

**LANCASTER
CITY COUNCIL/SUCCESSOR AGENCY/
FINANCING/HOUSING/POWER AUTHORITY
MINUTES
February 14, 2012**

CALL TO ORDER

Vice Mayor/Vice Chairman Smith called the regular meeting of the City Council/Successor Agency/Financing/Housing/Power Authority to order at 5:01 p.m.

ROLL CALL

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

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

EXCUSED: Mayor Parris

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

Rev. Leo Dechant, Blessed Junipero Serra Parish

PLEDGE OF ALLEGIANCE

Council Member/Authority Member Mann

PRESENTATIONS

- 1) S.O.A.R. (Students On Academic Rise) High School Student of the Month - Sylvia Hernandez
- 2) Athlete of the Month - Raven Doyle - Desert Christian High School

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Pursuant to action taken by the State of California regarding the elimination of Redevelopment Agencies, the Successor Agency approved the final Redevelopment Agency Minutes.

APPROVAL OF REDEVELOPMENT AGENCY MINUTES

SM 1. MINUTES

On a motion by Authority Member Crist and seconded by Authority Member Mann, the City Council/Authority approved the Redevelopment Agency minutes of January 24, 2012, by the following vote: 3-0-1-1; AYES: Crist, Mann, Smith; NOES: None; ABSTAIN: Johnson; ABSENT: Parris

PA CC 1. APPROVAL OF AMENDMENT TO MASTER SOLAR POWER PURCHASE AND SALE AGREEMENT WITH US TOPCO ENERGY, INC.

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

Addressing the Power Authority on this matter:

Michael Rives – discussed various sections of the agreement that concerned him.

On a motion by Authority Member Crist and seconded by Authority Member Johnson, the Power Authority approved Amendment No. 1 to the Master Solar Power Purchase and Sale Agreement with US TOPCO ENERGY, INC. to develop photovoltaic solar generation facilities on various City owned properties and authorized the Executive Director to execute all documents and make any non-substantive changes necessary to complete the transaction, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

APPROVAL OF COUNCIL/AUTHORITY MINUTES

M 1. MINUTES

On a motion by Council Member/Authority Member Crist and seconded by Council Member/Authority Member Mann, the City Council/Authority approved the City Council/Financing/Housing/Power Authority Regular Meeting minutes of January 24, 2012, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

CITY COUNCIL CONSENT CALENDAR

Addressing the City Council regarding the Consent Calendar:

Scott Pelka – Stated his concerns regarding Item No. CC 6 and the clause regarding consultants and the work they may be performing for the City.

Vice Mayor Smith clarified that if a Council Member is receiving financial gain from someone, then they cannot have a contract with the City. He requested that the City Attorney briefly explain the filing requirements of the Form 700.

The City Attorney stated that every two years, cities are required to update their Conflict of Interest Code. The provision Mr. Pelka is referring to is common language in Conflict of Interest Codes with all cities. The consultant clause is very limited to someone who has a very limited scope of work. If there were any financial interests between that entity and a Council Member, the City could not approve a contract with that person. If it was not involving a contract, then any conflict or financial interest would be picked up on the Council Member's Form 700. All areas are covered and this helps to avoid having people come in and file unnecessary paperwork for two weeks worth of work and then their job is completed.

Vice Mayor Smith clarified that this action is mandated by the State; by the Fair Political Practices Commission.

Michael Rives – discussed Item No. CC 6 and the filing requirements of the different levels of employees; discussed Item No. CC 5 regarding the Vehicles for Hire Ordinance.

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

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 January 8, 2012 through January 28, 2012 in the amount of \$8,935,017.37.

CC 3. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the December 31, 2011, Monthly Report of Investments as submitted.

CC 4. RESOLUTION NO. 12-09

Adopt **Resolution No. 12-09**, as the successor agency of the Lancaster Redevelopment Agency, authorizing investment of monies in the local agency investment fund.

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CC 5. ORDINANCE NO. 974

Adopted **Ordinance No. 974**, an ordinance of the City Council of the City of Lancaster, California, adding Chapter 5.26 to the Lancaster Municipal Code relating to vehicles for hire.

CC 6. RESOLUTION NO. 12-10

Adopted **Resolution No. 12-10**, rescinding Resolution No. 10-06 in its entirety and establishing the list of designated employment classifications and the disclosure categories of the Conflict of Interest Code as provided in section 2.40, title 2, of the Lancaster Municipal Code.

CC 7. AMENDMENT TO SUBDIVISION UNDERTAKING AGREEMENT

Approved and accepted an amendment to the existing Subdivision Undertaking Agreement, extending the date of completion to February 14, 2014, submitted by Beazer Homes Holdings Corporation for Tract Map No. 060858, located on the south side of Avenue I, approximately 320 feet east of 45th Street West.

CC 8. ACCEPTANCE OF SUBSTITUION OF SUBDIVISION UNDERTAKING AGREEMENT

Approved and accepted substitution of the Subdivision Undertaking Agreement and securities submitted by AVThree Homes, LLC in place of the Subdivision Undertaking Agreement and securities submitted by Cambridge Homes, Inc. for Tract Map No. 060779, located on the northeast corner of Avenue J-8 and 32nd Street West.

CC 9. ACCEPTANCE OF SUBSTITUION OF SUBDIVISION UNDERTAKING AGREEMENT

Approved and accepted substitution of the Subdivision Undertaking Agreement and securities submitted by KB HOME Coastal, Inc. in place of the Subdivision Undertaking Agreement by RCDR VI, LLC for Tract Map No. 061905, located on the southeast corner of Avenue K-8 and 27th Street West.

CC 10. RESOLUTION NO. 12-11

Adopted **Resolution No. 12-11**, approving the application for the City of Lancaster (City) to become certified and participate in the Covered Electronic Waste Recovery and Recycling Payment System. If selected, approving the execution of a standard agreement and any amendments thereto; any related documents necessary to participate in the Covered Electronic Waste Recovery and Recycling Payment System within the City. Authorized the City Manager, or his/her designee, to execute any documents necessary to register and take other actions appropriate to facilitate the application, in its entirety, including the execution of all contracts or agreements with an approved certified electronic waste recycler.

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NB 1. AUTHORITY MEMBERS OF THE LANCASTER HOUSING AUTHORITY

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

Addressing the City Council on this matter:

Michael Rives – stated that he felt that the Successor Agency should be the body that takes over the Housing Authority duties.

On a motion by Council Member Crist and seconded by Council Member Johnson, the City Council adopted **Resolution No. 12-12**, determining the City Council shall no longer be the Members of the Housing Authority and pursuant to Health & Safety Code Section 34293, the Mayor shall appoint the members of the Housing Authority, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

NB 2. REPEAL OF ORDINANCE NO. 934 AND CHAPTER 5.50 OF THE LANCASTER MUNICIPAL CODE

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

On a motion by Council Member Mann and seconded by Council Member Johnson, it was recommended that the City Council introduce **Ordinance No. 975**, repealing Ordinance No. 934 and Chapter 5.50 of the Lancaster Municipal Code relating to the employment of undocumented workers, by the following vote: 2-2-0-1; AYES: Johnson, Mann; NOES: Crist, Smith; ABSTAIN: None; ABSENT: Parris

The motion did not pass. This item will come before the City Council at a future meeting.

This matter based on Assembly Bill 1236 (the “Employment Acceleration Act of 2011”), which prohibits the state, or a city, county, city and county, or special district, from requiring an employer to use an electronic employment verification system except when required by federal law or as a condition of receiving federal funds.

NB 3. PROPOSED AMENDMENT OF PURCHASING ORDINANCE

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 Johnson, the City Council introduced **Ordinance No. 976**, amending Chapter 3.32 of the Lancaster Municipal Code relating to the City of Lancaster's Purchasing System, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

The purpose of the update to the current Purchasing Ordinance is to reflect modern best procurement practices, improve accountability, clarify and establish procurement policy, and implement changes in the law since the adoption of the last Purchasing Ordinance.

NB 4. AGREEMENT WITH OEC-LANCASTER, LLC (ECOLUTION) TO DEVELOP A MATERIALS RECOVERY AND CONVERSION FACILITY (MRF) IN LANCASTER

Vice Mayor Smith requested that Item Nos. NB 4 and NB 5 be presented at the same time since the items are related.

The City Manager presented the staff report regarding this matter.

OEC - Lancaster, LLC (Ecolution) representatives met with city staff and expressed their interest in developing and operating a Materials Recovery and Conversion Facility (MRF) in Lancaster. Ecolution is an advanced solid waste separation and renewable energy development company that utilizes state of the art technologies capable of converting unrecyclable solid waste into useful products, such as green fuels and renewable energy, in an environmentally beneficial way. The system Ecolution utilizes also recovers up to 85% of recycled materials from waste streams, which would be approximately 49% more efficient than what currently exists in Lancaster.

Ecolution is seeking to enter into a partnership agreement with the City to develop its Materials Recovery Facility (MRF) in Lancaster. Through a separate Exclusive Negotiating Agreement (ENA), the City would work with Ecolution to locate a site that could accommodate its facility and would assist Ecolution through the development approval process. Through this partnership agreement, the City would commit to direct its local waste stream to Ecolution's proposed MRF facility for a twenty (20) year period subject to existing contractual obligations. In addition, the City would work jointly with Ecolution to contact regional waste haulers to encourage them to divert their waste to Ecolution's MRF facility.

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In return, Ecolution will locate its facility in Lancaster and pay the City a per ton host fee for waste processed through its facility. It is anticipated that once the facility is at full capacity, this partnership will generate approximately \$5 million to \$6 million dollars annually for the City.

In summary: OEC - Lancaster, LLC (Ecolution) is interested in developing and operating a materials recovery and conversion facility that would incorporate a more efficient recycling recovery system. Ecolution is seeking to partner with the City to develop this facility in Lancaster. This mutually beneficial partnership will not only create a long term revenue source for the city, but also help create new jobs, help enhance recycling efforts, reduce greenhouse gas emissions, and reduce dependence on landfilling.

Representing OEC – Lancaster, LLC (Ecolution), Tim Fuller presented an in-depth report regarding this matter and introduced several members involved in this project.

Representatives of Ecolution presented brief presentations regarding this matter.

Council Member Crist requested clarification regarding extra trash bins; machinery insurance/capabilities; destination of recycled material when the process is completed.

Ms. Szeto, representing Mayor Parris expressed total support for this project; the project falls squarely in line with the goals for Lancaster as a leader in the Green Technology Field.

Council Member Johnson stated that this is a wonderful project; excited about the employment opportunities for local people; this is a great example of the purpose to become the Green Capital of the world.

Addressing the City Council on this matter:

Scott Pelka – inquired as to the land that will be purchased for this project; concerns recycling the organic waste and conversion; opposed to Lancaster being used for the experimental project.

Michael Rives – stated that he has reviewed the statistics regarding this project; suggested this matter be held over for a public hearing to receive public input before it is approved.

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Vice Mayor Smith addressed Mr. Rives and stated that this evening's meeting is in fact a public meeting and public input was currently being received.

Maureen Feller – stated her concerns regarding the contract; taxpayers should receive free trash pickup in return for this project.

Sandra Pursley – representing Waste Management, which has provided critical support; outreach programs; appreciates the City's desire to be a green environment. She presented several statistics regarding Waste Management and stated that the company will have an open mind in regards to this project.

William Winchester – stated that he is pleased to be a part of the Ecolution Team; discussed materials; logistics; the design is very thorough and will be able to reclaim more material from the landfill than ever before.

Rod Rougelot – representing RePlanet, discussed the impact of beverage containers alone on the plant; he has been following this project with great interest; very interested in the recycling of the plastics and the metal. The operation extends beyond the container types to collection, processing and manufacturing. There are so many possibilities for the future including but not limited to, employing over 600 people over the next 36 months.

Walter Brennan, Jr. – representing EXP, Inc., presented his background and the background of the design firm that he is with; always looking for projects that benefit the environment; a one stream system; this is a great source of renewable energy.

Matthew Everhart – representing Vecoplan Equipment Supplier, discussed the processing and recovery around waste; his company represents over 6 continents and the experience is vast; excited to see pioneers pop up in the United States.

Kurt Bratton – representing Republic Services, nationwide collectors, recyclers, largest holder of franchises; commended the City Council and staff in being open to such an innovative plan for this project.

Brian Bean – representing Copper Creek Capital Group, gave a brief background of the company; discussed the financibility of this project; discussed alternative energy projects; it is his firm belief that this project is imminently financeable and exemplifies what a green future is all about; urged the Council to approve the project.

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NB 4. AGREEMENT WITH OEC-LANCASTER, LLC (ECOLUTION) TO DEVELOP A MATERIALS RECOVERY AND CONVERSION FACILITY (MRF) IN LANCASTER (continued)

Rich Poston – representing the A.V. Black Chamber of Commerce and the A.V. Hispanic Chamber of Commerce, supports this project and feels that with the job creation that this project offers, it would be perfect for this area; urged the Council to move forward with this project.

Council Member Mann stated that he was very impressed with the information he has received regarding this project; this will put the City many years ahead in the recycling field; pleased that the facility will be lead certified; the benefits to the City are very clear. This will bring jobs; it is good for the environment; this will stabilize the prices for future trash bills and this will bring much needed income to the City.

Council Member Crist thanked Mr. Fuller and the entire group of representatives for bringing this together. The State continues to take money from the City; this project will allow for jobs and ultimately, it primes the pump for the entire community. It will harness resources. For each Plant that is built, the City will receive millions in revenue; this is one of the largest resources in the history of the Antelope Valley. He addressed Mr. Rives and stated that since he is the President of the Optimist Club, he truly should be in favor of this project.

On a motion by Council Member Crist and seconded by Council Member Mann, the City Council approved an agreement with OEC-Lancaster, LLC to partner in the development of a Materials Recovery and Conversion Facility (MRF) in Lancaster and authorized the City Manager, or his designee, to execute all documents related thereto, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

The partnership will help increase the recycling and landfill diversion rate in Lancaster, create approximately 200 permanent green collar jobs and 100 construction related jobs for the community, help solidify Lancaster's Net Zero City project by helping create jobs focused on clean energy generation and, at full capacity, this partnership will generate approximately \$5 million to \$6 million dollars annually for the City.

NB 5. EXCLUSIVE NEGOTIATING AGREEMENT WITH OEC-LANCASTER (ECOLUTION)

On a motion by Council Member Crist and seconded by Council Member Mann, the City Council approved an Exclusive Negotiating Agreement with OEC-Lancaster, LLC to explore the development of a materials recovery and conversion facility in Lancaster and authorize the City Manager, or his designee, to execute all documents related thereto, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

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RECESS Vice Mayor Smith requested a brief recess at 6:28 p.m.

RECONVENE Vice Mayor Smith reconvened the meeting at 6:40 p.m.

CA 1. CONSIDERATION OF NOMINATIONS AND APPOINTMENTS OF THE FOLLOWING PEOPLE TO THE LANCASTER HOUSING AUTHORITY: RON SMITH, MARVIN CRIST, KEN MANN, KITTY SZETO AND CASSANDRA HARVEY

Addressing the City Council on this matter:

Michael Rives – opposed to this action; delay this action due to the upcoming Election and the possibility of new Council Members taking office.

On a motion by Vice Mayor Smith and seconded by Council Member Mann, the City Council approved Ron Smith, Marvin Crist, Ken Mann, Kitty Szeto and Cassandra Harvey as the new members of the Lancaster Housing Authority, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

CA 2. CONSIDERATION OF NOMINATIONS / APPOINTMENTS / RE-APPOINTMENTS BY MAYOR PARRIS TO THE VARIOUS COMMISSIONS

Addressing the City Council on this matter:

Michael Rives – opposed to this action; delay this action due to the upcoming Election and the possibility of new Council Members taking office. The selections by the Mayor do not reflect enough diversity to represent the community.

Council Member Johnson addressed Mr. Rives and stated that it is not fair to put the City on hold in making decisions due to an upcoming Election; we need to continue to make the City successful.

Council Member Crist stated that it is disingenuous of Mr. Rives to characterize these commissions as not being racially diverse. They are very much racially diverse and he stated that he did not appreciate Mr. Rives characterization of this.

On a motion by Vice Mayor Smith and seconded by Council Member Crist, the City Council approved the following appointments to the various commissions, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

Architectural/Design Planning Commission

April Bartlett - Chair
Amanda Hawse
Timothy M. Wiley
Andrew Mercy
Russ Bartholet
Kathryn Carlson

Lancaster Criminal Justice Commission

David Vierra - Chair
Newton Chelette
Tim Fuller
Jim Gaupel
Mark Brown
Lee Smith
Sherreé Pickens

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CA 2. CONSIDERATION OF NOMINATIONS / APPOINTMENTS / RE-APPOINTMENTS BY MAYOR PARRIS TO THE VARIOUS COMMISSIONS (continued)

Lancaster Neighborhood Vitalization Commission

Steven Derryberry - Chair

Howard Harris

Lisa Mouton

Concepción Harris

Michelle Kiefer

Angela Hearn

AGENDA ADDENDUM

- CA 101.** It was the consensus of the City Council to direct the City Attorney to file a complaint with the United States Department of Housing and Urban Development against the Los Angeles County Housing Authority for discrimination in the issuance of Section 8 vouchers and for inadequate enforcement of Section 8 program regulations.

At this time the City Clerk administered the oath of office to the newly appointed Commission Members and to the newly appointed Lancaster Housing Authority. The Commission members who were not present will be given the oath of office at their respective Commission meetings.

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 on Saturday, February 18, 2012 there will be a fund raiser at the University of Antelope Valley in which there will be the Antelope Valley's own "Dancing with the Stars". There will be representatives from the City Council and the Commissions representing Lancaster as well as representatives from the City of Palmdale. This event will raise money for a children's program that puts on ballroom dancing in the local schools and it will be fun, good, healthy competition.

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.

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PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Addressing the City Council at this time:

Michael Rives – encouraged the City Council to pursue the lawsuit against HUD; referred to the complaint; stated his concerns regarding settling with HUD and the limitations it would have on what the City can require of the property owner/landlord.

Curtis Martin – representing U.S. DOE Clean Cities Program, stated that he has been trying to work with City and to re-engage the City regarding the energy program. Discussed being contacted by the Public Works Director who stated there may be an interest in the program he offers. Stated that he has been told to come back with more information and discussed the coalition project; he is still having issues getting the City to formalize with the coalition.

The City Manager stated that he was not aware of this issue and encouraged Mr. Martin to please make an appointment with him and City staff to discuss this matter.

Roxie Patterson – stated that it is time to think about love; many significant others were left behind to attend this meeting; as God we trust - would want us to love. Love can overpower; sometimes love of money can get in the way; remember love of mankind; love is all there is.

COUNCIL / AGENCY COMMENTS

None

CLOSED SESSION

None

ADJOURNMENT

Vice Mayor Smith adjourned the meeting at 6:59 p.m. and stated that the next regular meeting would take place on Tuesday, February 28, 2012.

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PASSED, APPROVED and ADOPTED this 28th day of February, 2012, by the following vote:


AYES: Council Members: Crist, Johnson, Mann, Vice Mayor Smith

NOES: None

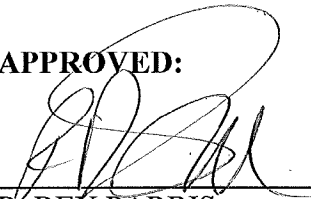
ABSTAIN: None

ABSENT: Mayor Parris

ATTEST:


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

APPROVED:


R. REX PARRIS
MAYOR/CHAIRMAN
Lancaster, CA

CERTIFICATION OF MINUTES

CITY COUNCIL/SUCCESSOR AGENCY/FINANCING/HOUSING/POWER AUTHORITY

I, _____, _____ of the City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original City Council/Successor Agency/Financing/Housing/Power 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)
