

M 1
01/24/12
MVB

**LANCASTER
CITY COUNCIL/FINANCING/HOUSING/POWER AUTHORITY
MINUTES
January 10, 2012**

CALL TO ORDER

Vice Mayor/Vice Chairman Smith called the regular meeting of the City Council/Financing/Housing/Power Authority to order at 5:02 p.m.

ROLL CALL

PRESENT: Council Members/Authority Members: Crist, Johnson, Mann, Vice Mayor/Vice Chairman Smith

Mayor/Chairman Parris arrived at the meeting at 5:08 p.m.

ABSENT: None

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 & Arts Director; Finance Director; Economic Development Director; Housing Director; Human Resources Director

INVOCATION

Lieutenant Colonel Timothy Ullmann, Wing Chaplain from Edwards Air Force Base

PLEDGE OF ALLEGIANCE

Miss Showdown Rodeo Queen, Heather Londergan and Junior Miss Showdown Rodeo Queen, Jammie Wells

PRESENTATIONS

1. Presentation by Los Angeles County Assessor, John R. Noguez
2. Presentation to Johnny Zamrzla and the Rodeo Committee
3. Not In Our Town Proclamations presented to: Lancaster School District, Antelope Valley Union High School District, Eastside School District and Westside School District

POWER AUTHORITY CONSENT CALENDAR

On a motion by Vice Chairman Smith and seconded by Authority Member Crist, the Power Authority approved the Power Authority Consent Calendar by the following vote: 5-0-0-0; AYES: Crist, Johnson, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

PA CC 1. TWO-YEAR OPTION TO LEASE AGREEMENT WITH US TOPCO ENERGY, INC.

Approved a 2-year Option to Lease Agreement (Option) and a 20-year Ground Lease with US TOPCO ENERGY, INC. (TOPCO), to reserve approximately 17 acres of land, west of the Lancaster National Soccer Center (LNSC), and to work cooperatively to design and construct a 3-megawatt photovoltaic solar generation facility. Authorized the Executive Director to execute all documents and make any non-substantive changes necessary to complete the transaction.

Addressing the Authority at this time:
Michael Rives – opposed to this action.

PA CC 2. TWO-YEAR OPTION TO LEASE AGREEMENT WITH MORGAN SOLAR USA, INC.

Approved a 2-year Option to Lease Agreement (Option) and a 20-year Ground Lease with Morgan Solar USA, Inc. (Morgan), to reserve approximately 38 acres of land, west of the Lancaster National Soccer Center (LNSC), and to work cooperatively to design and construct a 6.5-megawatt concentrated photovoltaic solar generation facility. Authorized the Executive Director to execute all documents and make any non-substantive changes necessary to complete the transaction.

APPROVAL OF COUNCIL/AUTHORITY MINUTES

M 1. MINUTES

On a motion by Council Member Crist and seconded by Vice Mayor Smith, the City Council/Authority approved the City Council/Financing/Housing/Power Authority Regular Meeting minutes of December 13, 2011, by the following vote: 5-0-0-0; AYES: Crist, Johnson, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CITY COUNCIL CONSENT CALENDAR

Addressing the City Council regarding Item No. CC 9
Michael Rives – in favor of this action.

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

LANCASTER CITY COUNCIL/ FINANCING/HOUSING/POWER AUTHORITY
MINUTES
JANUARY 10, 2012

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 November 27, 2011 through December 24, 2011 in the amount of \$17,259,403.78.

CC 3. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the November 30, 2011, Monthly Report of Investments as submitted.

CC 4. ACCEPTANCE OF STREETS FOR MAINTENANCE

Approved the developer constructed streets and accepted the streets for maintenance by the City for: Conditional Use Permit No. 05-23, located on the southeast corner of Lancaster Boulevard and 40th Street East, Owner: Lancaster Baptist Church; and Site Plan Review No. 08-01, located on the southeast corner of Avenue G and Sierra Highway, Owner: eSolar Holding, LLC.

CC 5. COMPLETED WATER SYSTEMS

Approved the completed water systems installed by the developer for: Conditional Use Permit No. 05-23, located on the southeast corner of Lancaster Boulevard and 40th Street East, Owner: Lancaster Baptist Church; and for Tract No. 53253, located on the northwest corner of Avenue M-8 and 30th Street West, Owner: Portabella, LP.

CC 6. PWCP NO. 09-025

Accepted the work constructed by Freeway Electric, Inc., for **Public Works Construction Project No. 09-025, Traffic Signal Upgrades** HSIPL 5419(026); directed the City Clerk to file the Notice of Completion for the project; authorized payment of retention, provided no stop notices, as provided by law, have been filed.

CC 7. PWCP NO. 11-006

Accepted the work constructed by R. C. Becker & Son, Inc., for **Public Works Construction Project No. 11-006, 15th Street West Bus Stop at Avenue J-5**; directed the City Clerk to file the Notice of Completion for the project; authorized payment of retention, provided no stop notices, as provided by law, have been filed.

CC 8. PWCP NO. 11-013

Accepted the work constructed by Hondo Engineering, Inc., for **Public Works Construction Project No. 11-013, BLVD Special Event Control, Phase 2**; directed the City Clerk to file the Notice of Completion for the project; authorized payment of retention, provided no stop notices, as provided by law, have been filed.

CC 9. INSTALLATION OF EMERGENCY GENERATOR

Approved the appropriation and expenditure of \$305,000.00 for engineering, purchase and installation of emergency generator at Lancaster City Hall:

- \$180,000.00 allocated in the City Hall Emergency Generator Project, Account No. 109-11ZZ002-924;
- \$90,000.00 transferred from Account No. 229-11SE001-924, City Maintenance Yard Emergency Generator Project, to Account No. 109-11ZZ002-924;
- \$35,000.00 transferred from Account No. 109-11SE001-924, City Maintenance Yard Emergency Generator Project, also to Account No. 109-11ZZ002-924

The newly installed generator provides 100 percent of the power necessary for electrical service to the entire facility in an emergency circumstance or in the event of a service disruption from Southern California Edison.

CC 10. RESOLUTION NO. 12-01

Adopted **Resolution 12-01**, amending Resolution No. 10-12 establishing the classifications of Maintenance Services Coordinator and General Utilities Administrator.

CC 11. APPROPRIATIONS FOR OFFICE OF TRAFFIC SAFETY GRANT

Approved appropriations for an Office of Traffic Safety Grant in the amount of \$175,000.00 to Expense Account No. 324-4820-775 and Revenue Account No. 324-3306-200.

PH 1. CITY OF LANCASTER MASTER PLAN OF TRAILS AND BIKEWAYS

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

Addressing the City Council on this matter:

Russ Bartholet – stated his concerns with the area of Avenue L rather than Avenue K-8; commuter issues; dangers on the road; lack of lighting over Avenue K-8; concerns regarding crossing over Sierra Highway.

Suzanne Bogert – representing the County of Los Angeles/Department of Public Health – thanked the City for making Lancaster a better place to live, work and play. Master Plan will be an asset to the community; there will be a reduction in vehicle crashes; increase in physical activity; respects and admires the City’s dedication in making the healthy choice – the easy choice; the County is pleased to be able to provide the funding.

**PH 1. CITY OF LANCASTER MASTER PLAN OF TRAILS AND BIKEWAYS
(continued)**

Rich Bartlett – owner of Block Bikes; cycling encourages a healthy lifestyle; motorists need strong awareness and education of cyclists on the road; this community has the potential to be a premier bike route; important to have a bike path on Avenue L, connecting 20th Street West with Sierra Highway/Division Street. Expressed his sadness regarding several tragic accidents on Avenue L involving cyclists. He felt that these accidents could have been avoided had there been appropriate bike lanes in place. Avenue L is a main artery and it already has a number of bike paths leading to it. People would be more aware of cyclists and the bike paths if they were in place. Encouraged the City Council to connect what is already in place and make Lancaster a better place to ride and protect the cyclists.

David Sinclair – stated that this is an exciting endeavor; discussed biking and paseos in the City of Santa Clarita; strongly in support of the plan; concerns regarding Policy No. 9 pertaining to new development; grid patterns are a very good idea, however, the language should be broader.

Michelle Chavez – rides a bike for transportation and health issues; stated her concerns regarding Avenue L; concurred with the issues regarding Avenue K-8

Further discussion took place by the City Council and staff regarding funding; safety of bicycle riding; safety challenges; different colors for the bike lanes; Traffic Engineering is looking at several options and funding; importance of correcting the issues regarding Avenue L; definite problem with on and off ramps at the Avenue L location; this is a difficult problem and it's important to make it safe; important to get people active through riding and walking. Awareness is key; cars need to know cyclists are on the road; issues will be addressed when the budget is brought before the Council.

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

On a motion by Council Member Mann and seconded by Council Member Johnson, the City Council adopted **Resolution No. 12-02**, approving the Master Plan of Trails and Bikeways as modified by the Architectural and Design Commission, by the following vote: 5-0-0-0; AYES: Crist, Johnson, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

PH 2. OCTOBER 2011 CONSOLIDATED FIRE PROTECTION DISTRICT CAPITAL IMPROVEMENT PLAN

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

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

On a motion by Council Member Crist and seconded by Council Member Johnson, the City Council adopted **Resolution No. 12-03**, adopting the October 2011 Capital Improvement Plan of the Consolidated Fire Protection District, by the following vote: 5-0-0-0; AYES: Crist, Johnson, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

NB 1. PRESENTATION BY CHAIRMAN OF SANITATION DISTRICT 14

Addressing the City Council on this matter:

Michael Rives – commended Vice Mayor Smith for holding the line on the Sanitation District issues; it is important that the meetings be held locally; discussed the rates from the Sanitation District; discussed his water bill; citizens should not have to pay these outrageous fees.

Mayor Parris stated that an invitation was extended to Mayor Ledford, the Chairman of the Sanitation District for Lancaster but he declined the invitation. Lancaster will continue to deal with the issues of the Sanitation District.

Vice Mayor Smith stated that the fees are being studied at this time; trying to understand why the fees have increased 110% due to a plant that was built; working to get a handle on this, at least manage it differently.

Mayor Parris stated that unfortunately the newspaper is focusing on the rift between the two mayors. What they are missing is that the citizens are going to end up paying a lot more money if Lancaster cannot get a handle on how this Sanitation District is being run. It is essentially being run by those outside of the District, meaning the County; City of Palmdale. Unless Lancaster can restructure and chart its own destiny in regards to the Sanitation District, it is going to cost everyone a great deal of money.

Mayor Parris requested that the City Attorney look into the possibility of some legislation; a resolution to restructuring that District; restructuring the voting block on that District, so that the State Senator and State Assemblyman can present to the legislature. It is intolerable the way it is run currently by forces outside of this City.

Council Member Mann stated that he was disappointed that no one representing the Sanitation District came to this meeting, but found it no more erroneous than the material they use. They use 30 and 40 year old data to determine rates in today's world and that is frustrating. They started with picking on the restaurants and there still isn't a clear determination to whether that is resolved or not. The bills are enormous and the data used is very old and this needs to be resolved.

NB 2. PROPOSED AMENDMENT TO THE LANCASTER MUNICIPAL CODE REGARDING THE USAGE OF PLACARDS TO DENOTE CONDITIONS RELATING TO CONTINUED OCCUPANCY OF BUILDINGS

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

On a motion by Council Member Crist and seconded by Council Member Mann, the City Council introduced **Ordinance No. 973**, an ordinance of the City Council of the City of Lancaster, California, adding Chapter 15.25 to the Lancaster Municipal Code, relating to placards used to denote conditions relating to continued occupancy of buildings, by the following vote: 5-0-0-0; AYES: Crist, Johnson, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

NB 3. SUCCESSOR AGENCY TO THE LANCASTER REDEVELOPMENT AGENCY

The City Manager and the City Attorney presented the staff report regarding this matter.

On December 29, 2011 the California Supreme Court (“Supreme Court”) issued their decision in California Redevelopment Association v. Matosantos. The Supreme Court concluded that Assembly Bill X1 26 (“Dissolution Act”) is valid and constitutional and that Assembly Bill X1 27 (“Voluntary Redevelopment Program Act”) is invalid and unconstitutional. The Supreme Court’s decision is final and effective immediately. The decision means that all California redevelopment agencies (“Agencies”) are subject to the Dissolution Act and will be dissolved; and, there is no option to continue to exist under the Voluntary Redevelopment Program Act. The Dissolution Act dissolves all agencies, authorizes the recapture and transfer of redevelopment monies, limits future allocation and expenditure of (former) tax increment and other redevelopment monies to repayment of recognized enforceable obligations and limited administrative activities, and transfers administration of the wind down and limited activities of former agencies to successor agencies, oversight boards, and county auditor-controller’s.

The Supreme Court ordered that all deadlines in AB X1 26 that state a date for action of May 1, 2012 or earlier are “reformed”, i.e., extended by four (4) months; thus, for instance, all redevelopment agencies will be dissolved and their successor agencies will begin to function on February 1, 2012 rather than October 1, 2011. (See §§34170, subd. (a) [all provisions in pt. 1.85 are operative on Oct. 1, 2011 (now reformed to February 1, 2012), unless otherwise specified], 34173 [creating successor agencies], 34175, subd. (b) [transferring redevelopment agency assets to successor agencies], 34177, subd. (1)(2)(A) [requiring successor agency to prepare a draft obligation payment schedule by Nov. 1, 2011 (now reformed to March 1, 2012)].)

Resolution No. 12-04, if adopted by the City Council, provides for an affirmative election of the City Council to serve as the Successor Agency to the Lancaster Redevelopment Agency. Further actions will be required at future meetings.

NB 3. SUCCESSOR AGENCY TO THE LANCASTER REDEVELOPMENT AGENCY (continued)

The City Attorney stated that there are several actions that needed to be taken care of. The first is whether or not the City wants to act as the successor agency. The successor agency is defined as the City unless the City elects not to act as the successor agency. There are good reasons to become the successor agency. Liabilities are limited to the amount of revenues received either from the transfer of real property or tax increments. There does not appear to be any exposure to the City as a result of that. The existing Redevelopment Agency, unless there is some movement in the legislature would cease to exist as of February 1, 2012.

The City Attorney stated that all of the assets of the Redevelopment Agency, other than the Housing assets will be transferred by operation of law to the successor agency. It is then the obligation of the successor agency to dispose of those assets as judiciously as possible with the idea of preserving the value in that process. They want the entity to maximize the revenues and get rid of it as expeditiously as possible. There is no set time limit in which to do this. This is not a great real estate market to be dumping a lot of properties on the market, so it will be a matter of timing. The City will also be able to control better than an outside agency would – who would get the property, how the property would be used after it is sold. If the Council chooses not to be the successor agency, then it goes to the first local entity that steps up to volunteer to be the successor agency. If no one steps up then the Governor gets to appoint who the successor agency would be. All of the actions of a successor agency are subject to the approval of an oversight board. An oversight board is created for every Redevelopment Agency in the State. Those oversight boards remain in effect until 2016. After that, there becomes one oversight board for the entire county. The oversight board is made up of a number of people. The Board of Supervisors gets to appoint, the Mayor gets to appoint a member, the Superintendent of Community Colleges gets to appoint a member; there is a member from the School Districts; the largest taxing agency – the Fire District, would also get to appoint one member. There is also a former employee of a represented group that would be appointed to the board as well. One specific issue that is applicable to Lancaster is that we currently have two members of the Redevelopment Agency who were appointed because two members of the City Council chose to step down from their duties as the Redevelopment Agency members for various conflict reasons. There is no provision in the law for appointment of anybody other than the City Council, if the City decides to act as the successor agency. However, there are not the special conflict of interest rules applicable to the Redevelopment Agency; those are not applicable to the successor agency.

Mayor Parris requested clarification that it specifically requires the Council to be the successor agency.

The City Attorney stated that it is defined as the City. The City Council represents the City; they are the elected representatives. The members can only act as the City through the City Council.

NB 3. SUCCESSOR AGENCY TO THE LANCASTER REDEVELOPMENT AGENCY (continued)

Mayor Parris felt that this may not be accurate and requested a memorandum addressing this issue and why saying the City means the City Council. One concern is that there may or may not be a technical conflict. He stated that he does own property within the confines of the Redevelopment area and it would be affected.

The City Attorney stated that with respect to the conflict, what would be required as this goes forward in disposing of the real property, is if one of those properties is located within 300 feet of the property owned by the Mayor, in the project areas, then the Mayor would need to disqualify himself from participation in that action. The other one would be a 1090 in which you would not have an interest in any contract entered into by the City Council.

Mayor Parris requested information on why the City cannot have a Commission that represents the Council in regards to the successor agency. If there is not a prohibition on it, then it should be appropriate. It doesn't specify City Council; we have all types of agency relationships where people are representing the City.

The City Attorney stated that the City is operating under State law right now and within those very specific provisions of State law.

The City Attorney stated that this needs to be acted upon this evening and no later than Friday, January 13, 2012.

Mayor Parris stated that not enough time has been given to make a decision. The Council is being asked to make a decision on something without having enough time to consider all the issues.

The City Attorney explained that the decision timing was imposed by the State Supreme Court.

Addressing the City Council on this matter:

Michael Rives - read the decision of the Supreme Court; in favor of City taking over as the successor agency; concerns regarding the Council sitting on the successor agency; two of the members should not be on the successor agency; the other three should handle the details.

Further discussion took place regarding the successor agency; real property sales; administrative costs; the diverse vibrant group of people who are now representing the City.

The City Attorney stated that at the next meeting, the City Council will determine the obligations; duties of the housing functions; ongoing programs; property assets; platform for expansion; the Housing Authority.

NB 3. SUCCESSOR AGENCY TO THE LANCASTER REDEVELOPMENT AGENCY (continued)

On a motion by Council Member Crist and seconded by Council Member Mann, the City Council adopted **Resolution No. 12-04**, a resolution of the City of Lancaster electing to serve as the Successor Agency to the Lancaster Redevelopment Agency, by the following vote: 5-0-0-0; AYES: Crist, Johnson, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

NB 4. DEVELOPMENT AGREEMENT WITH SOLARCITY CORPORATION

The Deputy City Manager presented the staff report regarding this matter.

Mayor Parris commended the Deputy City Manager for the incredible job he is doing regarding the solar opportunities that are available for the City of Lancaster.

Addressing the City Council on this matter:

Michael Rives – stated several concerns; opposed to this action.

Council Member Johnson stated that she is very excited about this project; it will create many local jobs for the community.

On a motion by Council Member Crist and seconded by Council Member Mann, the City Council authorized the City Manager to execute a Development Agreement with SolarCity Corporation for the development of solar systems throughout the State of California, by the following vote: 5-0-0-0; AYES: Crist, Johnson, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

LANCASTER FINANCING AUTHORITY

No action required at this time.

LANCASTER HOUSING AUTHORITY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

The City Manager stated that this Saturday, January 14, 2012 is the Martin Luther King, Jr. Day of Service. There was a great Press Conference at Antelope Valley High School; a former Palmdale High School running back, sat in the Antelope Valley “Lope Seat” and actually represented the City very well – Council Member Crist.

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 a recent injury from a fall from a ladder; inquired about the status of the wellness homes and the future of them due to the decision by the State to take the redevelopment funds.

Theresa Malone – concerns regarding the Lancaster Municipal Code in relation to trash cans; discussed housing that can be mortgaged to the City; there is a massive cloud of chemicals in the Chambers.

Mayor Parris requested that staff assist Ms. Malone with her concerns.

Chris Cowan – stated that he is with Occupy AV; wants a resolution before the Council regarding taking the money out of politics; must overturn this; important to have a level playing field; money should not be the controlling factor.

Maria Gutierrez – discussed discrimination at the homeless shelter; made suggestions regarding bike lanes; the City should become part of the county; discussed the farmer’s market programs that are offered; planning to have a business of horses helping abused women.

Ron Rock – discussed an issue where he lives (a four-plex) with a shared garage/driveway area. Neighbors are blocking entrances; requested Code Enforcement look at this.

Mayor Parris requested that staff assist Mr. Rock with his concerns.

Yul Gevargis – discussed an evaporative cooler that can be used in conjunction with solar.

Mayor Parris requested that staff have Mr. Gevargis meet with the representatives of SolarCity.

COUNCIL / AGENCY COMMENTS

None

RECESS Mayor Parris recessed the meeting at 7:23 p.m. for the purpose of conducting a Closed Session meeting regarding the following matter:

CLOSED SESSION

Government Code Section 54956.9(c) CONFERENCE WITH LEGAL COUNSEL --- ANTICIPATED LITIGATION, THE CITY COUNCIL/REDEVELOPMENT AGENCY IS DECIDING WHETHER TO INITIATE LITIGATION (1 case)

RECONVENE

Mayor Parris reconvened the meeting at 7:45 p.m.

LANCASTER CITY COUNCIL/ FINANCING/HOUSING/POWER AUTHORITY
MINUTES
JANUARY 10, 2012

CITY ATTORNEY ANNOUNCEMENT

The City Attorney announced that the City Council met in Closed Session regarding the aforementioned matter; there was discussion and no action was taken.

ADJOURNMENT

Mayor Parris adjourned the meeting at 7:46 p.m. and stated that the next regular meeting would take place on Tuesday, January 24, 2012.

PASSED, APPROVED and ADOPTED this _____day of _____, 2012, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

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

R. REX PARRIS
MAYOR/CHAIRMAN
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)
