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**LANCASTER
CITY COUNCIL/SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
September 11, 2012**

CALL TO ORDER

Vice Mayor/Vice Chairman Smith called the regular meeting of the City Council/Successor Agency/Financing/Power Authority to order at 5:04 p.m.

ROLL CALL

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

EXCUSED: On a motion by Council Member/Authority Member Crist and seconded by Council Member/Authority Member Johnson, the City Council/Authority excused Council Member/Authority Member Mann and Mayor/Chairman Parris from the meeting, by the following vote: 3-0-0-2; **AYES:** Crist, Johnson, Smith; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Mann, Parris

STAFF MEMBERS: City Manager/Executive Director; Deputy City Manager/Deputy Executive Director; City Attorney/Authority Counsel; Assistant to the City Manager; City Clerk/Agency/Authority Secretary; Planning Director; Public Works Director; Parks, Recreation and Arts Director; Finance Director; Senior Projects Coordinator; Housing Director; Human Resources Director

INVOCATION

Father Charles Threwit, St. Andrews Anglican Church

PLEDGE OF ALLEGIANCE

Council Member Johnson

PRESENTATION

- 1) Helen Putnam Award - Lancaster Holistic Approach to Healthy Neighborhoods
Presented by: Housing Director, Elizabeth Brubaker

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M 1. MINUTES

On a motion by Council Member/Authority Member Crist and seconded by Council Member/Authority Member Johnson, the City Council/Agency/Authority approved the City Council/Successor Agency/Financing/Power Authority Regular Meeting minutes of August 28, 2012, by the following vote: 3-0-0-2; AYES: Crist, Johnson, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

CONSENT CALENDAR

Addressing the City Council regarding items on the Consent Calendar:

Michael Rives – Regarding Item No. CC 2 – concerns with funding that is to be provided to Grace Resource Center; feels the funding could have been handled differently.

Jill Morgan – Regarding Item No. CC 4 – stated that every set of sexual offense has a different set of circumstances; because of the laws, their offenses are treated the same; her son was found guilty of a sexual offense and has been treated like a criminal; consider not adopting this ordinance.

Frank Lindsay - Regarding Item No. CC 4 – stated that Council should not adopt this ordinance, many individuals have been labeled as sex offenders yet they never offend again; the ordinance is too broad sweeping, based on unknown data, many myths exist; citizens are protected by the constitution and bill of rights; everyone suffers including the children at the expense of the registry.

Kathleen Garner - Regarding Item No. CC 4 – stated that the media and activist groups have exaggerated this issue; it is a witch hunt; sex abuse cases have fallen, hysteria has risen; discussed Halloween and the lack of statistics to prove this is a dangerous time; the collateral damage are the families suffering for many minor infractions; encouraged Council to not pass this ordinance.

Vice Mayor Smith stated that it is very difficult to hold back when presented with statistics on child abuse and child molestation and how it has been stated that it is down 53%; until this figure is 100%, it is not good. The people that come up to the podium and cite these percentages, it just is not right. Make no doubt about it, the general public believes, any person who sexually molests a child should not be a sexual registrant; they should be locked away for life.

Linda Cordero – Regarding Item No. CC 4 – stated that her son is a California registrant; his offense was not against a child; adopting this ordinance is a misuse of funds; resources and encouraged Council to not adopt this ordinance.

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CONSENT CALENDAR (continued)

Robert Curtis – Regarding Item No. CC 4 – stated that he was convicted of a misdemeanor many years ago; still suffers because of this; he can no longer go to the park with his son; he’s a good citizen; he is accountable for his actions; there are many mentally ill people out there that are not sex offenders and are very dangerous; he took an oath to defend this country; do not adopt this ordinance.

Michelle Egberts - Regarding Item No. CC 4 – stated that she made a mistake; has paid her debt to society; she met with Assemblyman Steve Knight regarding this issue; she does not want this community to be based on falsehoods; the people who are doing the offenses are not registered sex offenders; step back; review this and do not adopt this ordinance.

Debra Kinninger - Regarding Item No. CC 4 – stated that she is in favor of protecting children and the community; the trauma has long term consequences; even people who have committed sex crimes can heal and it can be overcome. This ordinance limits their ability to heal; look at other alternatives; do not banish people from places, it reinforces their issues; look again at alternative ways to best protect the community and resources.

Janice Bellucci - Regarding Item No. CC 4 – stated that she is opposed to Ordinance No. 981 – compared the ordinance to witch hunts; Japanese internment camps; offenses against black Americans; she represents an organization which is all about protection of the constitution and the bill of rights. If the ordinance is adopted, it will be challenged in court; the City will be sued and each individual member of the Council will be sued; this will be very costly to the City of Lancaster.

Council Member Crist stated that he is happy that sex offenders have such representation, however the children have a voice too and that is the Lancaster City Council. Council has looked at this; the Criminal Justice Commission has looked at this; the professionals have looked at this; the parole agents have looked at this. No matter the statistics, one child is too many and this Council will do its best to protect that one child. Having someone threaten to sue the City, well, the City gets sued all the time; this City will fight in court to protect the children.

Council Member Johnson stated that she has several areas of concern. One of the statistics that was presented stated that 95% never offend again. She is concerned about the 5% that do re-offend and that is too much. Several have talked this evening about how their children are suffering because of the choices they made or other family members have made. Yes, they are suffering, but so are the families of loved ones who had nothing to do with the act. Everyone is suffering and this Council is here to protect the innocent ones.

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CONSENT CALENDAR (continued)

Council Member Johnson stated that someone earlier talked about the history of discrimination and accused the City of discriminating. They claim the City discriminates because of the color of their skin and now the City is discriminating against sex offenders. She finds this statement highly offensive that it would even be categorized in the same sentence. The speakers are absolutely right, they are suffering, but the victims are suffering as well. She has a family members who have gone through this and they are still suffering. For some of the speakers to say that by adopting this ordinance it will not allow the people to heal or the victim to heal, she is offended by this. She stated that her family member healed better because she had family defending her and the person who committed this act is no longer around. She felt protected and that is what this Council is here to do, to protect the victims and the children.

Vice Mayor Smith stated that today is 9/11 and we have been honoring those who have given their lives to protect other people. Those who have committed sex crimes against children or any sex crimes, had a choice, they were not born that way. They made a decision and they did something wrong. For the people in the audience to equate those choices with 9/11; Veterans and racial discrimination, they should all be ashamed of themselves because it is so different than any of that. To think that any type of sexual predator should be compared to those that have given their lives for the service of their country, it is appalling. This offends him greatly and especially on this day, that these individuals feel they could come here and make those type of comparisons.

Council Member Crist requested that Item No. CC 4 be pulled for separate action.

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 4, by the following vote: 3-0-0-2; AYES: Crist, Johnson, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, 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 August 12, 2012 through August 25, 2012 in the amount of \$4,082,999.34.

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.

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CC 3. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the July 2012, Monthly Report of Investments as submitted.

Each month, the Finance Department prepares a report listing the investments for all separate entities under the jurisdiction of the City as identified in the City's Comprehensive Annual Financial Report. These component units include: the City of Lancaster and the Lancaster Housing Authority.

CC 4. ORDINANCE NO. 981

On a motion by Council Member Crist and seconded by Council Member Johnson, the City Council adopted **Ordinance No. 981** adding Chapter 9.44 to the Lancaster Municipal Code relating to registered sex offenders, by the following vote: 3-0-0-2; AYES: Crist, Johnson, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

The ordinance adds Chapter 9.44 to the Lancaster Municipal Code and imposes restrictions and regulations upon registered sex offenders in addition to those imposed under state law. The ordinance is intended to supplement, not to conflict with, existing state law by imposing more stringent restrictions on the locations where registered sex offenders may reside and by imposing restrictions on the locations that registered sex offenders may frequent.

CC 5. SAFE ROUTES TO SCHOOL FUNDING - GIFFORD C. COLE MIDDLE SCHOOL AND TIERRA BONITA ELEMENTARY SCHOOL

- a) Approved the plan for use of Safe Routes to School (SR2S) funding, which included: Increased estimated revenues in Account No. 349-3307-200 by \$450,000.00 and appropriated \$450,000.00 in SR2S funds to Capital Improvement Budget Account No. 349-15ST037-924.
- b) Approved the budget transfers of \$75,000.00 from Capital Improvement Budget Account No. 209-15ST032-924 to Capital Improvement Budget Account No. 209-15ST037-924, and \$150,000.00 from Capital Improvement Budget Account No. 209-15ST026-924 to Capital Improvement Budget Account No. 209-15ST037-924.

The Safe Routes to School (SR2S) program is intended to increase the number of children who walk or bicycle to school by funding projects that remove the barriers that currently prevent them from doing so. These barriers may include the lack of infrastructure, unsafe infrastructure, and the lack of programs that promote walking and bicycling.

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CC 5. SAFE ROUTES TO SCHOOL FUNDING - GIFFORD C. COLE MIDDLE SCHOOL AND TIERRA BONITA ELEMENTARY SCHOOL (continued)

\$450,000.00 was received for improvements at Gifford C. Cole Middle School and Tierra Bonita Elementary School that include new sidewalk and pedestrian paths, new bike lanes, and ADA compliant pedestrian curb ramps and bulb-outs at street intersections. Gifford C. Cole Middle School and Tierra Bonita Elementary School were selected based on the need for safety improvements for students walking or bicycling to and from school. The Eastside Union School District and the individual schools were consulted in the development of the project applications. In addition to the proposed infrastructure improvements, SR2S funds will also be used to help the schools develop programs that promote walking and bicycling through education and encouragement programs aimed at the children, parents, and the community.

CC 6. SAFE ROUTES TO SCHOOL FUNDING - JOHN AND JACQUELYN MILLER ELEMENTARY SCHOOL

Approved the plan for use of Safe Routes to School (SR2S) funding, which included: Increased estimated revenues in Account No. 349-3307-200 by \$450,000.00 and appropriated \$450,000.00 in SR2S funds to Capital Improvement Budget Account No. 349-15ST032-924.

The Safe Routes to School (SR2S) program is intended to increase the number of children who walk or bicycle to school by funding projects that remove the barriers that currently prevent them from doing so. These barriers may include the lack of infrastructure, unsafe infrastructure, and the lack of programs that promote walking and bicycling.

\$450,000.00 will be used for improvements at John and Jacquelyn Miller Elementary School. These improvements will include the construction of a new traffic signal, new sidewalk and pedestrian paths, new bike lanes, streetlights, ADA compliant pedestrian curb ramps, and pedestrian bulb-outs at street intersections to reduce crossing distances.

John and Jacquelyn Miller Elementary School was selected based on the need for safety improvements for students walking or bicycling to and from school. The Lancaster School District and the individual school were consulted in the development of the project applications. In addition to the proposed infrastructure improvements, SR2S funds will also be used to help the schools develop programs that promote walking and bicycling through education/encouragement programs aimed at the children, parents, and the community.

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PH 1. AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF LANCASTER AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

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

a. On a motion by Council Member Crist and seconded by Council Member Johnson, the City Council adopted the **Resolution of Intention** to approve an amendment to the contract between the City Council of the City of Lancaster and the Board of Administration of the California Public Employees' Retirement System, by the following vote: 3-0-0-2; AYES: Crist, Johnson, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

b. On a motion by Council Member Crist and seconded by Council Member Johnson, the City Council introduced **Ordinance No. 982**, authorizing an amendment to the contract between the City Council of the City of Lancaster and the Board of Administration of the California Public Employees' Retirement System, by the following vote: 3-0-0-2; AYES: Crist, Johnson, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

As part of the City's Meet and Confer process, agreements were reached between the City and its employees for a new three year benefit package. These agreements were approved by the City Council at its meeting of June 26, 2012. The agreements require the City to contract with CalPERS for the 2.7% at age 55 benefit option to replace the current 2.0% at age 55 benefit option and .7% PARS supplement. In exchange, employees agreed to pay a portion of the City's cost for providing that benefit starting in January 2013 with a salary deduction of 2.5% and increasing in January 2014 to 3.5% and in July 2014 to a full 4% deduction. (This change does not increase the retirement benefit for employees but it does require employees to pay a portion of their pension costs.)

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NB 1. FUNDING FOR THE YEAR-ROUND SHELTER PROGRAM

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

Addressing the City Council on this matter:

Michael Rives – discussed when the shelter was turned over to Grace Resource Center; recommended partnering with other missions; discussed the resources for the shelter; important to partner with other shelters, which will then eliminate fund raising problems. This funding issue will be here as a problem for the long haul and the City would be better off working with other shelters.

On a motion by Council Member Crist and seconded by Council Member Johnson, the City Council appropriated \$76,479.00 into Account No. 261-4542-771 from Los Angeles Homeless Services Authority (LAHSA) for the Year-Round Shelter Program (YRP), by the following vote: 3-0-0-2; AYES: Crist, Johnson, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

Funds received will be used to offset eligible program expenditures and are currently budgeted in Account No. 261-3307-100

On August 23, 2011, the City entered into an agreement with LAHSA to receive YRP funding for the 2011-2012 program year. The agreement allowed LAHSA and the City to extend the agreement upon mutual consent for one additional year, 2012-2013, in order to provide funding for eligible activities associated with the YRP. On August 2, 2012, LAHSA authorized the release of YRP funds by issuing an amendment to the existing contract.

The YRP is a program established to address the basic shelter and service needs of homeless persons and will operate between July 1, 2012 and June 30, 2013. The funds will be for operating and supportive service costs associated with providing shelter, housing and services to clients of the Lancaster Community Shelter.

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NB 2. EXTENSION AND MODIFICATIONS TO THE APRIL 2007 AMENDED AND RESTATED AGREEMENT FOR THE COLLECTION OF SOLID WASTE BETWEEN THE CITY OF LANCASTER & WASTE MANAGEMENT OF ANTELOPE VALLEY

The City Manager presented the staff report regarding this matter.

Council Member Crist stated that he has been a critic of Waste Management since being elected. However, Waste Management has definitely made it their business to make Lancaster a better City. They came to the table, demonstrated their efforts and have shown the City that they are interested in the citizens of Lancaster. The citizens are hurting in regards to the trash rates and Waste Management is willing to take the decrease. It is definitely a big thing when a company of that size can take a decrease in their rates. This is not just a 2% decrease; it is a total of a 12% decrease and they are really stepping up and helping in becoming a community partner.

Doug Corcoran, representing Waste Management, stated that he is very much in favor of this agreement; this means a great deal for Lancaster; extremely happy to continue to serve the people of Lancaster; there is no more special place than Lancaster and this is a win for everyone.

On a motion by Council Member Crist and seconded by Council Member Johnson, the City Council authorized the City Manager and City Attorney to revise and execute an extension and modifications to the April 2007 Amended and Restated Agreement for the Collection of Solid Waste between the City of Lancaster & Waste Management (WM) of Antelope Valley as specified in this staff report and authorized the City Manager, or his designee, to sign all documents, by the following vote: 3-0-0-2; AYES: Crist, Johnson, Smith; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

The City of Lancaster has granted to Waste Management Inc. (WMI) a franchise for the collection and disposal of solid waste and recyclable materials since 1991. In April 2007, the City Council authorized modifications to the franchise agreement to update the contract language and overall service requirements. This was necessitated by numerous changes to state law, regulations, and case law; and a desire to modify rate escalators and related fees, the term of the agreement, and overall service levels.

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NB 2. EXTENSION AND MODIFICATIONS TO THE APRIL 2007 AMENDED AND RESTATED AGREEMENT FOR THE COLLECTION OF SOLID WASTE BETWEEN THE CITY OF LANCASTER & WASTE MANAGEMENT OF ANTELOPE VALLEY (continued)

City and Waste Management representatives have agreed and recommend Agreement modifications which would extend the Agreement for a 10 year period, through June 30, 2027. The City of Lancaster will receive \$6.9 million in one-time fees from Waste Management in February 2013. The annual franchise fee rate will increase from 8.11% to 17% of total gross receipts for the period of July 1, 2017 through June 30, 2027, along with an additional \$1 million annually in impact fees for that same period of time.

This increase in the franchise fee and impact fees will provide an approximate \$3 million increase annually to the City beginning in July 2017. Lancaster residential customers of Waste Management will receive a 2% monthly rate decrease from existing monthly rates, and commercial/industrial customers will receive a 3% monthly rate increase from existing monthly rates, through June 2013; these rate adjustments replace what would have been a cumulative 9.9% residential and 13.1% commercial/industrial rate increase, which Waste Management was entitled to impose in July 2011 and July 2012.

NB 3. REPORT FROM CITY ATTORNEY DISCUSSING REVIEW AND POSSIBLE FUTURE REVISIONS TO CITY ORDINANCES INCLUDING - CHRONIC NUISANCE ORDINANCE, RENTAL BUSINESS LICENSE ORDINANCE, NOISE ORDINANCE AND BUILDING CODE ORDINANCE

The City Attorney stated that from time to time there is a review of various ordinances to ensure that those ordinances continue to serve the purposes for which they were adopted. As part of that review, some changes have been identified that will come back to Council in the next few meetings. Regarding the Chronic Nuisance Ordinance – clarifying some of the definitional visions and to clarify some of the definitional provisions and processes. Regarding the Noise Ordinance – it will be reviewed to better define what are considered loud, unnecessary and unusual noises. Looking at possibly developing a more objective standard, for instance a noise that can be heard from a certain distance and being able to measure that. Regarding the Building Code Ordinances – working on making these more user friendly, including whether certain accommodations and incentives might be worthwhile, such as energy efficiency and solar.

RECESS Vice Mayor Smith recessed the meeting at 5:58 p.m. for the purpose of conducting a brief ceremony in the courtyard of City Hall to recognize the victims and heroes of September 11, 2001.

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RECONVENE Vice Mayor Smith reconvened the meeting at 6:13 p.m.

LANCASTER SUCCESSOR AGENCY

No action required at this time.

LANCASTER FINANCING AUTHORITY

No action required at this time.

LANCASTER POWER AUTHORITY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

The City Manager presented the following information:

- A Press Conference will take place in the future with the League of California Cities to showcase the Helen Putnam award that was awarded to the City of Lancaster. This is the highest award of excellence that the League presents and with the partnership of the Council and Community, this has worked very well.
- City Staff has been very busy preparing for the Streets of Lancaster event which will take place this weekend, September 14-16, 2012; it is an incredible effort by everyone and he encouraged everyone to come out and enjoy the event.
- He had the opportunity to represent the Mayor and City Council at a ceremony at the National Guard Readiness Center which was named in honor of Sergeant Carlo F. Eugenio who gave his life for this country. It was a very moving ceremony and an appropriate honor that in Lancaster we will be able to always remember Sergeant Eugenio.

CITY CLERK /AGENCY/AUTHORITY SECRETARY ANNOUNCEMENT

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

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Addressing the City Council at this time:

David Paul – discuss the deep impact that 9/11 had on him personally and discussed the Streets of Lancaster event.

Darleen Peterson – discussed the skateboarding on the BLVD issue. Concerned because the skateboarders are still out there and no one is enforcing this new law.

Vice Mayor Smith explained that the ordinance would not go into effect until September 27, 2012, with posted signs, etc.

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PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS (continued)

Michael Rives – discussed the Waste Management agreement; this will be a tax increase for the City and will increase every year; does not feel Waste Management is very efficient; discussed the homeless shelter; distribution of funds.

COUNCIL / AGENCY COMMENTS

None

RECESS

Vice Mayor Smith recessed the meeting at 6:26 p.m. for the purposes of conducting a Closed Session meeting regarding the following matters:

CLOSED SESSION

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

- The Community Action League v. City of Lancaster - United States District Court Case No. 11-CV-4817-ODW-VBK
- CSCNAACP v. City of Lancaster, California Case Number: 09-11-0954-8
- Antelope Valley Allied Arts Association et al v. Lancaster et al, Los Angeles Superior Court Case No. BC488907
- Rubin v. Lancaster - United States District Court Case No. CV 10-4046 DSF (JCx)
- Mongols Nation Motorcycle Club v. City of Lancaster, et al. Case No. BC439791
- Miracle Star Women's Recovering Community, Inc. et al. v. City of Lancaster, et al. LASC Case No. MC 020079
- Save Our Neighborhood Group v. City of Lancaster, et al. Los Angeles Superior court Case No. BS 121501
- ANTELOPE VALLEY GROUNDWATER CASES
Included Actions:
Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.
Superior Court of California, County of Los Angeles, Case No. BC325201;

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.
Superior Court of California, County of Kern, Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of Lancaster, Diamond Farming Co. v. City of Lancaster, Diamond Farming Co. v. Palmdale Water Dist.,
Superior Court of California County of Riverside, consolidated actions;
Case Nos. RIC 353 840, RIC 344 436, RIC 344 668

Santa Clara Case No. 1-05-CV 049053

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RECONVENE

Vice Mayor Smith reconvened the meeting at 6:45 p.m.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney stated that the City Council met in Closed Session under the aforementioned matters, regarding pending litigation; gave direction to Legal Counsel regarding the TCAL case and the AVAAA case; no other actions or direction were taken in.

ADJOURNMENT

Vice Mayor Smith adjourned the meeting at 6:47 p.m. in memory and honor of the victims and heroes of September 11, 2001, they will always be remembered. Vice Mayor Smith stated that the next regular meeting would take place on Tuesday, September 25, 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/SUCCESSOR AGENCY/FINANCING/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/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)
