

M 1
10/23/12
MVB

**LANCASTER
CITY COUNCIL/SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
OCTOBER 9, 2012**

CALL TO ORDER

Mayor/Chair Parris 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, Mann, Vice Mayor/Vice Chair Smith, Mayor/Chair Parris

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/Agency/Authority Secretary; Planning Director; Public Works Director; Parks, Recreation and Arts Director; Finance Director; Economic Development Director; Housing Director; Human Resources Director

INVOCATION

Bishop Don Sather, Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE

Vice Mayor/Vice Chair Smith

PRESENTATIONS

- 1) Recognition of Deputy Michael Burke of the Lancaster Sheriff's Station for the seventeen years of service he has given to the community and the Antelope Valley. Deputy Burke is being transferred to another station and Council recognized him for his many years of service.

- 2) Presentation to Streets of Lancaster Grand Prix winners. The winners were: Adam Chant for the BLVD Association Race; Steven Derryberry for the Commissioner's Race; Jonathan White, Mike Rust, Mike Burke and Justin Fisk for the Guns and Hoses Race; Dustin Pulliam, David Boyle, Mike Baker, Mike Hallmark and Chris Bourdon for the Mayor's Gold Cup Race.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
OCTOBER 9, 2012

PRESENTATIONS (continued)

- 3) Los Angeles Sheriff's Department Law Enforcement Technicians – Sheena Matthews and Tonya Haywood were recognized for their involvement for apprehending an armed gang member who was on parole from Kern County. This person robbed a convenience store; incident was witnessed by Ms. Matthews and called in to her partner, Ms. Haywood and because of their efforts, the suspect was quickly arrested and the money recovered.

SA NB 1. DUE DILIGENCE REVIEW OF THE LOW AND MODERATE HOUSING FUND

It was the consensus of the Successor Agency to waive the presentation regarding this matter.

On a motion by Vice Chair Smith and seconded by Agency Director Johnson, the Lancaster Successor Agency reviewed and accepted the Due Diligence Review of the Low and Moderate Housing Fund by the following vote: 5-0-0-0; AYES: Crist, Johnson, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

AB 1484 required Due Diligence Reviews be undertaken by successor agencies of their low and moderate housing fund no later than October 1, 2012. The legislation required this review to be conducted by a licensed accountancy firm that was approved by the County Auditor-Controller. The City of Lancaster engaged Lance, Soll & Lunghard (LSL), CPAs to conduct the reviews, the purpose of which was to determine if there are housing funds to be remitted to the county for distribution to taxing entities. The review concluded that there are no housing funds to be remitted. The special meeting of the Oversight Board on October 8, 2012 opened the public comment period for the Review. The Review will be brought back to the Oversight Board for approval, along with any comments received, on October 15, 2012.

M 1. MINUTES

On a motion by Vice Mayor/Vice Chair Smith and seconded by Council Member/Agency/Authority Member Crist, the City Council/Agency/Authority approved the City Council/Successor Agency/Financing/Power Authority Regular Meeting minutes of September 25, 2012, by the following vote: 5-0-0-0; AYES: Crist, Johnson, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CONSENT CALENDAR

On a motion by Vice Mayor Smith and seconded by Council Member Crist, the City Council approved the 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/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
OCTOBER 9, 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 September 9, 2012 through September 22, 2012 in the amount of \$2,531,244.20.

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 information for each expenditure is available in the Finance Department.

CC 3. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the August 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. 982

Adopted **Ordinance No. 982**, an ordinance of the City Council of the City of Lancaster, California 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.

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.)

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
OCTOBER 9, 2012

CC 5. MONUMENTATION WORK

Approved the monumentation work for the acceptance of improvements for Parcel Map No. 71248, located on the northwest corner of Avenue L-8 and 57th Street West. Owner: Yvonne Lane, Trustee of the Frank and Yvonne Lane 1993 Family Trust.

The monumentation work on the listed project has been completed by the Surveyor of Record for the subject subdivision map, inspected, and found to be satisfactory to the City Engineer. Evidence of payment to the Surveyor of Record for completion of the monumentation work has been received.

CC 6. APPROPRIATION OF FUNDS FOR THE FARMERS' MARKET PROMOTION PROGRAM GRANT

Approved appropriation in the amount of \$27,000.00 for the 2012 Farmers' Market Promotion Program Grant and increased estimated revenues by the same amount as detailed in Attachment A.

Lancaster has been awarded \$27,000.00 by the United States Department of Agriculture for the 2012 Farmers' Market Promotion Program Grant. The objective of the grant is to promote our farmers' market through workshops and an educational campaign that will increase low-income and low-food-access consumers' access to healthy food and increase market sales. The grant period is October 1, 2012 through September 30, 2013 and does not have a match requirement.

CC 7. RESOLUTION NO. 12-62 AND RESOLUTION NO. 12-63

Adopted **Resolution No. 12-62**, providing for the pickup under Internal Revenue Code Section 414(h) (2) of employee contributions to the California Public Employees' Retirement System (CalPERS).

Adopted **Resolution No. 12-63**, amending and restating the City of Lancaster Public Agency Retirement System (PARS) Retirement Enhancement Plan.

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.)

NB 1. ACQUISITION OF OPERATING COVENANT AND RESTRICTIVE COVENANT WITH CLUTTER MOTORS

Mayor Parris stated that he would need to recuse himself from this matter due to the fact that he owns property within 500 feet of the subject matter. Mayor Parris left the dais.

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 approved the acquisition of the Operating Covenant and Restrictive Covenant with Clutter Motors and authorized the City Manager or his designee to execute all required documents; appropriated \$300,000.00 from General Fund Balance to Account No. 101-4540-308, by the following vote: 4-0-1-0; AYES: Crist, Johnson, Mann, Smith; NOES: None; RECUSED: Parris; ABSENT: None

Funds shall be provided to Clutter Motors for the purpose of acquisition of an Operating Covenant and Restrictive Covenant.

The City of Lancaster has the opportunity to cause \$2,000,000.00 to be invested in the Honda and Subaru Dealerships in the Lancaster Auto Mall. The Council approved an agreement which will include the purchase of an operating covenant for \$300,000.00 that will be paid back over a three year period with interest. This accommodation will allow the renovation of both dealerships which will increase activity and new sales tax to fund City priorities.

At this time, Mayor Parris returned to the dais.

NB 2. AVENUE K-8 BIKE FACILITIES IMPROVEMENTS BICYCLE TRANSPORTATION ACCOUNT GRANT FUNDS

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

On a motion by Council Member Crist and seconded by Council Member Johnson, the City Council approved the use of \$858,237.00 in California Bicycle Transportation Account (BTA) funding for Capital Improvement Project Avenue K-8 Bike Facilities Improvements (15BW007); appropriated \$858,237.00 in BTA funds to Capital Improvement Budget Account No. 399-15BW007-924, \$100,000.00 in TDA Article 3 funds to Capital Improvement Budget Account No. 208-15BW007-924 and \$75,000.00 in Proposition 42 funds to Capital Improvement Budget Account No. 252-15BW007-924; increased estimated revenues by \$858,237.00 in Account No. 399-3302104 for the BTA Grant funds, by the following vote: 5-0-0-0; AYES: Crist, Johnson, Mann, Smith, Parris; NOES: None; ABSTAIN: None; ABSENT: None

NB 2. AVENUE K-8 BIKE FACILITIES IMPROVEMENTS BICYCLE TRANSPORTATION ACCOUNT GRANT FUNDS (continued)

The Bicycle Transportation Account (BTA) program is an annual program providing State funds to improve safety and convenience for bicycle commuters with focus on functional commuting needs and physical safety improvements. On September 25, 2012, Caltrans announced that 39 project applications were selected for funding. The City of Lancaster project was awarded the highest amount of BTA funds amongst all successful grant applications. The City of Lancaster was awarded funding for the Avenue K-8 Bike Facilities Improvements. These improvements will include the widening and restriping of Avenue K-8, beyond the limits of the SR14 bridge, to accommodate Class II bike lanes, the modification of the 10th Street West and Avenue K-8 intersection with signal video detection for bicycles, resurfacing, striping and lighting improvements of the bikeway between 10th Street West and Sierra Highway, and a new signal at Sierra Highway and Avenue K-8.

CA 1. CALIFORNIA STATE PROPOSITION 32

This item was removed from the agenda to allow staff to do further research.

CA 2. LANCASTER SCHOOL DISTRICT MEASURE L

Discussion and possible action regarding Lancaster School District Measure L

Mayor Parris stated that this measure will give Lancaster a start in the right direction for better schools; discussed the remarkable achievements of the SOAR school; endorsed this measure.

Council Member Mann stated that in all the research that has been done, people look for an environment that has the best schools and the best health care. Supporting this measure is the right thing to do, to move forward in the ongoing efforts to make Lancaster a great place.

Council Member Johnson stated that education is the key to success; children are the future; this measure will support local schools with equipment, buildings, sprinkler systems, books, everything that is needed. Funding will go toward the children, not the administration; supporting this measure will give back to the community.

Council Member Crist stated that Lancaster School District has not had a bond measure in over 50 years; this measure will help tremendously.

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

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
OCTOBER 9, 2012

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 stated that the past weekend was very busy with events including the MOAH Fundraiser. It was a spectacular event with many people attending and supporting MOAH.

The City Manager stated that the weekend also brought the Bark at the Park event; it is a regional draw with people coming from all over Southern California, winning awards. This event brings people together; a chance for people to meet people with common interests. Staff did a fantastic job coordinating the event.

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:

Darleen Peterson – stated her concerns regarding temporary signs on the BLVD that block the right-of-way; signage laws are not enforced.

The Planning Director stated that businesses on the BLVD have a variance in regards to signs.

Mayor Parris requested this matter be placed on the next agenda to see if there is interest in changing the code regarding temporary signs.

Michael Rives – thanked AVTA representatives Crist and Mann for the bus benches that have been installed – they look great. Stated his concerns regarding storm drains in the City and the debris that accumulates. Suggested the Christmas Parade be scheduled later in the day instead of early morning when the temperatures are so cold and he will be talking to the Chamber of Commerce about this.

Joshua Taylor – stated his concerns regarding the rights of privacy and the intrusion of government of all levels; requested clarification regarding the LEAPS plane and its surveillance.

Mayor Parris explained the process regarding the plane; the advantage this gives law enforcement; it is designed to be the least invasive as possible; this is incredible technology that will help to keep the community and families safer.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
OCTOBER 9, 2012

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

Jay Close – stated his concerns regarding an open ditch in the area of J-4 and 37th Street West/Palo Verde. Water accumulation is coming from excessive sprinklers from J-8/J-5. The water should be stopped and this ditch should be taken care of.

Mayor Parris thanked Mr. Close for the information and directed the City Manager to have staff look into this matter.

COUNCIL / AGENCY COMMENTS

Council Member Crist requested that one of the items on the Closed Session Agenda be discussed in open session at this time. Council Member Crist referred to: GOVERNMENT CODE SECTION 54956.9 (a) - Pending Litigation-Palmdale v. Lancaster - Case Number BC443280

The Deputy City Attorney stated that the City of Palmdale sued the City of Lancaster in regards to assistance provided to Antelope Valley Chevrolet. The court issued its decision in February of this year and Palmdale has now appealed that decision. The courts holding was mixed; the court found that there was a technical violation and that the City could not provide assistance until November 9, 2012 at which time the injunction terminates and no monetary damages or compensations would be provided to Palmdale. Most recently, at the City Council's direction, the City sent a letter to the City of Palmdale in response to their filing the appeal, asking for a meeting with Palmdale's elected officials. The response from Palmdale was to decline to meet with Lancaster's officials.

Council Member Crist clarified that the invitation was to meet with him and Mayor Parris and two of their representatives, to make sure the cities are not wasting the taxpayers' money and they declined.

Council Member Crist requested clarification that Palmdale was making sure Lancaster could no longer give any assistance to Antelope Valley Chevrolet; they are harming Lancaster's businesses.

The Deputy City Attorney stated that the stated purpose of Palmdale is to prevent Lancaster from providing any assistance to Antelope Valley Chevrolet, forever.

Mayor Parris stated that he is concerned about their motivations and their judgment and whether or not it is appropriate for cities to be doing this. He is concerned that Lancaster asked to meet with their leadership and they gave Lancaster the finger. He wanted to be clear, that is exactly what they did. Lancaster sent them a letter and they might as well have responded with a picture with their middle finger raised at Lancaster. It is disgusting to him that Palmdale has cost Lancaster \$400,000 and Palmdale has spent even more. Palmdale is on the edge of bankruptcy; they are fiscally mismanaged and everyone knows this.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
OCTOBER 9, 2012

Mayor Parris stated that this City just wants to sit down with them and see what can be worked out and Palmdale sends an insulting letter back. It is incredibly frustrating and it should be incredibly frustrating to the citizens of both cities that this type of gamesmanship is going on. Every adult in this community knows if you can get people to sit down and work it out, it is a lot better than paying lawyers millions of dollars. This is not the proper role of leadership and what they are doing is appalling to him and he is sure it is appalling to the rest of this Council. If they want to play in litigation games, they have come to the right place but it is very stupid.

RECESS

Mayor Parris recessed the meeting at 5:59 p.m. for the purpose 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
- GOVERNMENT CODE SECTION 54956.9 (a) - Pending Litigation-Palmdale v. Lancaster - Case Number BC443280
- 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

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
OCTOBER 9, 2012

- 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

RECONVENE

Mayor Parris reconvened the meeting at 6:29 p.m.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney stated that the City Council met in Closed Session under the aforementioned matters. Regarding the Community Action League case; the NAACP case; Rubin v. Lancaster case; Palmdale v. Lancaster case, direction was given to legal counsel regarding each one of those matters.

Mayor Parris requested an item be placed on the next agenda to consider moving the meeting times to 6:00 p.m.

Mayor Parris and Council Member Crist discussed the possibility of air conditioned bus stops. Council Member Crist stated that AVTA is spending close to half a million dollars on improving the bus stops; pull out areas to avoid blocking traffic.

Mayor Parris stated that there are solar power air conditioned bus stops and he would like this looked into, especially to help the older citizens and medically challenged citizens who need to get to the hospital and they are waiting for buses in extremely hot weather.

Council Member Crist stated that he would bring this up at the next AVTA meeting and have it looked into.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
OCTOBER 9, 2012

ADJOURNMENT

Mayor Parris adjourned the meeting at 6:34 p.m. and stated that the next regular meeting would take place on Tuesday, October 23, 2012 at 5:00 p.m.

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)
