivities. The weather is going to be spectacular and hopefully there will be a great turn out.
- The City Manager stated that the City had an exceptionally good press conference on the US Topco Partnership last Friday, April 8, 2011. He complimented staff led by Communications and also all the staff that were present that day. This conference was literally put together in 24 hours and it took a lot of work by staff to put something on of this magnitude and with so much professionalism. They not only pulled together the press conference but created a tour and luncheon as well, so staff is to be commended for their commitment to making that day a success.
- The City Manager encouraged everyone to come to the BLVD and see the new theater; it is absolutely incredible and beautiful. There has not been a theater on the BLVD since the old Antelope Movie Theater was torn down and it truly is worth the trip down the BLVD to check this out.

Mayor Parris stated that the movie theater was the brain child of Vice Mayor Smith. He went to the Developer; he made it happen. When you watch movies down on the BLVD, you can thank the Vice Mayor.

Vice Mayor Smith stated that thanks should truly go to the developer – Scott Erlich and the City Attorney, Dave McEwen. Mr. McEwen had an integral part in making the financing happen for this project and this was an incredible team effort.

Mayor Parris requested that the next two items (Council Comments and Public Business from the floor on non-agendized items) be moved to the end of the calendar.

Mayor Parris discussed the Walk with the Mayor program and encouraged the rest of the City Council; the Commission members and other leaders of the community to volunteer to take part in this event at least once a month. It will no longer be the Walk with the Mayor, but instead it will be named The Mayor's Walk. It is actually a lot of fun and unfortunately his calendar has gotten so full that he is unable to devote as much time to this as he would like.

Mayor Parris stated that the Closed Session matter concerns the Rubin v. Lancaster case and in regards to this issue the City will be setting up a website; setting up a legal defense fund to support the City's right to pray at these meetings. He hopes that everyone will consider sending in one or two dollars in support of this issue.

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RECESS

Mayor Parris recessed the City Council meeting at 5:33 p.m., for the purpose of conducting a Closed Session regarding the following matter:

CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

- Government Code Section 54956.9(a)
Rubin v. Lancaster - United States District Court Case No. CV 10-4046 DSF (JCx)

RECONVENE

Vice Mayor Smith reconvened the City Council meeting at 5:50 p.m. and stated that Mayor Parris needed to leave to take care of some important business.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney stated that the City Council met in Closed Session regarding the aforementioned matter; received a status report on this case and no further action was taken.

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 keeping a positive attitude; waking each day with different sayings and quotes; discussed the five planetary motions of the earth and this amazing vast galaxy.

Cynthia Spears – representing Changing Lanes Youth Support Services requested support from the City; encouraged Council to come and look at the facility. This program is for at-risk probationary youth; abuse problems; foster care – it is a one-stop shop for these types of services. She requested that Council hear them out; give them the opportunity to show them what they are all about.

Vice Mayor Smith requested that the City Manager review the information given out by Ms. Spears and give a briefing to the City Council on this matter.

Larry Walton – discussed the eyesore on 10th St. West and Avenue L; asked the City Council to look into this; direct staff to look into this and see what can be done; it is a safety issue.

The Housing Director stated that EZ Lube was allowed to stockpile their materials while it went through the bankruptcy process; Code Enforcement has started working on this, they are investigating the matter and it will be taken care of.

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

Lyle Talbot – discussed the Palmdale Powerhouse; construction of the sewage pipeline for this project.

Jim Barletta – stated that he did not have anything to complain about; he hopes that is refreshing for the Council to hear and please keep up the good work. What he has seen happening in this City in the last few years, especially since Mayor Parris came on board is just amazing, along with the help of the City Council. He thanked the City Manager and City staff and stated that it takes everyone working together. It seems like the City is working like a clock; everyone is working together and this is very nice to see. It is nice to be living in a City like this, where all of this is going on. There is no corruption like there is in other cities and when the BLVD was first announced, he had concerns but it is wonderful transformation and gave credit to Vice Mayor Smith. He thanked the entire Council; he has no complaints, he is happy; please keep up the great work, it is truly appreciated.

Vice Mayor Smith stated that it is truly a team effort; this is an amazing staff along with an amazing Mayor and City Council and that is why this City is moving forward.

COUNCIL / AGENCY COMMENTS

Council Member Marquez stated that the Lancaster Neighborhood Vitalization Commission has received the report from the consultant regarding the feasibility of Lancaster having a public housing authority. The LNVC has a subcommittee that is overlooking this matter; taking comments; requests; questions from the rest of the Commissioners. The Chair will compile all of these comments and will come back to the LNVC meeting on May 3, 2011 for recommendations. Those recommendations will then come to the City Council.

Council Member Marquez stated that she is looking forward to the Poppy Festival this weekend; the weather and the poppy fields will be gorgeous. It will be a great time and encouraged everyone to come out and participate.

The Parks, Recreation and Arts Director stated that in regards to the Poppy Festival, a lot of the performers, including lead performers on Broadway that performed in Lion King will be giving a reenactment of this performance. A number of the dancers that were involved in the Michael Jackson tribute at the BooLVD event will also be involved. There will be an Eagles cover band and an Elton John (young Elton John) cover band. It will be something a little different; good entertainment and it should be a big crowd.

Vice Mayor Smith stated that he liked the zoo area for the children; exotic animals; demonstrations with the eagles; it is a very neat thing for the children.

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COUNCIL / AGENCY COMMENTS (continued)

The Parks, Recreation and Arts Director stated that there will be a new venue at the event regarding the history of Lancaster. The City's former curator, Norma Gurba has put this together and it should be very interesting.

He also thanked City employee, Josh Thomas, who coordinated the efforts for City staff for the Relay for Life Walk - he did an incredible job. He and fellow employee Beverly Cox spent the night out on the track of Quartz Hill High School, dealing with 37 degree temperatures, keeping this walk going. There were a lot of staff that went out there at 3 and 4 a.m. to walk and somewhere around 800 laps were completed. It was impressive and a very good turnout. Josh Thomas volunteered his time and volunteers for every event.

ADJOURNMENT

Vice Mayor Smith adjourned the meeting at 6:11 p.m. and stated that the next meeting of the City Council/Redevelopment Agency/Financing Authority would take place on Tuesday, April 26, 2011 at 5:00 p.m.

PASSED, APPROVED and ADOPTED this _____day of _____, 2011, 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

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**CERTIFICATION OF MINUTES
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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)
