

**CITY COUNCIL/REDEVELOPMENT AGENCY/HOUSING AUTHORITY/
POWER AUTHORITY/ FINANCING AUTHORITY
MINUTES
June 28, 2011**

CALL TO ORDER

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

ROLL CALL

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

Staff

Members: City Manager/Executive Director; Deputy City Manager/Deputy Executive Director; City Attorney/ Agency/Authority Counsel; Assistant to the City Manager; 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

Associate Pastor Reggie Williams, Lancaster Baptist Church

PLEDGE OF ALLEGIANCE

Council Member/Agency Director Mann

PRESENTATIONS

- 1) Athlete of the Month - Emily Ottinger - Quartz Hill High School. Mayor Parris stated that Ms. Ottinger is the captain of her Quartz Hill Volleyball team; led her Santa Monica Beach Club team to second place; has maintained over a 3.0 GPA throughout her school years and will be attending the college of Southern Idaho, playing on their volleyball team. Ms. Ottinger also received a \$1,000 Mayor's Scholarship Award.
- 2) Recognition of Jason Manning for heroics in public safety
Mayor Parris recognized Mr. Manning for his courage when three individuals forcibly entered his home in Palmdale. Mr. Manning shot one round from his handgun, striking one of the suspects in the arm. Mr. Manning's quick thinking under threatening conditions not only saved his life, but ultimately led to the apprehension of the three residential burglars. Mr. Manning was not present to receive the recognition.
- 3) American Planning Association Award
Brian Ludicke, Planning Director, stated that the City of Lancaster has won an Award of Merit from the Los Angeles section of the American Planning Association for planning excellence and implementation of the Downtown Specific Plan.
- 4) Unveiling of City Poster
Council Member Marquez stated that recently a constituent visited both Congressman McKeon's office and Congressman McCarthy's office and they had beautiful posters from different cities in California, but none from the City of Lancaster. Staff has worked very hard on this project; the poster is now final and depicts the City's past, present and future.

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AGENDA ITEMS TO BE REMOVED

None

APPROVAL OF AGENCY CONSENT CALENDAR

On a motion by Vice Chairman Smith and seconded by Agency Director Marquez, the Redevelopment Agency approved the Agency Consent Calendar, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

RCC 1. RESOLUTION NO. 10-11

Adopted **Resolution No. 10-11**, approving and adopting a Fund Balance Policy and authorizing the City Manager and/or Finance Director to assign fund balance to a specific purpose in relation to this Fund Balance Policy.

RNB 1. SELECTION OF GRACE RESOURCES INCORPORATED TO OPERATE THE LANCASTER COMMUNITY SHELTER

The Housing Director presented the staff report regarding this matter.

Addressing the Agency on this matter:

Steve Baker, representing Grace Resources, stated that he looks forward to making a different kind of difference for the people in this valley; his organization will be stepping up to this challenge, helping people in need, helping people who are homeless and have recently become homeless and do not know where to turn.

Diane Grooms – thanked the City Council for keeping this running; she has been involved in the homeless shelter for 19 years; there are many volunteers and this will continue to be a great benefit to the City.

Michael Rives – stated that the City should take a step back; not sure the City is qualified to take over the administration of this facility; once the City takes this on, it's the City's forever; consider partnerships.

Jeff Berg – discussed the services that are provided by the local churches; partnering with Grace Resource Services; in favor of this action.

Diann Moskowitz – concerned with the closing of the shelter; do not allow this; pleased that the City has found an alternative to closing; has heard a rumor that in order to receive services; one must pray.

Steve Baker clarified that Grace Resources does pray but they do not require prayer in order to receive services. Many people receive the services of the center such as Veterans; people on parole; many services are offered.

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**RNB 1. SELECTION OF GRACE RESOURCES INCORPORATED TO OPERATE
THE LANCASTER COMMUNITY SHELTER (continued)**

Robin Tarver – in favor of this action.

Nicole Parson – concerned with lack of jobs for homeless and parolees; include a parenting program in the services.

On a motion by Vice Chairman Smith and seconded by Agency Director Crist, the Redevelopment Agency selected Grace Resources, Incorporated to operate the Lancaster Community Shelter and approved the Lease Agreement and Operational Agreement between the Lancaster Redevelopment Agency and Grace Resources Incorporated, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

**RNB 2. SUPPORT CALIFORNIA REDEVELOPMENT ASSOCIATION'S LEGAL
BATTLE TO PROTECT REDEVELOPMENT**

The Executive Director presented the staff report on this matter.

Addressing the Agency on this matter:

Michael Rives – discussed an article on the internet referring to the Governor's action to shut down redevelopment.

Nicole Parson – discussed licensing fees; perception of what the Governor's goals are.

On a motion by Agency Director Crist and seconded by Agency Director Marquez, the Redevelopment Agency appropriated \$15,000.00 to pay a proportionate share of the California Redevelopment Association's attorney fees in the legal battle to save redevelopment and protect local redevelopment funds from being unconstitutionally seized by the State of California and authorized staff to adjust this amount up to \$20,000.00 if needed, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

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PA NB 1. AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING (MOU) WITH US TOPCO ENERGY, INC.

The Public Works Director presented the staff report on this matter.

Addressing the Power Authority on this matter:

Michael Rives – stated his concerns regarding the commitment of this partnership and time required of the staff members.

On a motion by Vice Chairman Smith and seconded by Authority Member Mann, the Power Authority approved and authorized the Executive Director to execute an amended and restated 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

PA NB 2. MASTER SOLAR POWER PURCHASE AND SALE AGREEMENT BETWEEN LANCASTER POWER AUTHORITY WITH US TOPCO ENERGY, INC TO DEVELOP PHOTOVOLTAIC SOLAR GENERATION FACILITIES.

The Public Works Director presented the staff report on this matter.

On a motion by Vice Chairman Smith and seconded by Authority Member Marquez, the Power Authority approved and authorized the Executive Director to execute the Master Solar Power Purchase and Sale Agreement with US Topco Energy, Inc. to develop photovoltaic solar generation facilities on various City owned properties to be identified, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

APPROVAL OF MINUTES

On a motion by Council Member/Agency Director Mann and seconded by Vice Mayor/Vice Chairman Smith, the City Council/Redevelopment Agency/Authority approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of June 14, 2011, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

M 1. MINUTES (continued)

Approved the City Council/Redevelopment Agency/Financing Authority Regular Meeting minutes of June 14, 2011.

By action taken later in the evening, it was the consensus of the City Council to take a reconsideration on the minutes due to the fact that Mayor Parris was not present for the June 14, 2011 meeting.

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M 1. MINUTES (continued)

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 June 14, 2011, by the following vote: 4-0-1-0; AYES: Crist, Mann, Marquez, Smith; NOES: None; ABSTAIN: Parris; ABSENT: None

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

Vice Mayor Smith requested that Item Nos. 3, 4 and 5 be pulled for separate discussion and action due to the submittal of speaker cards.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council approved the Council Consent Calendar with the exception of Item Nos. 3, 4 and 5, 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 June 1, 2011 through June 10, 2011 in the amount of \$877,018.97.

CC 3. ORDINANCE NO. 965

An ordinance of the City Council of the City of Lancaster, California, adding Chapter 5.54 to the Lancaster Municipal Code relating to Horse Drawn Vehicles.

Addressing the City Council on this matter:

Darleen Peterson – BLVD is overcrowded; more is not necessarily better; also opposed to the proposed round-about.

Jack Carone – stated that it might be unfortunate to have the carriage industry get a foothold in the City; it is only a benefit to the carriage business; appears charming but he does not feel that residents will take hold of this idea.

Alicia Pell – opposed to the adoption of this ordinance; discussed carriage accidents; how easily horses are frightened; shortened life span of these horses.

Nan Dillinger – opposed to the adoption of this ordinance; concerned for the health of the horses; exposure of different dangers to horses.

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CC 3. ORDINANCE NO. 965 (continued)

Monica Whitmer – discussed her horses; training of her horses; care of her horses; discussed the code of ethics that she will follow; work sessions for the horses; her horses are treated with care; discussed the routes the horses will take.

Comments and Concerns from the City Council:

Council Member Mann suggested that the Council consider this business on a six month basis and then bring back to Council for review – this will give the Council greater oversight.

Council Member Crist discussed the speed limits on the BLVD; citizens will not be happy with slowing down even more; must look at this collectively; must look at how everyone will be impacted; does not see how this will benefit the BLVD.

Council Member Mann stated that he surveyed the Chamber of Commerce and the Downtown Business Association; votes were split and no direct response from businesses regarding giving up their parking spaces.

Council Member Crist stated that it is a cute idea but not a good idea for the BLVD; it should be banned from the BLVD completely.

Vice Mayor Smith stated that the City does not condone animal cruelty; pursuant to the vehicle code they can go on the BLVD now without taking money; a six month time frame will give the Council time to see if it will work.

Council Member Marquez stated that she was not against a six month review; must take into consideration the parking situation; carriage should not be completely on the BLVD; looks forward to riding in the carriage.

Mayor Parris discussed the traffic problems; having horse drawn carriages will add to the traffic problems; this is not a realistic plan; people will become frustrated; he has not heard any businesses coming forward saying they want this on the BLVD; the BLVD is something to be proud of; it is still fragile and there is no evidence that this type of business will improve the BLVD.

Further discussion took place regarding the businesses on the BLVD; concern for parking spaces; impeding traffic; BLVD must be protected; specific routes.

The City Manager stated that if the ordinance is passed; staff will work on the route and where the owners will water the horses. The implementation of this ordinance has not been prepared.

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CC 3. ORDINANCE NO. 965 (continued)

Mayor Parris stated that he was not in favor of approving an ordinance without knowing a specific route and what the implementation guidelines would be. He requested this item be tabled until all parameters are worked out.

On a motion by Mayor Parris and seconded by Council Member Crist, the City Council agreed to table this matter, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CC 4. ORDINANCE NO. 966

An ordinance of the City Council of the City of Lancaster, California, adding Chapter 5.52 to the Lancaster Municipal Code relating to Street Performers.

Addressing the City Council on this matter:

Issac Grajeda – concerns regarding time restrictions; noise; minors required to have work permits; violations as a misdemeanor; noise complaints.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted Ordinance No. 966, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CC 5. RETENTION OF AECOM TECHNICAL SERVICES, INC.

Authorized the retention of AECOM Technical Services, Inc. for the preparation of an Environmental Impact Report for the Lancaster Highlands Specific Plan and related development applications generally bounded by Avenue L, Avenue M, 80th Street West, and 110th Street West.

The speaker from the audience waived his right to speak on this matter.

On a motion by Vice Mayor Smith and seconded by Council Member Crist, the City Council authorized the retention of AECOM Technical Services, Inc. by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CC 6. RESOLUTION NO. 11-34

Adopted **Resolution No. 11-34**, authorizing the City Manager to apply for an Urban Greening Planning Grant from the State of California, Strategic Growth Council for the Downtown/Transit Village area, and authorizing the City Manager or his designee to execute all documents relative to the grant.

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CC 7. MONUMENTATION WORK

Approved the monumentation work for Tract No. 53297, located at southwest corner of 20th Street East and Avenue K, Owner: K Hovnanian Forecast Homes., Inc.

CC 8. RESOLUTION NO. 11-35

Adopted **Resolution No. 11-35**, approving and adopting a Fund Balance Policy and authorized the City Manager and/or Finance Director to assign fund balance to a specific purpose in relation to this Fund Balance Policy.

CC 9. RESOLUTION NO. 11-46

Adopted **Resolution No. 11-46**, authorizing the City Manager to apply for a Statewide Park Program Grant from the State of California, Department of Parks and Recreation, Office of Grants and Local Services for the Amargosa Creek Trail and authorized the City Manager or his designee to execute all documents relative to the grant.

PH 1. ANNUAL ASSESSMENT OF THE PARKING AND BUSINESS IMPROVEMENT DISTRICT (PBID) LEVY IN THE BLVD ASSOCIATION BOUNDARY

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

Addressing the City Council on this matter:

Myrle McLernon – discussed the details regarding the partnership of this action; strongly supports the City approving this for another year.

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

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted **Resolution No. 11-36**, approving The BLVD Association's 2010-2011 Year End Report and levying the annual assessment for the Downtown Lancaster Business Improvement District for the 2011-2012 Fiscal Year, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

RECESS Mayor Parris requested a brief recess at 6:32 p.m.

RECONVENE Mayor Parris reconvened the meeting at 6:42 p.m.

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**PH 2. APPEAL--PLANNING COMMISSION REVOCATION OF
CONDITIONAL USE PERMIT NO. 08-08 AND CITY MANAGER
REVOCATION OF BUSINESS LICENSE (BAMBOO RESTAURANT,
1009 WEST AVENUE I)**

Mayor Parris opened the Public Hearing. The Planning Director presented the staff report regarding this matter. Additionally, Deputy Kuper from the Lancaster Sheriff's Station presented a brief history of this establishment and stated that the Lancaster Sheriff's Department is in favor of the recommendation by staff.

Mayor Parris inquired as to the process regarding incident reports; details regarding what Alcohol and Beverage Control (ABC) has done; investigations and inquired as to whether the City has the ability to do an interim suspension.

The City Attorney explained the duties of the City; pulling the CUP; business has not complied with the CUP.

Mayor Parris inquired as to whether the City could make it a condition that they would not sell alcoholic beverages for a period of time, for example – 90 days.

The City Attorney explained that the City does not have the ability to regulate alcohol and in conjunction with restaurant use, he would need time to review this.

Deputy Kuper stated that revocation of the CUP only applies to the sale of alcohol, not the operation of the restaurant.

Mayor Parris stated his concerns regarding putting this establishment out of business.

Deputy Kuper clarified that the City would not be putting this establishment out of business if they were to become a full restaurant in which alcohol was an incidental item. Restaurants are required to be a food service establishment with 51 percent of their sales from food; there is a significant imbalance at this establishment.

Council Member Crist discussed the imbalance and the fact that there was a murder at this location; number of calls to this establishment for law enforcement assistance; it is a drain on City assets.

The Planning Director stated that the owners of this establishment are well aware of the problems; they know they are not operating under the CUP.

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**PH 2. APPEAL--PLANNING COMMISSION REVOCATION OF
CONDITIONAL USE PERMIT NO. 08-08 AND CITY MANAGER
REVOCATION OF BUSINESS LICENSE (BAMBOO RESTAURANT,
1009 WEST AVENUE I) (continued)**

Addressing the City Council on this matter:

Brian Dykstra – stated that he is a regular customer; he purchases seafood; steaks; rarely purchases alcohol; has never witnessed any problems at this establishment.

Tanya Fonseka – stated that she has attended family parties at this establishment; there have never been any problems; always buys food; has attended places where there was much more violence.

Jeremy Bracewell – stated that he is a regular customer; has attended birthday parties; showers; different events at this establishment; it is not just a nightclub; they do serve drinks but that is not what everyone is going there for.

Johnny Bradford – stated that this is a family oriented establishment; not just an alcohol establishment; encouraged the City Council to come to the establishment before taking action.

Chris Walsh – stated that the murder did not happen in the Bamboo Lounge, it took place in the parking lot; he has been a regular customer at this business; feels comfortable and safe; there is no reason to close this business at all.

David Abber – stated that he has never been to this establishment; businesses need to be held accountable; resources of the Sheriff's Department need to be directed to more important issues at hand.

John Hansen – stated that this establishment used to be known as the Topsy Bull; things happen and the Sheriff's Department is called; he has always eaten at this establishment; it is a good place to go; much safer than when it was the Topsy Bull; problems are handled discretely and handled outside.

Christopher Ginn – stated that any problems are taken care of instantly and discretely; he is an employee at this establishment; takes food orders all the time; families come there; if the establishment were to open earlier in the day, many problems would be solved.

Sandra Azurdia – stated that she goes to this establishment quite often and it is safe.

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**PH 2. APPEAL--PLANNING COMMISSION REVOCATION OF
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REVOCATION OF BUSINESS LICENSE (BAMBOO RESTAURANT,
1009 WEST AVENUE I) (continued)**

Joshua Hopper – stated that he has worked in numerous clubs in this valley; he is an employee at this establishment; requested that the City Council reconsider revocation of the business license and CUP; this establishment is like family.

Efrain Saucedo – stated that he is a customer of this establishment; he does not drink very much; he attends to listen to music; dance; eat and have fun.

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

Vice Mayor Smith stated that he does not like to put people out of business however there has been continuous contact with this establishment from the Sheriff's Department and City staff. It is obvious that they have converted this establishment to a nightclub to make money and they have had numerous problems. They have already proven that they cannot follow the rules and he does not trust them to follow an even more stringent CUP – City staff and the Sheriff's Department would be using valuable resources to check up on them all the time. He stated that Council has heard testimony this evening wherein, if there are problems at this establishment, the problems are taken out to the parking lot and this is not what this City wants.

Council Member Crist inquired as to security and their menus.

The Planning Director stated that the menu is strictly an erasable board; no established menus have ever been prepared and stated that the establishment opens at 9 p.m. on certain days of the week.

Council Member Marquez discussed the advertising for this establishment; they do not advertise as a restaurant but rather, a lounge. The advertisements are not family oriented.

Council Member Mann discussed the different types of licensing; whether this establishment is operating as a restaurant or a nightclub; makes sense for this establishment to open up a new application for a CUP, however, then many agencies would be involved in the process and the owners would not want that. It is evident that they are clearly in violation of their CUP.

Mayor Parris stated that the City should give them the opportunity to operate as a restaurant; does not think the Council should use all their power; suggested revocation of the CUP and if they continue to serve alcohol it is an arrestable offense; does not like the idea of closing this establishment.

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**PH 2. APPEAL--PLANNING COMMISSION REVOCATION OF
CONDITIONAL USE PERMIT NO. 08-08 AND CITY MANAGER
REVOCATION OF BUSINESS LICENSE (BAMBOO RESTAURANT,
1009 WEST AVENUE I) (continued)**

Further discussion took place as to the intent of this establishment; the owners have not been following the rules/guidelines; not comfortable taking a chance with them; they have had lots of counseling from the Sheriff's Department and City staff. Discussed separating the actions into two parts – one for the CUP and one for the revocation of the business license.

On a motion by Vice Mayor Smith and seconded by Council Member Crist, the City Council agreed to separate the recommendation into two actions, 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 Crist, the City Council, based on the evidence presented and the findings, revoked Conditional Use Permit No. 08-08, 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, based on the evidence presented and the findings, revoked the business license for the Bamboo Restaurant, located at 1009 West Avenue I, by the following vote: 3-2-0-0; AYES: Mann, Marquez, Smith; NOES: Crist, Parris; ABSTAIN: None; ABSENT: None

By these two actions, Resolution No. 11-37 was adopted.

**JCB 1. PROPOSED FISCAL YEAR 2011/2012 REDEVELOPMENT
AGENCY/CITY OF LANCASTER BUDGET**

The City Manager/Executive Director presented the staff report on this matter.

Comments and concerns from the City Council:

Council Member/Agency Director Crist stated his concerns with appropriating funding for a proposed traffic circle at the intersection of Lancaster Blvd. and 10th Street West; stated that a much better use would be to consider a parking structure in the downtown area. A traffic circle is not a priority at this time.

Further discussion took place as to how to separate out the matter of a traffic circle from the rest of budget and the options available; the grant funding for the traffic circle; potential of losing the grant funding if the project changes; enhancements to the BLVD; further study is needed regarding traffic circles.

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**JCB 1. PROPOSED FISCAL YEAR 2011/2012 REDEVELOPMENT
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Parking issues must be addressed; traffic circles help with the flow of traffic however, parking is a major issue; disappointed that the discussion is moving away from the original plan; the City is on task/on target and would not like to see the City lose its funding. The BLVD needs an anchor; additional parking will appeal to anchor companies; more analysis is needed; consider bringing the issue of traffic circles back to Council in 60 days.

The City Attorney stated that Council can amend the budget at any time; therefore it would be acceptable to delay the approval of this particular CIP item.

Mayor/Chairman Parris stated that he would like to see an analysis done; is there a need now for a parking structure and will a parking structure improve the business outlook of those businesses on the BLVD, compared to a traffic circle. He would like to see a rational, scientific analysis of these options. He suggested tabling the item regarding traffic circle until an analysis is received and also look at the impact of a traffic circle based on a 15 miles per hour speed limit on the BLVD.

The City Manager/Executive Director stated that much of this information is available through the Downtown Specific Plan and the analysis could be done in 60 days. The options available are: approve the budget as it is, with the traffic circle in it but direct staff not to work on it. Or remove the traffic circle item from the budget; do not include it in the adoption.

Mayor/Chairman Parris inquired as to whether this matter could be taken out with direction to put it back in, in 60 days.

Council Member/Agency Director Crist was in favor of taking the traffic circle item out of the budget at this time.

Vice Mayor/Vice Chairman Smith stated that the CIP could be amended as well. He has seen reports on parking; reports on the Downtown Specific Plan as it relates to parking and maybe it is time to review all those reports again.

Council Member/Agency Director Marquez requested clarification regarding the grant funding and stated that not having enough parking on the BLVD is a good problem. She is not opposed to the traffic circle; they move the traffic along much better than traffic lights.

Council Member/Agency Director Mann discuss traffic flow and the backup of traffic beginning around 4 p.m. each afternoon; in discussions with the Downtown Association, people are still driving way too fast on the BLVD.

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JCB 1. PROPOSED FISCAL YEAR 2011/2012 REDEVELOPMENT AGENCY/CITY OF LANCASTER BUDGET (continued)

On a motion by Council Member/Agency Director Crist and seconded by Mayor/Chairman Parris, the City Council directed staff to have a report in 60 days and take no action on the traffic circle item only, until said report is brought back to Council for reconsideration, 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 Chairman Smith and seconded by Agency Director Mann, the Redevelopment Agency adopted the following resolutions by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

- a. Adopted **Resolution No. 12-11**, adopting the proposed Lancaster Redevelopment Agency Fiscal Year 2011-12 budget as submitted.
- b. Adopted **Resolution No. 13-11**, finding that the acquisition of property or construction of various improvements as approved pursuant to the adoption of the Fiscal Year 2011-12 Budget will be of benefit to the Redevelopment Project.
- c. Adopted **Resolution No. 14-11**, establishing the terms and conditions and authorizing the execution of a promissory note in favor of the City of Lancaster for the distribution of funds to the revolving fund of the Lancaster Redevelopment Agency pursuant to the implementation of the fiscal year 2011-12 budget.
- d. Adopted **Resolution No. 15-11**, establishing the terms and conditions and authorizing the execution of a promissory note in favor of the City of Lancaster for the distribution of funds to the revolving fund of the Lancaster Redevelopment Agency pursuant to the year end adjustment of the fiscal year 2010-2011 budget.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council adopted the following resolutions by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

- a. Adopted **Resolution No. 11-38**, adopting the proposed City of Lancaster Fiscal Year 2011-12 General Fund Operating Budget, Special Funds Budget, and Capital Improvements Budget, as specified in the Staff Report and Budget Document, as amended in Attachment A.
- b. Adopted **Resolution No. 11-39**, finding that the acquisition of property or construction of various improvements as approved pursuant to the adoption of the Fiscal Year 2011-12 Budget will be of benefit to the Redevelopment Project.

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**JCB 1. PROPOSED FISCAL YEAR 2011/2012 REDEVELOPMENT
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- c. Adopted **Resolution No. 11-40**, establishing the annual Appropriations Limit for Fiscal Year 2011-12.
- d. Adopted **Resolution No. 11-41**, amending Resolution No. 10-47 establishing a compensation schedule for various classifications of employees of the City.
- e. Adopted **Resolution No. 11-42**, amending Resolution No. 09-91 establishing the citywide fee schedule related to cost of services.
- f. Adopted **Resolution No. 11-43**, establishing the terms and conditions and authorizing the execution of a promissory note in favor of the City of Lancaster for the distribution of funds to the revolving fund of the Lancaster Redevelopment Agency pursuant to the implementation of the fiscal year 2011-2012 budget.
- g. Adopted **Resolution No. 11-44**, amending Fiscal Year 10-11 Budget
- h. Adopted **Resolution No. 11-48**, establishing the terms and conditions and authorizing the execution of a promissory note in favor of the City of Lancaster for the distribution of funds to the revolving fund of the Lancaster Redevelopment Agency pursuant to the year end adjustment of the fiscal year 2010-2011 budget.

**JNB 1. AMENDMENT TO THE JOINT POWERS AGREEMENT BETWEEN
THE CITY, THE LANCASTER REDEVELOPMENT AGENCY AND THE
LANCASTER HOUSING AUTHORITY**

It was the consensus of the City Council/Agency/Authority to waive the presentation of this matter.

On a motion by Vice Chairman Smith and seconded by Agency Director Marquez, the Redevelopment Agency adopted **Resolution No. 11-11**, a resolution of the Lancaster Redevelopment Agency approving the first amendment to the Joint Powers Agreement between the City, the Lancaster Redevelopment Agency, and the Lancaster Housing Authority and authorized the Executive Director to take such further actions as necessary to implement this action, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

**LANCASTER CITY COUNCIL/ REDEVELOPMENT AGENCY/
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JNB 1. AMENDMENT TO THE JOINT POWERS AGREEMENT BETWEEN THE CITY, THE LANCASTER REDEVELOPMENT AGENCY AND THE LANCASTER HOUSING AUTHORITY (continued)

On a motion by Vice Chairman Smith and seconded by Authority Member Mann, the Housing Authority adopted **Resolution No. HA 02-11**, a resolution of the Lancaster Housing Authority approving the first amendment to the Joint Powers Agreement between the City, the Lancaster Redevelopment Agency, and the Lancaster Housing Authority and authorized the Executive Director to take such further actions as necessary to implement this action, by the following vote:

5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

On a motion by Council Member Mann and seconded by Council Member Marquez, the City Council adopted **Resolution No. 11-45**, a resolution of the City Council of the City of Lancaster approving the first amendment to the Joint Powers Agreement between the City, the Lancaster Redevelopment Agency, and the Lancaster Housing Authority and authorized the City Manager to take such further actions as necessary to implement this action, by the following vote:

5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

NB 1. FILLING COUNCIL VACANCIES

The City Attorney presented the staff report on this matter.

Comments and concerns from the City Council:

Clarification regarding the language; being clear that the appointee is serving out the appointed term.

Addressing the City Council on this matter:

David Abber – stated that this item should be tabled; citizens have the right to choose the person if there is a vacancy; idea of a special election should not be abandoned; language isn't clear.

In response to Council comments, the City Attorney stated that the ordinance would be amended to add language pertaining to the vacancy under subsection C of the ordinance.

On a motion by Council Member Marquez and seconded by Vice Mayor Smith, the City Council introduced **Ordinance No. 967** (the "Ordinance"), with the additional language regarding vacancies under subsection C and amending section 2.04.040 of the Lancaster Municipal Code relating to filling vacancies on the City Council or in the office of the Mayor, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

**LANCASTER CITY COUNCIL/ REDEVELOPMENT AGENCY/
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NB 2. EXTENSION OF THE BUILDING INCENTIVE STIMULUS PROGRAM
It was the consensus of the City Council to waive the presentation of this matter.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council adopted **Resolution No. 11-47**, approving a 30-day extension of the Building Incentive Stimulus Program from July 1, 2011, through July 31, 2011, in order to continue to help stimulate the local job market and encourage developers to continue to build in the City of Lancaster as the City develops a new program focused on incentives to complete abandoned tracts, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CA 1.

- A. DISCUSS AND CONSIDER APPOINTING VICE MAYOR SMITH AND COUNCIL MEMBER MANN AS THE SECOND AND THIRD ALTERNATES TO THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT BOARD AND THE ANTELOPE VALLEY TRANSIT AUTHORITY BOARD.**
- B. DISCUSS AND CONSIDER APPOINTING ALTERNATES TO THE VARIOUS COMMITTEES/BOARDS**

Council Member Marquez requested this matter in light of some health trials her mother is going through and discussed this situation with the City Manager, wherein she may have to leave and go help with her mother's situation. She wanted to make sure that the two boards that she sits on, as well as any other responsibilities are taken care of beforehand. She would like to see additional people appointed to the AVTA and the AVAQMD Boards.

The City Manager stated that Mayor Parris was previously appointed as the first alternate and this action would be for second and third alternates.

Mayor Parris stated that it is Vice Mayor Smith and Council Member Mann and he wasn't concerned how this was divided.

Vice Mayor Smith opened the discussion regarding Item B and appointing alternates to various committees. Consider an overlying policy where any standing committee that the City is a member of and is not governed by state law, that either the Mayor, Vice Mayor or standing in order of position, then seniority of the Council Members could be the alternate.

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, the City Council approved an overlying procedure where any standing committee that the City is a member of and is not governed by state law, that either the Mayor, Vice Mayor or standing in order of position, then seniority of the Council Members could be the alternate, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

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

Council Member Crist presented the following information:

- The Board authorized amending the current fee schedule for Public Records Requests in order to recover the costs incurred by providing copies of public documents.
- The Board approved the executive director to issue an Invitation for Bids (IFB) for the AVTA Facility Phase II Construction. Funding for this project was approved as part of the FY2010/2011 budget including several grants and Proposition 1B and Proposition A Local Return for the local match. Construction is anticipated to begin in August or September and be complete by December 2012. The Board also authorized the release of a RFP for Paratransit and Fixed Route Transit Services.
- In response to local vendors' requests, the Board requested the RFP for AVTA's Website Redesign be canceled and re-bid. Although AVTA's current bidding policy was followed, several local vendors said they were not aware of the RFP. The Board has also requested to review the bidding advertising policy and discussed ways to better reach our local businesses to make them aware of future bid opportunities.
- Upon the recommendation of Carl Warren & Company, the third-party administrator for AVTA's insurer, and the General Counsel, the Board has voted to deny the legal claim of Randy Floyd, previous Executive Director, and Esmyrna Agustin-Jorge, previous Finance Director. Denial of the claim will not have any immediate fiscal impact but may result in litigation being filed against AVTA.
- The Board adopted a resolution to support the Central Committee's position that Lancaster and Palmdale remain in the same Assembly, Senate, Congressional and Board of Equalization Districts.
- The Board welcomed Gail Charles-Wright as the new Director of Finance and Administration. Ms. Charles-Wright already provided tremendous assistance and relief for the Executive Director, Julie Austin in financial matters, policies, bid and RFP development and contracts.
- The Fiscal Year 2011-2012 Draft Business Plan was presented and discussed at the June 14, 2011 AVTA Budget Workshop.

**LANCASTER CITY COUNCIL/ REDEVELOPMENT AGENCY/
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CR 1. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR THE ANTELOPE VALLEY TRANSIT AUTHORITY (continued)

- Additionally, Council Member Crist stated that he disagreed with the hiring of the audit firm due to the fact that none of the local vendors were notified. He stated that Mr. Ledford said: what do we have to do – hold their hands to do this? Council Member Crist was taken aback by this remark and that Mr. Ledford said it was un-American to use local vendors. Council Member Crist stated that it is very important to use local vendors, especially on all the things the City supports. The City of Lancaster supports the AVTA financially and the citizens of this community should at least be recognized.

Mayor Parris requested that on the next agenda there be an item stating that it is the policy of the City of Lancaster, that any agency that the City belongs to should use local vendors whenever possible.

LANCASTER FINANCING AUTHORITY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

- The City Manager stated that the Council should be very proud of their proactive stance in regards to the BLVD; it was just 18 months ago that everyone was here saying it would never work; no one would come. The City has made great progress and Council should be proud.
- On the City's website is a new feature – a community calendar where citizens can view all events taking place in Lancaster on one calendar; a great community resource.
- The fairgrounds 4th of July celebration will take place on Monday; fireworks begin around 9 p.m.; grandstands will open at 8:15 p.m. There is a rodeo beforehand – a paid event, then the fireworks which are free. A reminder to all – all fireworks are illegal in Lancaster including safe and sane fireworks.

At this time, Mayor Parris requested that City Council change the order of the agenda and take the Closed Session matters first, before public business from the floor on non-agendized items.

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RECESS

Mayor Parris recessed the City Council meeting at 8:09 p.m., for the purpose of conducting a Closed Session regarding the following matters:

CLOSED SESSION

1) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Government Code Section 54956.9(a))

ANTELOPE VALLEY GROUNDWATER CASES

Included Actions:

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.

Superior Court of California, County of

Los Angeles, Case No. BC325201;

Los Angeles County Waterworks District

No. 40 v. Diamond Farming Co.

Superior Court of California, County of Kern,

Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of

Lancaster, Diamond Farming Co. v. City of

Lancaster, Diamond Farming Co. v. Palmdale

Water Dist., Superior Court of California

County of Riverside, consolidated actions; Case

Nos. RIC 353 840, RIC 344 436, RIC 344 668.

Santa Clara Case No. 1-05-CV 049053

2) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

Government Code Section 54956.9(a)

The Community Action League v. City of Lancaster - United States District Court Case No.

CV 11 04817 ODW VBKx

RECONVENE

Vice Mayor Smith reconvened the City Council meeting at 8:39 p.m. and announced that at this time, Mayor Parris was excused.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney announced that Council met under the aforementioned matters and in regards to the groundwater case – gave direction to Counsel concerning the handling of that series of lawsuits. In regards to the litigation by the Community Action League, the direction was to proceed with the filing of a cross-complaint against the County both for indemnification and to bring them into the lawsuit as a necessary party since they are the ones actually running the Section 8 program. An additional action was to hire Milton Grimes to assist the City with this lawsuit. He will contact Mr. Grimes and report back to Council with the details regarding this.

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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

Before calling the first speaker (Mr. Bakman), the City Attorney cautioned that Mr. Bakman's issue is a matter of litigation; it is being mediated at this time; there is nothing the City can do with respect to this case since it is a matter of litigation.

Addressing the City Council at this time:

Frederick R. Bakman – stated that it was time for the City to take full responsibility for an injury he sustained over 2 years ago; fell in a hole, got hurt; wants to change the venue to Los Angeles; does not feel he will get a fair deal in this City; feels he should be paid something for all his time and suffering.

Darleen Peterson – stated that she will refer to the round-about, if built, as the Parris-wheel. Encouraged Council not to approve the round-about.

David Abber – stated that he was concerned about the parameters about speaking before the City Council; discussed the filling of Council vacancies and questionable behaviors by certain politicians; stated that he would be asking for the resignation of the Mayor since he will not take responsibility for certain matters.

Vice Mayor Smith clarified for Mr. Abber how he had been off point regarding a matter earlier in the evening.

Lyle Talbot – discussed the justice system and an article in the local paper; read a letter regarding an ongoing issue between Mayor Parris and Mr. Abber.

Victoria Zavala – discussed a public safety concern regarding a dispensary in operation at 805 West Avenue L-8; discussed different dispensaries that are in operation; advocating for Americans for safe access; needs help from the City to help with safe access.

COUNCIL / AGENCY COMMENTS

None

ADJOURNMENT

Vice Mayor Smith adjourned the meeting at 9:00 p.m. in memory of Angela Volta. Ms. Volta was born in Santiago, Chile. She moved to the Antelope Valley in 1970, teaching herself to read, write and speak English. She was the mother and mother-in-law to business owners, Sandra and Marco Johnson and she will be missed by many.

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Vice Mayor Smith stated that the next meeting of the City Council/Redevelopment Agency/Financing Authority would take place on Tuesday, July 12, 2011 at 5:00 p.m.

PASSED, APPROVED and ADOPTED this 12th day of July, 2011, by the following vote:

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

NOES: None

ABSTAIN: None

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/HOUSING AUTHORITY/
POWER AUTHORITY/ 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/Housing Authority/Power Authority/ 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)
