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**LANCASTER
CITY COUNCIL/SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
June 26, 2012**

CALL TO ORDER

Vice Mayor/Vice Chair Smith called the regular meeting of the City Council/Successor Agency/Financing/Power Authority to order at 5:03 p.m.

ROLL CALL

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

EXCUSED: On a motion by Council Member/Authority Member Crist and seconded by Council Member/Authority Member Johnson, the City Council/Authority excused Mayor/Chair Parris from the meeting, by the following vote: 4-0-0-1; **AYES:** Crist, Johnson, Mann, Smith; **NOES:** None; **ABSTAIN:** None; **ABSENT:** 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; Senior Operations Manager; Finance Director; Economic Development Director; Housing Director; Human Resources Director

INVOCATION

No invocation was given.

PLEDGE OF ALLEGIANCE

Council Member/Authority Member Mann

PRESENTATION

- 1) Athlete of the Month Award – Chance Gusbeth, Desert Christian High School

ITEMS TO BE REMOVED

The City Manager requested that Item No. CC 3 be continued to the meeting of July 10, 2012.

Vice Mayor/Vice Chair Smith requested that Item No. NB 1 be taken at this time.

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NB 1. MORTON MANUFACTURING

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

Aerospace fastener manufacturer Morton Manufacturing is moving to Lancaster; bringing 300 jobs to the city; stimulating the Antelope Valley economy. They will move to the Lancaster Business Park, where Morton will build a new, 86,000-square-foot factory on a 10-acre site. Morton's 200 workers will relocate to the facility and the company will add 100 new positions after the move.

Founded in 1967, Morton is one of the leading suppliers of nickel-alloy bolts for gas-turbine aircraft, as well as certain gas-turbine engines, for industrial use worldwide.

The company will be hiring machinists, as well as workers for the inspection lab and production. Morton is on track to bring in \$40 million in sales this year. With the expanded factory, sales are expected to rise at least 25 percent to \$50 million, although 30 percent is the goal.

Lancaster developer Frank Visco will construct Morton's new building. Visco is responsible for other buildings in the Lancaster Business Park, including the Bank of America call center. Morton will move into its new home by mid-2013.

Morton's business model of supplying to multiple aircraft makers, make the company less susceptible to the ups and downs of the industry.

Morton's move is seen as a long-term investment for the City. At the business park, the city plans to subdivide a 21-acre parcel into five lots and provide water and sewer connections to the property. Morton will use one lot and the other four will become Phase IV of the business park in anticipation of other companies moving to the city, officials said.

Addressing the City Council on this matter:

Michael Rives – discussed businesses that have left the area due to the economy; he has talked with several people in the community and found no objections to this company coming in. Everyone has been very positive; he is in favor of this action.

Vice Mayor Smith and Council Member Johnson thanked Mr. Visco for his involvement in this project; the City looks forward to having Morton Manufacturing on board.

On a motion by Council Member Mann and seconded by Council Member Crist, the City Council authorized the City Manager or his designee to execute the necessary documents to approve a Development Agreement to create a site for Morton Manufacturing's new Corporate Headquarters, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

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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/Power Authority Regular Meeting minutes of June 12, 2012, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

CONSENT CALENDAR

On a motion by Council Member Crist and seconded by Council Member Johnson, the City Council approved the Consent Calendar, with the exception of Item No. CC 3, 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 May 27, 2012 through June 9, 2012 in the amount of \$1,119,907.70.

At each regular City Council Meeting, the City Council is presented with the financial claims (invoices) against the City for purchase of materials, supplies, services, and capital projects for checks and wires issued the prior two to three weeks. This process provides the City Council the opportunity to review the expenses of the City. The justifying backup for each expenditure is available in the Finance Department.

CC 3. WARRANT REGISTER

Supplemental Check and Wire Registers for May 6, 2012 through May 26, 2012 in the amount of \$7,920.00.

This item was continued to the meeting of July 10, 2012.

CC 4. IB No. 1106

Accepted the work constructed by Bowen Engineering & Environmental for the **Annex Building Demolition REBID – IB No. 1106**, located at 855 Kildare Street and directed the City Clerk to file the Notice of Completion for the project. Retention on this project has been disbursed in accordance with California Public Contract Code.

On January 24, 2012, Council awarded Informal Bid No. 1106, Annex Building Demolition REBID, to Bowen Engineering & Environmental. This project demolished the existing City Hall Annex Building on Kildare Street. Construction of the project has been completed to the satisfaction of the Director of Public Works.

CC 5. ACCEPTANCE OF SEWER SYSTEMS FOR MAINTENANCE

Approved the completed sewer systems installed by the developer of Tract No. 060154 Phase 2, Lots 1, 3, 4, 8-26, 31, 40, 44, 45, 57-81, 90-101, 105, 112, 113 located on the southeast corner of Avenue J and 30th Street East. Owner: KB Home Coastal, Inc.

The listed sanitary sewer has been constructed and completed by the developer according to the approved plans and specifications. The work has been inspected and found to be satisfactory to the Director of Public Works.

CC 6. AMENDMENT TO EXISTING SUBDIVISION UNDERTAKING AGREEMENT FOR TRACT MAP NO. 061206

Approved and accepted an amendment to the existing Subdivision Undertaking Agreement, extending the date of completion to May 26, 2013, submitted by Forestar Dorado Skies, LLC (“Subdivider”) for Tract Map No. 061206, located on the southeast corner of Avenue J and 35th Street East.

On May 26, 2011, the City and Subdivider entered into a Subdivision Undertaking Agreement to complete the required improvements for Tract Map No. 061206. The agreement expired June 12, 2012. On May 22, 2012, the City Engineer received a letter from the Subdivider requesting an extension. Staff recommends that the Council approve an Amendment to the existing Subdivision Undertaking Agreement, extending the completion date to May 26, 2013, submitted by Forestar Dorado Skies for Tract Map No. 061206.

CC 7. COOPERATIVE AGREEMENT WITH THE COUNTY OF LOS ANGELES AND CITY OF PALMDALE

Approved the Cooperative Agreement with the County of Los Angeles (County) and City of Palmdale (Palmdale), to prepare the Project Study Report required by Caltrans for improvements to the Columbia Way (Avenue M) Bridge over State Route 14 and authorized the City Manager, or his designee, to sign all necessary documents.

The Project Study Report (PSR) will address improvements to the Columbia Way (Avenue M) Bridge over State Route 14 between 10th Street West and 15th Street West. The project is within the shared geographical boundaries of the City of Lancaster (City), the County and Palmdale and is jurisdictionally shared with the California Department of Transportation (Caltrans). The PSR will develop a detailed engineering concept report, scope of proposed improvements, cost estimate, and project recommendation. The PSR is required by Caltrans and is a precursor to potential grant funding.

CC 8. PWCP 10-020

Awarded **Public Works Construction Project No. 10-020, Westwind Elementary School Pedestrian Improvements**, to ANM Construction & Engineering of Lancaster, California, in the amount of \$349,919.56, plus a 10% contingency and authorized the City Manager, or his designee, to sign all documents. This contract is awarded to the lowest responsible bidder per California Public Code Section 22038 (b).

Avenue J and 35th Street West are heavily used routes to Westwind Elementary School. Avenue J is a primary arterial street and the north side is unimproved between 35th and 36th Street West. The west side of 35th Street West, a secondary arterial, south of Avenue J is also unimproved including the portion north of Avenue J. Sidewalk, curb and gutter, street widening, storm drainage, and striping and signing improvements are proposed to improve circulation and safety for all pedestrians living near the school and traveling through this intersection.

PH 1. PARKING AND BUSINESS IMPROVEMENT DISTRICT (PBID) LEVY

Vice Mayor Smith opened the Public Hearing. It was the consensus of the City Council to waive the presentation of the staff report.

Hearing no further testimony, Vice Mayor Smith closed the Public Hearing.

On a motion by Council Member Mann and seconded by Council Member Crist, the City Council adopted **Resolution No. 12-34**, approving The BLVD Association's 2011-2012 Year End Report and levying the annual assessment for the Downtown Lancaster Business Improvement District for the 2012-2013 Fiscal Year, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

The BLVD Association, which administers the Downtown Lancaster PBID, has requested the continuation of the PBID during the upcoming fiscal year. This will allow businesses in the downtown area to continue to pool resources and coordinate efforts to promote the newly revitalized BLVD as a major regional destination for the arts, entertainment, shopping and dining. Adopting the attached resolution to renew the PBID will contribute to the City and The BLVD Association's ongoing efforts to enhance the economic vitality of the downtown area.

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PH 2. DEVELOPMENT AGREEMENT NO. 89-01

Vice Mayor Smith opened the Public Hearing. It was the consensus of the City Council to waive the presentation of the staff report.

Hearing no further testimony, Vice Mayor Smith closed the Public Hearing.

On a motion by Council Member Crist and seconded by Council Member Johnson, the City Council introduced **Ordinance No. 979**, amending various sections of Development Agreement No. 89-01 to allow for the development of commercial scale photovoltaic solar facilities with a Conditional Use Permit, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

This Development Agreement has been amended several times to incorporate changes in the project description, General Plan designations, zoning, and the subdivision map. DA 89-01 and the underlying zoning do not allow for the development of solar facilities on the subject property. Currently, the Development Agreement on the subject property has an expiration date of October 17, 2018. The applicant, Del Sur Greenworks, LLC, is requesting an amendment to DA 89-01 to allow for the development of photovoltaic (PV) solar generating facilities on the subject property with a conditional use permit. The proposed amendment would change various sections of the Development Agreement to establish commercial scale solar power generating facilities as an allowable use subject to a conditional use permit without changing the existing zoning.

CB 1. PROPOSED FISCAL YEAR 2012/13 BUDGET

The City Manager presented the staff report regarding this matter. He reviewed each of the resolutions up for consideration and stated this presentation would also include the matters listed under Item Nos. NB 3 and NB 4 as well.

He discussed the roundabout which was scheduled for 10th St. West and Lancaster Blvd. At the direction of Council, the City has removed the additional \$775,000 from the budget for this project; staff will continue to work with MTA on reallocating a portion of the grant to see if this can be done in the same location for a similar purpose. Requested clear direction to remove the remainder of the \$3 million which is proposed for the roundabout and return to Council with a plan in the near future to use a portion of those funds and grant funds to address the BLVD Entry at 10th St. West and also present options on what could be done with the remainder of the funds.

Addressing the City Council on this matter:

Michael Rives – stated that a hearing should be held regarding this matter with Department Heads presenting the budget to the Council. These are dire times and the discussion should be open to anyone. The current process is not enough; people need to understand where their money is going.

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CB 1. PROPOSED FISCAL YEAR 2012/13 BUDGET (continued)

The City Manager clarified that the budget hearing took place on June 12, 2012 and was open to the public; this is the second portion of the process, which is also open to the public. He invites anyone that would like clarification or may have questions, to please call his office any time.

Council Member Mann thanked the City Manager and City staff for their hard work and commitment to the budget process. Stated that Mr. Rives may not quite understand the complexity of this matter; the City Manager has his trust; the numbers have been reviewed many, many times and it is an excellent budget.

Council Member Johnson thanked the Finance Director for her hard work; it has been very creative; a wonderful journey for the City Council, knowing that what is presented is the best possible solution.

Council Member Crist requested clarification regarding employee benefits and were the proposed benefit changes handled across the board for all levels of employees.

The City Manager confirmed that it was definitely handled the same, across the board.

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

Resolution No. 12-35, adopting the proposed City of Lancaster Fiscal Year 2012-13 General Fund Operating Budget, Special Funds Budget, and Capital Improvements Budget, as specified in the Budget Document, as amended in Attachment A, removing the funding for the roundabout.

Resolution No. 12-36, establishing the annual Appropriations Limit for Fiscal Year 2012-13.

Resolution No. 12-37, amending Resolution Numbers 09-72 and 10-12 establishing a compensation schedule for non-represented employees of the City and associated benefit revisions.

Resolution No. 12-38, amending Fiscal Year 11-12 Budget, removing the funding for the roundabout.

The City is required to adopt a budget by July 1 of each year that establishes appropriations and estimated revenues for the fiscal year. The proposed budget is a culmination of many months of work by the City Council and staff in reviewing priorities and evaluating programs to meet those priorities. A Public Hearing to review the budget was held on June 12, 2012.

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NB 2. BUILDING INCENTIVE STIMULUS PROGRAM FOR 2012-2013

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

Vice Mayor Smith inquired if there was any reason why this program could not be extended for one year, rather than six months.

The Public Works Director stated that there is no reason and he would be happy to take that direction from Council for an extension of one year.

Addressing the City Council on this matter:

Michael Rives – discussed the resolution; the competitive market; the current market is zero; the recession; does not know who these builders are, but they want the City to give a tax break; he is opposed to this action.

Marta Brown – representing BIA, stated that the Building Incentive Stimulus Program has helped builders; industry and all associated trades; it stimulates housing; building; economy. Strongly supports an extension of one year rather than six months.

Tom DiPrima – representing KB Home, stated that this is not new; program has been in place; the City of Lancaster was gracious enough to give this a try; there are four active programs in Lancaster because the City took a leap of faith; housing has grown; building has grown. It is a great program; very beneficial.

Council Member Crist requested clarification on how much money a builder pays/typical fees.

Mr. DiPrima gave a detailed overview of the fees that builders must pay; the money that is saved by the taxpayers; the money that goes back to the homeowners; the program allows builders to give back to the community and make homeownership affordable.

Council Member Mann stated that he would be in favor of adopting this resolution and extending the program to June 30, 2013.

On a motion by Council Member Mann and seconded by Council Member Crist, the City Council adopted **Resolution No. 12-39**, as amended, approving the continuation of the Building Incentive Stimulus Program for existing tracts and new commercial development, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

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NB 2. BUILDING INCENTIVE STIMULUS PROGRAM FOR 2012-2013 (continued)
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 01, 2012, through *June 30, 2013 (as amended)*, 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. SUCCESSOR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LANCASTER AND TEAMSTERS LOCAL 911
This matter was discussed under Item No. CB 1.

On a motion by Council Member Crist and seconded by Council Member Johnson, the City Council adopted **Resolution No. 12-40**, a resolution of the City Council of the City of Lancaster, CA approving the Memorandum of Understanding between the City of Lancaster and Teamsters Local 911 and authorized the City Manager to execute the MOU, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

The City of Lancaster and Teamsters Local 911 agreed to participate in interest based bargaining to arrive at a successor to the Memorandum of Understanding that expired on December 31, 2011. The parties conducted seventeen meet and confer sessions. As a result of these meetings the parties arrived at a tentative agreement for a new three-year Memorandum of Understanding that will expire on December 31, 2014.

NB 4. SUCCESSOR MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LANCASTER AND THE LANCASTER CODE ENFORCEMENT ASSOCIATION (LCEA)
This matter was discussed under Item No. CB 1.

On a motion by Council Member Crist and seconded by Council Member Johnson, the City Council adopted **Resolution No. 12-41**, a resolution of the City Council of the City of Lancaster, CA approving the Memorandum of Understanding between the City of Lancaster and the Lancaster Code Enforcement Association and authorized the City Manager to execute the MOU, by the following vote: 4-0-0-1; AYES: Crist, Johnson, Mann, Smith; NOES: None; ABSTAIN: None; ABSENT: Parris

The City of Lancaster and the Lancaster Code Enforcement Association agreed to participate in interest based bargaining to arrive at a successor to the Memorandum of Understanding that expired on December 31, 2011. The parties conducted six meet and confer sessions. As a result of these meetings the parties arrived at a tentative agreement for a new three-year Memorandum of Understanding that will expire on December 31, 2014.

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LANCASTER FINANCING AUTHORITY

No action required at this time.

LANCASTER POWER AUTHORITY

No action required at this time.

LANCASTER SUCCESSOR AGENCY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

None

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:

Louise Pfau – stated her concerns for fencing needed in the area of Veronique Court; there is so much vandalism and the kids climb the walls and cause damage to the pool area; surrounding area. Fencing was promised and it is getting worse.

Sue Plunkett – stated her concerns for the same area; help is needed to solve the problems of vandalism; fencing is needed; also requested that the City review the barking dog policy that is in place, as it does not work. She is very frustrated by neighbors with barking dogs and they are doing nothing to help with this.

The City Council requested that the City Manager discuss these matters with both ladies and find out what can be done.

Susan Moses – lives in the Arbor Loft Apartments. Many there live and work in their quarters; have patiently waited while progress took place on the BLVD. The problem now is the skateboarders using the parking area as their own skate park; using the Farmer's Market as a Staging Area. The lofts are not quiet anymore, especially since the new business went in next door for skaters; it is an impossible situation.

Stephen Amos – lives in the Arbor Loft Apartments. Ever since the skateboard shop moved in, it has become a Mecca for the boarders; they have set it up as their own skate park; they demean the area and quality of life.

Council Member Johnson – thanked the speakers for letting Council know of their issues and concerns; requested the City Manager look into this; the City is excited to have this company on the BLVD and working together she is sure a creative and safe solution can be obtained.

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COUNCIL / AGENCY COMMENTS

Council Member Crist stated that the North County Transportation Coalition (NCTC) met and it was a pleasure to work with the Coalition representatives of the City of Palmdale. The Coalition was able to identify an extra \$200 million. The off-ramps in Lancaster at Avenue K; Avenue G; Avenue J; Avenue L, will all be upgraded with this money. The Coalition appreciates working with Palmdale and they are going to help Lancaster improve the Avenue M interchange. He thanked the City of Palmdale and Lancaster City staff for all their work on this.

RECESS

Vice Mayor Smith recessed the meeting at 6:15 p.m. for the purposes of conducting a Closed Session meeting regarding the following matters:

CLOSED SESSION (CITY COUNCIL/SUCCESSOR AGENCY)

Conference with Legal Counsel—Initiation of Litigation (Government Code Section 54956.9(c)
(One Case)

Conference with Legal Counsel--Existing Litigation (Government Code Section 54956.9(a))

1. The Community Action League v. City of Lancaster - United States District Court Case No. 11-CV-4817-ODW-VBK
2. CSCNAACP v. City of Lancaster, California Case Number: 09-11-0954-8
3. Antelope Valley Allied Arts Association et al v. Lancaster et al, Los Angeles Superior Court Case No. BC45017
4. Rubin v. Lancaster - United States District Court Case No. CV 10-4046 DSF (JCx)
5. Mongols Nation Motorcycle Club v. City of Lancaster, et al. Case No. BC439791
6. Miracle Star Women's Recovering Community, Inc. et al. v. City of Lancaster, et al. LASC Case No. MC 020079
7. Save Our Neighborhood Group v. City of Lancaster, et al. Los Angeles Superior court Case No. BS 121501
8. 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

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Santa Clara Case No. 1-05-CV 049053

RECONVENE

Vice Mayor Smith reconvened the meeting at 7:04 p.m.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney stated that the City Council met in Closed Session under Government Code Section 54956.9 (c) to determine whether or not to initiate litigation; gave direction to the City Attorney regarding that matter. At this time it would be inappropriate and a disadvantage to the City to disclose those names. As soon as any action is taken and filed, the matter will be announced publicly. The City Council also met in Closed Session under Government Code Section 54956.9 (a) concerning The Community Action League; the CSCNAACP; the Mongols Nation Motorcycle Club; Miracle Star Women's Recovering Community, Inc.; received an update on the status of these cases and no action was taken.

ADJOURNMENT

Vice Mayor Smith adjourned the meeting at 7:06 p.m. and stated that the next regular meeting would take place on Tuesday, July 10, 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

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CERTIFICATION OF MINUTES
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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/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)
