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**CITY COUNCIL/FINANCING AUTHORITY
MINUTES
July 26, 2011**

CALL TO ORDER

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

ROLL CALL

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

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

ABSENT: Council Member/Authority Member: Marquez

Staff

Members: City Manager/Executive Director; Deputy City Manager/Deputy Executive Director; City Attorney/ Authority Counsel; Assistant to the City Manager; City Clerk/Authority Secretary; Planning Director; Public Works Director; Parks, Recreation and Arts Director; Finance Director; Economic Development Director; Housing Director; Human Resources Director

INVOCATION

Reverend Maxine Schiltz – Revealing Truth Church

PLEDGE OF ALLEGIANCE

Vice Mayor/Vice Chairman Smith

PRESENTATIONS

None

AGENDA ITEMS TO BE REMOVED

None

APPROVAL OF MINUTES

For approval of the July 12, 2011 City Council / Redevelopment Agency /Power / Housing / Financing Authority regular meeting minutes, please refer to the Redevelopment Agency minutes dated July 26, 2011.

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APPROVAL OF CITY COUNCIL CONSENT CALENDAR

Addressing the City Council regarding items on the Consent Calendar:

Michael Rives – opposed to action being taken on Item Nos. CC 3; CC 4; CC 5; CC 6; CC 7; CC 8.

Teresa Malone – opposed to action being taken on Item No. CC 3.

David Grajeda – opposed to action being taken on Item Nos. CC 2; CC 3; CC 4; CC 5; CC 6; CC 7; CC 8.

The City Manager stated that he and staff have offered to meet with Mr. Grajeda to discuss any concerns that he may have; Mr. Grajeda scheduled a meeting with the Deputy City Manager and did not show up.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council approved the Council Consent Calendar by the following vote: 4-0-0-1; AYES: Crist, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: Marquez

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 26, 2011 through July 9, 2011 in the amount of \$4,307,952.52.

CC 3. PWCP NO. 11-011

Awarded **Public Works Construction Project No. 11-011, 2011 Pavement Management Program**, to C. A. Rasmussen, Inc., in the amount of \$3,136,102.00, plus a 10% contingency and authorized the City Manager, or his designee, to sign all documents. The project is designed to repair and resurface 40 lane-miles of City streets with new asphalt pavement.

CC 4. RESOLUTION NO. 11-56

Adopted **Resolution No. 11-56**, authorizing and providing for the Fiscal Year 2011-2012 levy of a special tax within Community Facilities District No. 89-1, a District established to finance the acquisition and construction of regional water system improvements in various locations in the City.

CC 5. RESOLUTION NO. 11-57

Adopted **Resolution No. 11-57**, authorizing and providing for the Fiscal Year 2011-2012 levy of a special tax within Community Facilities District No. 90-1, a District established to finance the construction of regional street and storm drain improvements in the area of Lancaster Boulevard and 25th Street West.

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CC 6. RESOLUTION NO. 11-58

Adopted **Resolution No. 11-58**, authorizing and providing for the Fiscal Year 2011-2012 levy of a special tax within Community Facilities District No. 91-1, a District established to finance the construction of regional water and sewer improvements for Quartz Hill II & III.

CC 7. RESOLUTION NO. 11-59

Adopted **Resolution No. 11-59**, authorizing and providing for the Fiscal Year 2011-2012 levy of a special tax within Community Facilities District No. 91-2, a District established to finance the construction of regional street, sewer and storm drain improvements in the Lancaster Business Park Phase III.

CC 8. PWCP NO. 11-006

Awarded **Public Works Construction Project No. 11-006, 15th Street West Bus Stop at Avenue J-5**, to R. C. Becker & Sons, Inc., in the amount of \$143,932.90, plus a 10% contingency and authorize the City Manager, or his designee, to sign all documents. The project is designed to develop the east side of 15th Street West at Avenue J-5 to provide a new bus stop.

PH 1. CONGESTION MANAGEMENT PROGRAM

Mayor Parris opened the Public Hearing. It was the consensus of the City Council to waive the presentation on this matter.

Addressing the City Council on this matter:
Nicole Parson – requested more information.

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

On a motion by Vice Mayor Smith and seconded by Council Member Crist, the City Council adopted **Resolution No. 11-60**, a resolution of the City Council of the City of Lancaster, California, finding the City to be in conformance with the Congestion Management Program (CMP) and adopting the 2011 CMP Local Development Report (LDR), in accordance with California Government Code Section 65089, by the following vote: 4-0-0-1; AYES: Crist, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: Marquez

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NB 1. JOINT POWERS AGREEMENT (JPA) BETWEEN THE CITY OF LANCASTER AND THE 50TH DISTRICT AGRICULTURAL ASSOCIATION FOR THE PURPOSE OF OPERATING, MAINTAINING, AND IMPROVING THE FACILITIES AND FUNCTIONS OF THE ASSOCIATION

The City Manager presented the staff report regarding this matter.

Addressing the City Council on this matter:

Michael Rives – opposed to this action.

Nicole Parson – opposed to this action.

Dan Jacobs – representing the Antelope Valley Fairgrounds – stated that last year the Board worked with Senator Runner to put together and bring forward, SB 1085 which allowed the Board to form this partnership. The Board recognizes the contributions that the City of Lancaster has helped with in regards to the fairgrounds. This is a great opportunity for the City of Lancaster and the entire Antelope Valley. Local control will be brought back like it was many years ago before the fairgrounds was donated to the State of California and the Board is looking forward to progressing forward in this endeavor.

On a motion by Vice Mayor Smith and seconded by Council Member Crist, the City Council approved a Joint Powers Agreement (JPA) between the City of Lancaster and the 50th District Agricultural Association (Association) for the purpose of operating, maintaining, and improving the facilities and functions of the Association, by the following vote: 4-0-0-1; AYES: Crist, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: Marquez

NB 2. IMPLEMENTATION OF THE BUILDING INCENTIVE STIMULUS PROGRAM

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

Tom DiPrima, representing KB Home – stated that several of these projects have come to fruition and been built; tremendous amount of positive testimony from neighbors who were happy to see his company come in. Many of the structures were started and endured a lot of vandalism, which was putting a lot of demand on the Sheriff's services. The Sheriff's Department was very happy to have his company take these homes over and improve the neighborhoods and all structures are being built based on the current code.

Mr. DiPrima further stated that the stimulus helps to offset much of the current costs; generates tax dollars; helps the seller; new jobs have been created. He further discussed some of the challenges when sewer and water were installed; working with Southern California Edison; working on solar home projects and the reduction of costs to the homeowner. Thanked the City Council for the support of this program.

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NB 2. IMPLEMENTATION OF THE BUILDING INCENTIVE STIMULUS PROGRAM (continued)

Addressing the City Council on this matter:

Marta Golding-Brown, Director of the Antelope Valley Building Industry Association (BIA) – thanked the City Council for bringing this item forward. With the approval of this item and the support of the stimulus program, it helps the industry and the sub-contractors to build homes and keep the industry and the City moving forward.

Michael Rives – opposed to this action.

David Grajeda – opposed to this action.

On a motion by Vice Mayor Smith and seconded by Council Member Crist, the City Council adopted **Resolution No. 11-61**, approving the implementation of the Building Incentive Stimulus Program for Existing Tracts and new commercial development, by the following vote: 4-0-0-1; AYES: Crist, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: Marquez

For existing tracts, 25 percent of the development impact fees will be waived, and landscaping will not be required in the back yards. For new commercial and industrial development, development impact fees will be deferred from building permit issuance to the certificate of occupancy. This program will be in effect from July 27, 2011, through June 30, 2012, in order to help stimulate the local job market, eliminate blight and attractive nuisances, increase property values, and encourage developers to continue to build in the City of Lancaster.

NB 3. PROPOSED AMENDMENT TO THE LANCASTER MUNICIPAL CODE ADDRESSING THE PROCEDURES FOR THE ADOPTION AND PUBLISHING OF ORDINANCES/ORDINANCE SUMMARIES AND THE PUBLICATION OF NOTICES – ORDINANCE NO. 968

Mayor Parris requested that this item be removed from the agenda.

CA 1. CONSIDERATION OF LOCAL VENDOR PREFERENCE BY AGENCIES OF WHICH THE CITY IS A PART OF

It was the consensus of Mayor Parris and the City Council, that Council Members sitting on various agencies of which the City is a part of a joint powers or similar agreement, to request those agencies place on their agendas direction to develop and adopt a local vendor preference policy.

Addressing the City Council on this matter:

Michael Rives – supports use of local vendors.

David Grajeda – supports use of local vendors.

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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 approved the Fiscal Year 11/12 Business Plan (Budget.) AVTA estimates the annual fare revenues and operating subsidies at \$23.39 million and operating expenses of \$22.64 million. This would result in an annual surplus of \$751,000.00. The operating budget includes \$9.09 million in purchased transportation. The Capital Program totals \$15.14 million for bus purchases, data and communication, Phase II facility improvements, and a continuation of the bus stop improvement program. Similar to the member jurisdictions, AVTA employees will not receive a cost of living increase. Merit increases can be up to 3% of the base salary.
- The Board adopted a local business outreach policy. AVTA desires “to foster an environment where highly skilled suppliers/vendors may compete successfully for a fair share of AVTA’s procurement on their own merits; and encourage large businesses to increase subcontracting opportunities for local businesses.” AVTA will accomplish this goal by marketing the bid openings and conducting vendor outreach sessions.
- The Board awarded the financial audit service contract to Windes and McClaughry Accountancy Corporation for three years with two one-year options. Three firms submitted proposals and those were evaluated and independently scored by four staff members. Windes & McClaughry was the only firm that proposed the entire scope of work as identified in the request for proposals. The proposed contract cost is a total of \$177,700 for three years. \$60,000 is budgeted in FY 12.
- The Board voted 2-1 with 3 abstentions to keep Norm Hickling, a Los Angeles County representative as Board Chair and Mike Dispenza from the City of Palmdale as Vice-Chair. These are the same Board appointments as last fiscal year.
- The Union for the drivers has voted to go on strike and they will not tell anyone when they plan on going on strike. School will be starting soon and senior citizens sometimes wait months for their appointments, so they might want to seek a backup plan. The Union is looking at different bus routes involving Bus Route 8 and 12.

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CR 2. 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:

- The Board authorized a time-only purchase order extension with Harrington Farms to June 12, 2012, for the operation and maintenance of the Lancaster water reclamation eastern agricultural site. In addition, the Board approved a diesel cost adjustment to the unit price of the four listed bid items (chiseling, disking, seeding, and mowing.) The fuel surcharge will be adjusted quarterly and the average fuel price will be capped at \$5.50/gallon.
- Adoption of the Fiscal Year 2012 operating budget was deferred to the July Board meeting. The Directors were provided only summary budget information by the District. The budget will be considered after detailed information is given.
- The Board approved Phase One of a service charge loading factors study for Districts #14 and #20. For the last several months, Director Smith and restaurant owners have expressed concern about the accuracy of current loading factors for restaurants that are used to calculate service charge rates. The current loading factors were established in the 1980s. The Board directed staff to begin a study for commercial customers relative to residential customers and that the study's first phase focuses on restaurants. The study's cost, estimated at \$380,000.00 will be distributed evenly between the two districts. Staff indicated that Phase Two will include grocery stores and other commercial property types.

LANCASTER FINANCING AUTHORITY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

The City Manager encouraged citizens to come down to the Farmers Market on Thursday afternoons and evenings on Lancaster Blvd. It is incredibly invigorating; people and families are genuinely having a good time.

The City Manager stated that on August 2, 2011 at Pierre Bain Park will be a Public Safety Fair and Emergency Exposition. The Fire Department; Sheriff's Department; City staff have put a lot of work into this; it will be a great event and there will be opportunities to learn about emergency preparedness, buy materials and supplies at a discount.

The City Manager stated that staff will have some initial recommendations for the Council at their next meeting in August pertaining to the State steal of Redevelopment funds.

CITY CLERK /AUTHORITY SECRETARY ANNOUNCEMENT

The City Clerk provided the public with the procedure to address the City Council/Redevelopment Agency regarding non-agendized items.

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PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Addressing the City Council at this time:

Darleen Petersen – discussed landscaping needs for the BLVD; possible flower types.

Nan Dillinger – discussed potential problems if horse carriage businesses are allowed.

Maria Grado – owns and operates the Lemon Leaf Restaurant; thanked the City Council for their leadership and vision; with change comes controversy and it is important that the story be told. Discussed how it used to be on Lancaster Blvd and how much it has changed, all for the better. Thankful for the Farmers Market and the Downtown is thriving.

Blair Brooks – stated that a business by the name of Desert Sky runs a business out of their home on Trevor Street and this is not right.

David Paul – thanked City staff and the Council for bringing forth the stimulus project; discussed the great opportunity regarding the JPA with the fairgrounds; attended a wellness conference that was excellent which was also attended by California's Congressmen.

Teresa Malone – discussed air quality and wind turbines on the wildlife preserve.

Vernon Fierre – thanked Mayor Parris, Council and City staff for everything they have done for Lancaster. Discussed friends of his who have become American citizens; stated that it is a shame that Congressmen and Senators do not do something about the illegal alien situation. It is an insult to the people who come to America the right way and become citizens. Encouraged the City Council to continue to work on the illegal alien situation in this country.

Marina Crockett – discussed potential for problems regarding horse carriage businesses.

Gary Burgess – discussed a home in his neighborhood that is in violation of City ordinances; the owner left and the family does not want anything to do with this property. He confronted two adult males when they were vandalizing the property; has called deputies on several occasions; frustrated by the bureaucracy.

Mayor Parris requested that staff look into this matter.

Cynthia Spears – representing Change Lanes Youth Support Services; needs Council support; has asked on several occasions; in need of immediate funding; would like to meet with someone from the City Council, time is of the essence.

COUNCIL / AUTHORITY COMMENTS

None

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RECESS

Mayor Parris recessed the City Council meeting at 6:23 p.m., for the purpose of conducting a Closed Session regarding the following matters:

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)

ADDENDUM TO CLOSED SESSION

- Vagos International Motorcycle Club, et al. v. City of Lancaster, et al., United States District Court, Central District of California
Case No. 2:11-cv-05099-JFW-MAN
- Hui Lin Su v. City of Lancaster
Los Angeles Superior Court Case No. BC430588

RECONVENE

Mayor Parris reconvened the City Council meeting at 6:38 p.m.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney announced that the City Council met in Closed Session under the aforementioned matters.

Regarding Case No. 1 – Rubin v. Lancaster – gave direction to legal counsel on future steps of the appeal if one is filed.

Regarding Case No. 2 – Vagos v. Lancaster – gave direction to legal counsel regarding the defense of that matter.

Regarding Case No. 3 – Lancaster v. Su – gave direction to legal counsel on the handling of that matter.

ADJOURNMENT

Mayor Parris adjourned the meeting at 6:40 p.m. and stated that the next meeting of the City Council/Financing Authority would take place on Tuesday, August 9, 2011 at 5:00 p.m.

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PASSED, APPROVED and ADOPTED this _____day of _____, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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

R. REX PARRIS
MAYOR
Lancaster, CA

**CERTIFICATION OF MINUTES
CITY COUNCIL/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/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)
