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07/26/11
MVB

**CITY COUNCIL/REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/ HOUSING AUTHORITY
AMENDED MINUTES
March 22, 2011**

CALL TO ORDER

Mayor/Chairman Parris called the regular meeting of the City Council/Redevelopment Agency/Financing Authority/Housing 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; Senior Redevelopment Projects Coordinator; Human Resources Director

INVOCATION

Associate Pastor Tim Christoson, Lancaster Baptist Church

PLEDGE OF ALLEGIANCE

Council Member/Agency Director Marquez

PRESENTATIONS

1. Mayor's Athlete of the Month – Allyson Lods, Lancaster High School
Presenter: Mayor Parris. Ms. Lods received a \$1,000.00 Mayor's Scholarship Award.
2. S.O.A.R. (Students On Academic Rise) High School Student of the Month, Erika Givens
Presenter: Mayor Parris. Ms. Givens received a \$1,000.00 Mayor's Scholarship Award.
3. Proclamation Proclaiming American Red Cross Month
Presenter: Assistant to the City Manager, Kelvin Tainatongo on behalf of the Mayor and City Council. Representative Norm Hickling presented a proclamation on behalf of Supervisor Antonovich.
4. Commendation for Wal-Mart's Contribution to the Community
Presenter: Council Member Crist

**LANCASTER CITY COUNCIL/
REDEVELOPMENT AGENCY/FINANCING/HOUSING AUTHORITY
AMENDED MINUTES
MARCH 22, 2011**

AGENDA ITEMS TO BE REMOVED

None

Vice Mayor Smith stated that subsequent to the posting of the agenda a matter had arisen that should be placed on the Closed Session Agenda as an urgency item. On a motion by Vice Mayor Smith and seconded by Council Member Crist, the City Council approved the addition of the following matter to the Closed Session, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Government Code Section 54956.9(a))

Mongols Nation Motorcycle Club v. City of Lancaster, et al
Case No. BC439791

APPROVAL OF AGENCY CONSENT CALENDAR

Agency Director Crist stated that he would need to recuse himself from Item No. RCC 2, due to the fact that he owns property in said area.

On a motion by Vice Chairman Smith and seconded by Agency Director Mann, the Redevelopment Agency approved the Agency Consent Calendar, with the exception of Item No. RCC 2, by the following vote: 5-0-0-0; AYES: Crist, Mann, Marquez, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

RCC 1. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the Lancaster Redevelopment Agency and Mario Lopez for property located at the northwest corner of Spearman and Milling (APN Nos: 3138-016-029, 030 and 031), Lancaster, California. Funds will be expended from budgeted Housing Bond Proceeds.

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

RCC 2. ACQUISITION OF REAL PROPERTY

On a motion by Vice Chairman Smith and seconded by Agency Director Marquez, the Redevelopment Agency approved an agreement for acquisition of real property between the Lancaster Redevelopment Agency and Deutsche Bank National Trust Company for property located at 302 East Avenue J-12, Lancaster, California, as part of the approved Neighborhood Foreclosure Preservation Homeownership Program, by the following vote: 4-0-1-0; AYES: Mann, Marquez, Smith, Parris; NOES: None; RECUSED: Crist; ABSENT: None

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

RCC 3. ACQUISITION OF REAL PROPERTY

Approved an agreement for the acquisition of real property between the Lancaster Redevelopment Agency and The Red Ferrari Trust for property (vacant land, APN: 3120-012-016 and 017) located at 10th Street West and West Avenue H-12, Lancaster, California. Funds will be appropriated from the Housing Bond proceeds.

**LANCASTER CITY COUNCIL/
REDEVELOPMENT AGENCY/FINANCING/HOUSING AUTHORITY
AMENDED MINUTES
MARCH 22, 2011**

HOUSING AUTHORITY ACTIONS

See **M1** for approval of the Housing Authority Regular Meeting minutes.

APPROVAL OF MINUTES

On a motion by Council Member/Agency Director Mann and seconded by Council Member/Agency Director Crist, the City Council/Redevelopment Agency/Authority approved the City Council/Redevelopment Agency/Financing/Housing Authority Regular Meeting minutes of March 8, 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/Housing Authority Regular Meeting minutes of March 8, 2011.

APPROVAL OF CITY COUNCIL CONSENT CALENDAR

On a motion by Vice Mayor Smith and seconded by Council Member Marquez, 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 February 20, 2011 through March 5, 2011 in the amount of \$2,347,716.62.

CC 3. ACCEPTANCE OF STREETS FOR MAINTENANCE

Approved the developer constructed streets and accepted the streets for maintenance by the City for Tract No. 49864-06, located at the southeast corner of Avenue K-8 and 30th Street East, Owner: KB Home Greater Los Angeles Inc.

CC 4. APPROVAL OF COMPLETED WATER SYSTEMS

Approved the completed water systems installed by the developer of Tract No. 49864-06, located at the southeast corner of Avenue K-8 and 30th Street East, Owner: KB Home Greater Los Angeles Inc.

CC 5. RESOLUTION NO. 11-16

Adopted **Resolution No. 11-16**, a resolution of the City Council of the City of Lancaster, California declaring its intention to vacate the alley located between Kingtree Avenue and the old Vallarta Market, lying 207 feet north of the centerline of Avenue I.

**LANCASTER CITY COUNCIL/
REDEVELOPMENT AGENCY/FINANCING/HOUSING AUTHORITY
AMENDED MINUTES
MARCH 22, 2011**

CC 6. RESOLUTION NO. 11-17

Adopted **Resolution No. 11-17**, a resolution of the City Council of the City of Lancaster, California, adopting an amendment to the City of Lancaster Bicycle Transportation Plan 2008.

CC 7. RESOLUTION NO. 11-18

Adopted **Resolution No. 11-18**, a resolution of the City Council of the City of Lancaster, California, committing the City to provide local match funds, if selected for award, for two submitted competitive grant applications under the Bicycle Transportation Account.

CC 8. AMENDMENT TO EXISTING UNDERTAKING AGREEMENT-CUP NO. 07-06

Approved and accepted an amendment to the existing Undertaking Agreement, extending the date of completion to March 22, 2013, submitted by Crosspoint Development, LLC for Conditional Use Permit No. 07-06, located on the southwest corner of Avenue H and 10th Street West.

CC 9. AMENDMENT TO EXISTING SUBDIVISION UNDERTAKING AGREEMENT-TRACT MAP NO. 53102-02

Approved and accepted an amendment to the existing Subdivision Undertaking Agreement, extending the date of completion to March 22, 2013, submitted by Magnolia, LP for Tract Map No. 53102-02, located at the northwest corner of Avenue J-12 and 45th Street West.

CC 10. AMENDMENT TO EXISTING SUBDIVISION UNDERTAKING AGREEMENT-TRACT MAP NO. 060943

Approved and accepted an amendment to the existing Subdivision Undertaking Agreement, extending the date of completion to March 22, 2013, submitted by Plum Canyon Investments, LLC for Tract Map No. 060943 Phase 2, lots 30-33 and 40, located on the south side of Avenue K-8, approximately 660 feet east of Challenger Way.

CC 11. AMENDMENT TO EXISTING SUBDIVISION UNDERTAKING AGREEMENT-TRACT MAP NO. 061078

Approved and accepted an amendment to the existing Subdivision Undertaking Agreement, extending the date of completion to March 22, 2013, submitted by Plum Canyon Investments, LLC for Tract Map No. 061078 Phase 2, lots 12-33 and 25-29, located at the northwest corner of Avenue K-8 and 15th Street East.

**LANCASTER CITY COUNCIL/
REDEVELOPMENT AGENCY/FINANCING/HOUSING AUTHORITY
AMENDED MINUTES
MARCH 22, 2011**

CC 12. AMENDMENT TO EXISTING SUBDIVISION UNDERTAKING AGREEMENT-TRACT MAP NO. 061278

Approved and accepted an amendment to the existing Subdivision Undertaking Agreement, extending the date of completion to March 22, 2013, submitted by Plum Canyon Investments, LLC for Tract Map No. 061278, located at the northeast corner of Avenue K-8 and Challenger Way.

Addendum:

CC 101. Adopted **Resolution No. 11-19**, authorizing the City Manager or his designee to apply for a Community-Based Transportation Planning Grant (CBTPG) from the California Department of Transportation for the Southeast Transit Village Planning Area (STVPA), and authorizing the City Manager or his designee to execute all documents relative to the grant.

NB 1. COMMERCIAL PROPERTY IMPROVEMENT PROGRAM

The Economic Development Director presented the staff report regarding this matter.

Vice Mayor Smith requested clarification regarding the protocol for assisting people who are interested in this.

The Economic Development Director stated that people may call the Economic Development Department and staff will create an interest list. There will be a loan committee comprised of the downtown businesses; preparation of business plans; this is primarily for new businesses that will enhance the economic restructuring of the downtown businesses, enhance the tax base; because there are a limited amount of funds it is important to be very, very specific. Within the broader program, there are fewer restrictions as it is more of a façade improvement program trying to fix the appearance of those areas. There will be a focus on entrepreneurially owned businesses and the design guidelines that the Council has approved will be followed.

Mayor Parris inquired as to whether he has a conflict regarding this matter due to certain properties he owns, **specifically the McMahon's Building and property at J and 10th Street.**

The City Attorney stated that this is a city-wide program and it may be wise to err on the side of caution and not participate in the vote on this matter this evening and as the process moves forward it will be looked at closer as to whether or not disqualification is necessary.

Council Member Crist stated that he too had some properties that may cause him to disqualify himself from the vote on this matter. **He stated that he has two properties from 15th Street to 10th Street.**

**LANCASTER CITY COUNCIL/
REDEVELOPMENT AGENCY/FINANCING/HOUSING AUTHORITY
AMENDED MINUTES
MARCH 22, 2011**

- NB 1. COMMERCIAL PROPERTY IMPROVEMENT PROGRAM (continued)
Council Member Mann stated that he leases space at 15th Street West, but he does not own the property.**

The City Attorney stated that he felt this was something that should be looked at in more depth and there are a lot of potential benefits to approving the program. There are now three members of the City Council disqualifying themselves from this matter, so the rule of necessity must apply. He suggested the use of an arbitrary method for selecting who will vote on this matter and it must apply fairly across the board.

The City Attorney prepared a random lottery for the three members of the City Council to draw from. He wrote a number on three pieces of paper and crossed two out. The person who draws the number “one” will be the member that will be allowed to participate in the vote. Council Member Mann drew the number “one”; Mayor Parris and Council Member Crist left the dais.

Addressing the City Council on this matter:

Michael Rives – commended the City for the work they do; the redevelopment of the downtown is a great thing and a great concept. He has concerns with how the downtown will look 100 years from now; his vision is for one city; one Antelope Valley with concepts similar to those in Seattle, WA.

On a motion by Council Member Mann and seconded by Council Member Marquez, the City Council approved the Commercial Property Improvement Program and authorized the City Manager or his designee to execute all grant documents related to this program, by the following vote: 3-0-2-0; AYES: Mann, Marquez, Smith; NOES: None; RECUSED: Crist, Parris; ABSENT: None

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

The City Manager recognized and thanked City staff for their hard work over the last 48 hours due to the recent storm and heavy rains; they worked tirelessly. The dedication of American Heroes Park took place today and many turned out for this event. He introduced Lancaster’s new Sheriff’s Captain – Bob Jonsen.

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.

**LANCASTER CITY COUNCIL/
REDEVELOPMENT AGENCY/FINANCING/HOUSING AUTHORITY
AMENDED MINUTES
MARCH 22, 2011**

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Addressing the City Council at this time:

Darlene Peterson – stated that she enjoyed the piano that was in the City Hall lobby and hoped the City would bring it back; she also hopes to see the pianos on the BLVD.

The Parks, Recreation and Arts Director stated that currently the pianos are being fitted with the boxes that will protect them from the elements and they will return to the BLVD soon.

Maria Gutierrez – requested that Council consider bringing the following events to the old fairgrounds: Flea Markets, Farmer’s Market, rent out space for possible job fairs in the future.

Cesar Almeraz – stated that the time capsule by the flag pole in front of City Hall is overdue to be opened; appreciates transparency of meetings.

Barbara Mayzels – stated that she is boycotting the Hispanic Chamber of Commerce – they are not equal opportunity people; discussed the prohibition of housing discrimination and read brief excerpts from federal laws.

Julie Foster – thanked the Mayor and City Council, feels that her voice was finally heard; appreciates the busts last week of illegal massage parlors but laws are not strict enough, they will be back on the streets tomorrow under new management. Discussed the requirements and certifications for therapists; discussed an organization that can come to the meetings and give comprehensive information on this matter.

Mayor Parris requested that this organization be invited to the Criminal Justice Commission meeting. Ms. Foster gave the information to the City Attorney and City Manager.

Lyle Talbot – discussed the sounds of the BLVD; signage on BLVD; census figures; power plant hearings.

David Abber – stated that he filed a claim against the City.

David Paul – stated that he appreciates the recent press conferences, opening of American Heroes Park; these conferences give a sense of belonging; suggested that the crossings by the Senior Center be painted bright yellow, make them more visible for the seniors.

COUNCIL / AGENCY COMMENTS

None

RECESS

Mayor Parris recessed the City Council meeting at 6:00 p.m., for the purpose of conducting a Closed Session regarding the following matters:

**LANCASTER CITY COUNCIL/
REDEVELOPMENT AGENCY/FINANCING/HOUSING AUTHORITY
AMENDED MINUTES
MARCH 22, 2011**

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))

Antelope Valley Allied Arts Association et al v. Lancaster et al, Los Angeles Superior Court
Case No. BC45017

(3) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION

(Government Code Section 54956.9(a))

Miracle Star Women's Recovering Community, Inc. et al. v. City of Lancaster, et al.
LASC Case No. MC 020079

Urgency Closed Session Item:

(4) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Government Code Section 54956.9(a))

Mongols Nation Motorcycle Club v. City of Lancaster, et al
Case No. BC439791

**LANCASTER CITY COUNCIL/
REDEVELOPMENT AGENCY/FINANCING/HOUSING AUTHORITY
AMENDED MINUTES
MARCH 22, 2011**

RECONVENE

Mayor Parris reconvened the City Council meeting at 6:35 p.m.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney announced that the City Council met in Closed Session regarding the aforementioned matters and gave direction to legal counsel regarding the handling of litigation on these cases. Regarding the urgency closed session item which was added, Council gave direction to legal counsel regarding the rejection of this settlement matter.

Mayor Parris stated that in regards to the Allied Arts case, the Judge for this matter stated: “The Court agrees with Defendants that Plaintiffs’ 70 page First Amended Complaint is a “muddled mess” that is “so confusing, contradictory and uncertain: that Defendants cannot reasonably be expected to respond to it.”

Mayor Parris stated that these are the type of lawsuits that the City is continually confronted with.

Mayor Parris stated that in regards to the lawsuit from the Mongols, the Mongols would like \$2 million in settlement and an apology from the Mayor on behalf of the City of Lancaster and the City Council with the Mayor stating that the Mongols Nation Motorcycle Club, Inc. is allowed to come to the City of Lancaster, conduct its business and will not be harassed, threatened, or intimidated, as long as each member of the club remains a law-abiding, peaceful citizen while in the City.

Mayor Parris stated that as for the apology – that is absurd, that will never happen. As for being welcomed in the City of Lancaster, the Mongol Nation will never be welcomed in the City of Lancaster; they are viewed as a threat to the public safety and they will never be invited to do anything in this City other than leave. As far as them being intimidated and harassed by law enforcement – it is not within his power to direct that, but if he could, he certainly would.

ADJOURNMENT

Mayor Parris adjourned the meeting at 6:41 p.m. in memory of Rabbi David Hoffman. Rabbi Hoffman was courageous at a time of profound political change in South Africa. He helped guide the insular South African Jewish community through the end of apartheid and the new democratic era, with all its hopes and challenges. He reached out to other religious leaders through interfaith events and dialogues to create a real constituency for peace, negotiation, and tolerance. The City of Lancaster was blessed to have Rabbi Hoffman become a citizen of the City of Lancaster and help us through our own times of struggle in regards to delicate political issues. He was always a voice of reason, a voice of hope and a voice of negotiation.

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

**LANCASTER CITY COUNCIL/
REDEVELOPMENT AGENCY/FINANCING/HOUSING AUTHORITY
AMENDED MINUTES
MARCH 22, 2011**

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

**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)
