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MVB

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

CALL TO ORDER

Mayor/Chair Parris 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/Agency Directors/Authority Members: Crist, Johnson, Mann, Mayor/Chair Parris

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

EXCUSED: Vice Mayor/Vice Chair Smith

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

Mayor Parris requested that Item No. CA 1 and Item No. CA 2 be moved to this portion of the agenda.

CA 1. NOMINATION AND APPOINTMENT OF COUNCIL MEMBER MARVIN CRIST AS VICE MAYOR

On a motion by Council Member Mann and seconded by Council Member Johnson, the City Council approved the nomination and appointment of Marvin Crist as Vice Mayor for the City of Lancaster, by the following vote: 4-0-0-1; **AYES:** Crist, Johnson, Mann, Parris; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Smith

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CA 2. NOMINATION AND APPOINTMENT OF CASSANDRA HARVEY AS A DEPUTY MAYOR FOR THE CITY OF LANCASTER

On a motion by Council Member Mann and seconded by Vice Mayor Crist, the City Council approved the nomination and appointment of Cassandra Harvey as Deputy Mayor for the City of Lancaster, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

Mayor Parris stated that Cassandra Harvey will also continue in her role as a Planning Commissioner and Housing Authority Member.

INVOCATION

Council Member/Agency/Authority Member Johnson

PLEDGE OF ALLEGIANCE

Council Member/Agency/Authority Member Mann

PRESENTATIONS

1. Athlete of the Month Award – Jibraun Asaad – Quartz Hill High School. Mr. Asaad also received a \$1,000 Mayor’s Scholarship.
2. S.O.A.R. (Students On Academic Rise) High School Student of the Month – Esther Maddox. Ms. Maddox also received a \$1,000 Mayor’s Scholarship.
3. Lancaster School District Presentation (CARES Program) – Presented by Lancaster School District Superintendent, Dr. Michele Bowers
4. Presentation of the Key to the City presented to California Highway Patrol Chief Dan Bower.

At this time, the City Clerk administered the Oath of Office to Sandy Smith, newly appointed member of the Lancaster Successor Agency Oversight Board.

At this time, Mayor Parris requested that Item No. CB 1 and Item No. NB 1 be moved to this portion of the agenda.

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CB 1. LANCASTER TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID)

Ron Emard, the Chairman of the Destination Lancaster Board of Directors presented a brief report on this matter.

Vice Mayor Crist thanked Mr. Emard for all that he does for the community, such as Thunder on the Lot; Gracefest; President of the Fair Board; performs many community events and he does all of this for free.

Mayor Parris inquired as to why the City of Lancaster does not raise the hotel room tax to match the City of Palmdale.

The City Manager stated that this matter is to fund this particular activity; this is a TBID through which the hotels would tax themselves.

No action was necessary at this time. It is the City Council's intention to continue the formation process to establish the Lancaster Tourism Business Improvement District (LTBID) and receive public comment. This matter will be brought before the City Council as a Public Hearing on January 8, 2013.

NB 1. PROPOSED ORDINANCE REGARDING LIABILITY OF PROPERTY OWNERS FOR DOG BITES - ORDINANCE NO. 985, AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA, ADDING SECTION 6.04.050 TO CHAPTER 6.04 OF THE LANCASTER MUNICIPAL CODE RELATING TO LANDLORD LIABILITY FOR DOG BITES

The Chair of the Lancaster Neighborhood Vitalization Commission, Steve Derryberry, presented a report regarding this matter.

Vice Mayor Crist inquired as to what would happen if an individual was in the middle of a lease and he does not have those provisions within his lease.

Mr. Derryberry stated there are some laws in place that allow a landlord the ability to remove a tenant for potential issues. The landlord needs to put in motion, the remedies to remove the dog or remove the tenant.

Mayor Parris clarified that there is no reason why the landlord would not have the opportunity to remove the offending tenant or pit bull.

Mr. Derryberry stated that real property is most valuable investment people will make in their entire lifetime; discussed absentee landlords; hiring of property managers; the laws that are currently in place.

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NB 1. PROPOSED ORDINANCE REGARDING LIABILITY OF PROPERTY OWNERS FOR DOG BITES - ORDINANCE NO. 985, AN ORDINANCE OF THE CITY OF LANCASTER, CALIFORNIA, ADDING SECTION 6.04.050 TO CHAPTER 6.04 OF THE LANCASTER MUNICIPAL CODE RELATING TO LANDLORD LIABILITY FOR DOG BITES (continued)

Mayor Parris discussed the problems stemming from rental units; accountability of tenants; landlords; property owners; his own representation of victims from dog attacks.

Further discussion took place regarding the vicious dog ordinance; owners being aware of the laws; this ordinance will give notice and place the liability upon the owner.

Council Member Mann shared his concerns regarding the notification process; proceedings with eviction notices; possibility of tenants suing the owners; recourse of the landlords.

Mr. Derryberry stated that landlords need to exhaust all available remedies; have a strong lease in place; this ordinance does not increase the liability, it is about giving notice.

Council Member Mann stated that he had concerns regarding what noticing was given to the real estate community regarding this matter so their voice could be heard. He stated that he would feel more comfortable making a decision once he hears from someone on the Board of Realtors.

It was the consensus of the City Council to continue this matter to the next City Council meeting and notify the Board of Realtors of this ordinance.

The City Manager stated that press releases and news reports were sent out and that the Board of Realtors would be notified.

M 1. MINUTES

On a motion by Vice Mayor/Vice Chair Crist and seconded by Council Member/Agency/Authority Member Mann, the City Council/Agency/Authority approved the City Council / Successor Agency/Financing/Power Authority Regular Meeting minutes of November 13, 2012, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

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CONSENT CALENDAR

Mayor Parris requested that Item Nos. CC 12; CC 13; CC 14 be pulled from the agenda for separate action.

On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council approved the Consent Calendar, with the exception of Item Nos. CC 12; CC 13; CC 14, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

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 Register for November 2, 2012 through November 21, 2012 in the amount of \$7,270,874.58.

CC 3. MONTHLY REPORT OF INVESTMENTS

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

CC 4. ACCEPTANCE OF STREET TREES FOR MAINTENANCE

Accepted the interior street trees for maintenance by the City for Tract No. 53253, located on the northwest corner of Avenue M-8 and 30th Street West. Owner: Portabella, LP.

CC 5. ACCEPTANCE OF SSCS ANNUAL PERFORMANCE REPORT

Accepted the Sanitary Sewer Collection System Annual Performance Report for Fiscal Year 2011/2012.

CC 6. ACCEPTANCE OF WORK AND MATERIALS FOR DRAINAGE IMPROVEMENTS

Approved and accepted for maintenance the work and materials for the drainage improvements installed by the developer, Portabella, LP; for Drainage Benefit Assessment District Annexation No. 04-85; located on the northwest corner of Avenue M-8 and 30th Street West.

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CC 7. COOPERATIVE AGREEMENT WITH PALMDALE TO DESIGN/CONSTRUCT ROUNDABOUT

Approved a Cooperative Agreement between the City of Lancaster (Lancaster) and the City of Palmdale (Palmdale) to design and construct a roundabout at the intersection of Avenue L and Challenger Way. Authorized the City Manager to execute all documents and make any non-substantive changes necessary to complete the transaction.

CC 8. APPROVAL OF THE CREATION OF PHASE 1 AND PHASE 2 – T.M. NO. 061206

Approved the creation of Phase 1 and Phase 2 of Tract Map No. 061206; accepted the Subdivision Undertaking Agreement and securities submitted by KB HOME Coastal Inc. (KB HOME) for Phase 1; approved substitution of the Subdivision Undertaking Agreements and securities submitted by Forestar Dorado Skies, L.L.C. (Forestar) for Phase 2 and approved the revised Maintenance Agreement with Forestar.

CC 9. PWCP NO. 12-007; PM NO. 72015

Awarded **Public Works Construction Project No. 12-007, PM 72015 Infrastructure Improvements**, to Toro Enterprises, Inc. of Oxnard, California, in the amount of \$1,160,208.24, plus Additive Alternate No. 1 in the amount of \$62,756.16, to bring the total award to \$1,222,964.40 plus a 20% contingency and authorize 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).

CC 10. APPROPRIATION OF GRANT FUNDS

Approved the appropriation of \$136,000 in grant funds from the Los Angeles County Metropolitan Transportation Authority to Revenue Account No. 327-3300-100, and corresponding Expense Account No's: 327-4520-101 through 137 for staff time and Account No. 327-4520-301 for consultant work.

CC 11. RESOLUTION NO. 12-71

Adopted **Resolution No. 12-71**, approving the application for Grant Funds from the Recreational Trails Programs for the following project: The Woodlands Trail.

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CC 12. AUTHORIZATION TO RETAIN RBF CONSULTING FOR THE DEL SUR GREENWORKS SOLAR PROJECT

The Planning Director presented the staff report regarding this matter.

Addressing the City Council on this matter:

Jason Zink – stated that he is in favor of this project but has concerns with how these projects look after they are built. It's very industrial; not neighbor friendly; consider elevations; buffers; fences.

Mayor Parris stated that these concerns should be addressed in the site plan; should be very restrictive as to how the project will look. He inquired as to the status of having the power lines removed and placed underground and he would like to see an ordinance come before the Council regarding this matter.

The City Manager stated that all of these concerns are addressed through the EIR and will be reviewed. Regarding the power lines – this matter is currently under discussion.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council authorized the retention of RBF Consulting for the preparation of an Environmental Impact Report for the Del Sur Greenworks Solar project and related development applications on approximately 1,287 acres generally bounded by Avenue H, Avenue F, 95th Street West and 110th Street West, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

CC 13. APPROVAL OF LOAN TO BARONE'S RESTAURANT UNDER THE SPICE UP LANCASTER LOAN PROGRAM

The Assistant to the City Manager presented the staff report regarding this matter.

Addressing the City Council on this matter:

Barbara Magar – owner of Barone's, thanked the Economic Development Director and staff for all their help in this venture; with this program they are able to expand and hire fifteen more people.

On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council approved a loan of \$25,000 to Barone's under the Spice Up Lancaster Loan Program to open a new location in Lancaster and authorized the City Manager or his designee to execute all loan documents, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

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CC 14. NOMINATION/APPOINTMENT TO THE 2012/2013 LANCASTER YOUTH COMMISSION

The City Manager presented the staff report regarding this matter.

On a motion by Mayor Parris and seconded by Council Member Mann, the City Council approved the nomination and appointment of Tiffany Johnson, Miss Lancaster, to the 2012/2013 Lancaster Youth Commission, by the following vote: 3-0-1-1; AYES: Mann, Crist, Parris; NOES: None; ABSTAIN: Johnson; ABSENT: Smith

At this time, Council Member Johnson administered the Oath of Office to Tiffany Johnson.

CC 15. RESOLUTION NO. 12-75

Adopted **Resolution No. 12-75**, electing to receive payments pursuant to Health and Safety Code Section 33607.5 (b) for Residential, Central Business District, Fox Field, Amargosa, Area. No. 5, Area No. 6, and Area No. 7 Redevelopment Project Areas.

At this time, Mayor Parris requested that Item No. CA 3 be moved to this portion of the agenda.

CA 3. RESCINDING RESOLUTION NO. 10-54 WHICH PROCLAIMED THE CITY OF LANCASTER A "RULE OF LAW CITY"

Mayor Parris gave a brief overview of how this resolution came about; stated that it has been perceived by the Hispanic community as Anti-Hispanic and would like to see this endorsement repealed at this time.

Addressing the City Council on this matter:

Michael Rives – discussed Federal laws; this country is suffering because many laws are not followed; Federal law is supreme; people should not be allowed to enter this country illegally; this resolution should not be repealed.

Tom Blair – Agrees with Mr. Rives; do not rescind this resolution.

Arturo Castanon – stated that he is happy to see Council rescind this resolution; presented a brief story of his own life experiences and helping someone who was in need and just wanted to better herself and take care of her family; the community was not happy when this resolution was adopted. Not everyone is bad; not everyone wants to steal and do bad; most just want to better themselves in America.

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CA 3. RESCINDING RESOLUTION NO. 10-54 WHICH PROCLAIMED THE CITY OF LANCASTER A “RULE OF LAW CITY” (continued)

Sue Dell – Chair of the Tapestry Commission, stated that she is pleased that Council plans to rescind this resolution; important to build on the relationships with Hispanics and all cultures. If people are not breaking the rules and laws and they are learning a trade, going to school, they should be allowed and feel free to achieve these goals. She stated that the resolution was mean spirited and she works very hard to make sure everyone feels welcomed.

Council Member Mann clarified that the Sheriff’s Department is not driving around looking for people who are in violation of this resolution; the Sheriff’s Department is very busy with many other matters.

Council Member Johnson stated that she is proud to be Hispanic; she was raised with very strong values; her mother and father worked very hard to come to this country legally; her family is a strong example of how hard work pays off. People should not be judged for the color of their skin or accent and many just want to live the American dream.

Further discussion took place regarding the enforcement of laws in the City; values; concerns for the rule of law portion of the resolution; Arizona law is overbroad; overreaching; concerns about rescinding the rule of law portion of this resolution and how to frame the intent of the motion. The City of Lancaster follows the rules better than any other City in California; important to be clear on what is being decided.

On a motion by Mayor Parris and seconded by Vice Mayor Crist, the City Council rescinded the City’s support of the Arizona law, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

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RECESS Mayor Parris recessed the meeting at 6:46 p.m. for the purpose of conducting a Closed Session meeting regarding:

CLOSED SESSION

Conference with Legal Counsel—Anticipated Litigation Initiated Pursuant to Government Code 54956.9(c) (One Case)

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

- Palmdale v. Lancaster - Case Number BC443280
- Lancaster v. Housing Authority of the County of Los Angeles (HACoLA) Case No. MC023649
- 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)
- 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

RECONVENE

Mayor Parris reconvened the meeting at 7:16 p.m.

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CITY ATTORNEY ANNOUNCEMENT

The City Attorney stated that City Council met in Closed Session regarding Conference with Legal Counsel—Anticipated Litigation Initiated Pursuant to Government Code 54956.9(c) (One Case), to consider whether to initiate litigation; gave direction to the City Attorney to commence litigation, naming the Department of Finance, County and other appropriate entities concerning a demand for payment that was made. The Department of Finance and the County agree but they do not have any authority to change this, therefore the City will be filing a lawsuit and entering into a stipulated judgment with them that the City is in fact correct.

The City Attorney stated that no other items listed on Closed Session were discussed.

At this time, Mayor Parris requested that Item Nos. CR 1 and CR 2 be moved to this portion of the agenda.

CR 1. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR DISTRICT NO. 14 OF THE COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY – NOVEMBER 15, 2012 MEETING

Council Member Mann presented the following information: (full report is on file with the City Clerk Department.)

Alternate Director Mann from the City of Lancaster, was elected Chair of the Board; approved warrants and invoices; approved Change Order No. 51 to Contract No. 4328 with Taisei-T&K Joint Venture; approved Investment Policy and Renewed Delegation of Authority to District Treasurer.

CR 2. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR THE ANTELOPE VALLEY TRANSIT AUTHORITY

Council Member Crist presented the following information: (full report is on file with the City Clerk Department.)

Special recognitions were presented to Board Members; Staff Members and AVTA received the California Transit Association Small Operators' 2012 Transit Excellence Award. Discussed the Fiscal Year 2012/2013 first quarter key performance indicators report; first quarter Coach Operator Audit results; approved contracts and staff to look for funding and other resources required to conduct a zero-emission bus demonstration project in the Antelope Valley; approved Budget Calendar changes; approved Purchasing Policy changes; discussed service modifications; audit issues.

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Mayor Parris invited Council comments at this time.

COUNCIL / AGENCY COMMENTS

Mayor Parris stated that he would like the Criminal Justice Commission to look into publishing the names of the stores that are not prosecuting shoplifters. There are certain stores that ignore the problem of shoplifting because of the cost/benefit analysis. The problem with this – an environment is created where shoplifters have a certainty of no apprehension, not a certainty of apprehension. To reduce crime, there must be a certainty of apprehension and what is going to be looked into, is actually putting the names out there. People can go to these stores, shoplift all they want and no one is going to do a thing about it. He stated that he would like this done because it will change the cost/benefit analysis and it will be too expensive to continue down that course. He stated that he is not aware of any other community doing this; Lancaster will be the first. He is recommending a three-month warning that this is going to take place, so they will have plenty of notice and at the end of the day, if these stores are not apprehending and prosecuting shoplifters, then every shoplifter will know where to go.

**PH 1. PROPOSED WALMART PROJECT AT THE NORTHWEST CORNER OF
60TH STREET WEST AND AVENUE L**

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

The Deputy City Attorney stated that the Court of Appeals denied all of the opponent's arguments with the exception of the City's rejection of the reduced density alternative. The Court found on this one point that there was not sufficient evidence in the record to support the finding that this alternative was not economically viable and requiring the EIR to be rescinded. The Court found all other actions of the City and findings made in relation to CEQA and the approvals related to the project to be legally adequate. The City, staff and developer have put together an addendum addressing this one limited issue of the reduced density alternative. An addendum is appropriate following the certification of an EIR when some changes or additions are necessary but there are no significant changes to the project; no significant changes in circumstances or no new or severe impacts. This is exactly the case with this project as set forth in the addendum and analyzed in detail and none of those conditions are present and an addendum is appropriate. With regard to circulation of the addendum, an addendum is not required to be circulated for public review but can be included in and attached to the final EIR or Negative Declaration. It also does not require a Public Hearing, but because the Council will be conducting a Public Hearing to consider the CUP and TPM pursuant to the City's Municipal Code, the Council must also include environmental review as one of the subjects in the hearing. In regards to the public notice, the CEQA guidelines do not require posting notice because there is no review period for an addendum.

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PH 1. PROPOSED WALMART PROJECT AT THE NORTHWEST CORNER OF 60TH STREET WEST AND AVENUE L (continued)

The Deputy City Attorney stated the City went above and beyond any legal requirements for the adoption of the addendum and provided notice 10 days in advance to the 700 people who had previously requested notice with regards to this project, as well as notice to owners of property located within 500 feet of the proposed project. This is a Public Hearing and any members may address any issue they deem appropriate. However, the only issue before the City Council this evening is the addendum regarding the reduced density alternative. The balance of the environmental issues that may be raised tonight have already been considered, approved and upheld by the Superior Court and the Court of Appeal for the State of California and they should not be reopened at this hearing.

Jennifer Gunther, the Attorney for Walmart and the Developer discussed the history of this project; the multi-volume EIR; the numerous meetings that have been held before the Lancaster Planning Commission and the City Council. She discussed the lawsuit which took a year for review and it was all narrowed down to the issue of the addendum to the EIR. The project has not changed from three years ago; an economic study has been completed.

Stan Rothbart, representing Walmart gave a brief history of the Lancaster Commerce Center; retail space in the Antelope Valley; job creation; lasting and ongoing relationships in the business community. Discussed the hundreds of construction jobs that will be created and the thousand permanent jobs that will be created. He stated that this is not just about jobs and Walmart takes great pride in the design of their operation. They have worked closely with City staff; Quartz Hill neighbors; the High School District. The High School District shared their concerns; Walmart listened, worked together to improve numerous measures and to come up with thoughtful and realistic resolutions.

Addressing the City Council in favor of this project with comments related to the Board of Trade relationship; business advocacy; bringing in commerce; bringing in permanent jobs; advocating job growth; advertising; Walmart's commitment to making the community better; benefits provided to employees of Walmart; importance of sales tax revenues.

Drew Mercy; Todd Porter; Matthew Crawley; Stephen Novak; Perry Watkins; Isabel Allen; Ramon Ortega; Kristie Jakeway; Sherry Bruning; Alicia Kessler; Trinity Peck; David Sinclair; Gary Bourassa; Natae Turner; Rosemary Ghattas; Michael Huddleston; April Willsey; Corbin Engle; Doug Beem; George Atkinson; Billy Wilkins; Troy Hoeft; Bonnie (no last name).

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**PH 1. PROPOSED WALMART PROJECT AT THE NORTHWEST CORNER OF
60TH STREET WEST AND AVENUE L (continued)**

Addressing the City Council in opposition to this project, stating concerns regarding the environment; property values; concerns with the EIR; traffic congestion; road improvements; competing stores; hurting the mom and pop stores; impact on the children of the high school; fast food restaurants; concerns regarding obesity; possible flaws in the addendum; not necessarily against Walmart, just the location; crime; public safety.

Barbara Santa; Cleo Goss; Michael Goss; Johnathon Ervin; Ed Galindo; Paul Harris; Keith Bobrosky; Dan Walker; Erick Byarushengo; Brandon Zavala; Lori Wolf; Patrick Rodriguez; Claudine (no last name); Lisa Morgenstern; Henderson Anderson; Melisa Selsor; Loretta Berry; Bob Curry; Paul Jennings; John Mlynar; Steve Walden; Arnold Rodio; Randy Draper; Mike Thacker; Virginia Stout; Richard Hecker; Jeff McBurney, Michael Rives; David Abber.

Addressing the City Council with a neutral position regarding this project with comments regarding: lighting; carbon monoxide levels; environmental concerns; location of project:

Jason Zink

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

RECESS Mayor Parris requested a brief recess at 8:46 p.m.

RECONVENE Mayor Parris reconvened the meeting at 9:04 p.m.

Discussion and comments from the City Council included: wanting information on shopping in brick and mortar stores versus dotcom companies; property values; adhering to the architectural guidelines; many issues have been discussed; both sides are right and have valid concerns; there is no right or wrong; obesity rates of fast food restaurants located next to high schools; good health in the community is vital; Walmart has a strong commitment to the community; crime statistics in relation to Walmart stores; absolutely vital to have road improvements; traffic signal improvements to protect everyone.

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Stan Rothbart, Jennifer Gunther and the Director of Public Affairs for Walmart addressed the City Council's concerns regarding the Walmart dotcom business; crime statistics; obesity statistics. Walmart has met all the required architectural design guidelines; it will have all the sustainability of an excellent company; there is fierce opposition from other stores but Walmart works very hard to work through these matters. There are always many difficulties and challenges to work through and at the same time many positives related to Walmart. They are committed to building better communities; helping the leadership of the future; giving people sustainable jobs. Walmart is striving to offer healthy choices for families; products with reduced sugars; sodium; affordable foods that are created with a "good for you" seal. Walmart has partnered with the American Diabetes Association and the American Heart Association to educate families and children to eat healthier and to make healthy choices a lifestyle. Regarding security – over 200 cameras will be installed and monitored 24/7; there will be patrolled security; the Conditions of Approval required a very high level of security.

The Public Works Director presented information regarding the traffic study for Walmart at project build-out; millions of dollars that have been awarded in grant funds for improvements in the area; the project is conditioned for significant improvements.

Mayor Parris reopened the Public Hearing to allow an additional speaker to address the City Council.

Kevin Walsh – opposed to this project; discussed the dangerous road conditions.

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

RECESS Mayor Parris requested a brief recess at 11:04 p.m.

RECONVENE Mayor Parris reconvened the meeting at 11:16 p.m.

Mayor Parris reopened the Public Hearing to allow an additional speaker to address the City Council.

Carolina Lowe – opposed to this project; concerned about traffic; crime; safety of the teenagers; neighborhood improvements are important.

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

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PH 1. PROPOSED WALMART PROJECT AT THE NORTHWEST CORNER OF 60TH STREET WEST AND AVENUE L (continued)

The Deputy City Attorney stated that a letter was received this evening from Leibold McClendon & Mann urging the Council to reject this project. She stated that there is nothing in this letter that should stop the City Council from making a decision this evening.

Discussion and comments from the City Council included: a decision cannot be based on emotions; Walmart employees are proud and they should be given respect. They are working hard to support their families; their homes. The City Council supports small businesses and large. It is up to each individual to support all businesses. This is a difficult decision and the Council will continue to make decisions like this as long as there is no tax sharing agreement with Palmdale. The sales tax revenues will allow the City to hire more Sheriff's personnel; Fire personnel; many important decisions are based on economics.

Mayor Parris stated that it would be very easy to vote against this project as to avoid the harassment that will come out of this decision by some mean-spirited and hostile individuals. It is very difficult to make this City thrive because of the pressure from some of these individuals. Past Councils have caved to the pressures and the City suffered. This area is destined to have three million people live here; this was a very different place when he was growing up. This may not be the best way to add commerce to the City but for now, it is the only way. There is no doubt in his mind that this project must be built in Lancaster. He encouraged citizens to get over their anger, help to make the City a better place.

A. On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council adopted **Resolution No. 12-72**, certifying the Final Environmental Impact Report with the Addendum and necessary environmental findings, Statement of Overriding Considerations and Mitigation Monitoring Program; and amending the General Plan land use designation on the subject property from UR (Urban Residential, 2.1 to 6.5 dwelling units per acre) to C (Commercial), by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

B. On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council introduced **Ordinance No. 984**, rezoning the subject property from R-7,000 (single family residential, one dwelling unit per 7,000 square feet) and R-10,000 (single family residential, one dwelling unit per 10,000 square feet) to CPD (Commercial Planned Development), by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

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PH 1. PROPOSED WALMART PROJECT AT THE NORTHWEST CORNER OF 60TH STREET WEST AND AVENUE L (continued)

C. On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council adopted **Resolution No. 12-73**, approving Conditional Use Permit No. 06-09 to construct a 344,752 square-foot commercial shopping center including a 196,028 square-foot Walmart (excluding the garden center) with incidental off-sale of alcoholic beverages, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

D. On a motion by Council Member Johnson and seconded by Vice Mayor Crist, the City Council adopted **Resolution No. 12-74**, approving Tentative Parcel Map No. 68150 to create 8 parcels on the project site ranging in size from 0.68 acres to 19.99 acres in the CPD zone, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

The General Plan Amendment, Zone Change, Conditional Use Permit and Tentative Parcel Map requests were originally filed on October 16, 2006. On June 14, 2007, the City issued a Notice of Preparation for the preparation of an environmental impact report (EIR) for the proposed project. The Draft Environmental Impact Report for The Commons at Quartz Hill was circulated for a 45-day public review between January 9, 2009, and February 23, 2009. Comments received during this review period were responded to as part of the Final EIR. On July 7 and 8, 2009, the Planning Commission held a public hearing on this project and after considering all testimony, certified the Final EIR, recommended to the City Council approval of GPA 06-04 and ZC 06-04, and approved CUP 06-09 and TPM 68150. The City Council subsequently called up for its review all of these actions in accordance with Section 2.44.010 of the Lancaster Municipal Code.

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

The City Manager thanked the Lancaster Baptist Choir and Orchestra for their performance at the Magical BLVD Christmas event. They changed the entire dynamic of the event, it was inspiring and so well done and everyone enjoyed it.

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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 that she is opposed to all of the kiosks on the BLVD, they make for a very crowded environment; this area was supposed to be a place where citizens could stroll, gather, sit and listen to music.

Edgar Ortiz – discussed his new business – They offer active lifestyles; sporting equipment needs; offering healthy choices. They will be donating 33 bicycles to needy people and told everyone to stay tuned in as his company promotes healthy lifestyles.

Bruce Hailstone – discussed the eviction process and offered suggestions on how property owners could be notified if a tenant is not following the laws; discussed the street sweepers and the issue of receiving parking tickets on street sweeping day; stated that the green bicycle lane on Valley Central is a waste of money and space and creates traffic problems.

David Abber – opposed to the decision Council made regarding Walmart; discussed an incident that happened to him in 2009/2010.

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ADJOURNMENT

Mayor Parris announced that Lancaster Planning Commissioner, Jim Vose suffered a heart attack this evening while sitting at this meeting; an emergency procedure was performed on him; it was very serious and he is expected to recover.

Mayor Parris adjourned the meeting at 11:57 p.m. and stated that the next regular meeting would take place on Tuesday, January 8, 2013 at 5:00 p.m.

Pursuant to action taken by the City Council/Successor Agency/Financing, Housing & Power Authority on August 28, 2012, there will not be a City Council/Successor Agency/Financing, Housing & Power Authority meeting on Tuesday, December 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

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
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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)
