

M 1
01/22/13
MVB

**LANCASTER
CITY COUNCIL/SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
JANUARY 8, 2013**

CALL TO ORDER

Mayor/Chair Parris called the regular meeting of the City Council/Successor Agency/Financing/Power Authority to order at 5:06 p.m.

ROLL CALL

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

Pastor Ryan Parish, New Hope Community Church

PLEDGE OF ALLEGIANCE

Council Member/Agency/Authority Member Johnson

M 1. MINUTES

On a motion by Vice Chair Crist and seconded by Council Member/Agency/Authority Member Johnson, the City Council/Agency/Authority approved the City Council/Successor Agency/Financing/Power Authority Regular Meeting minutes of December 11, 2012, by the following vote: 4-0-1-0; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: Smith; ABSENT: None

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
JANUARY 8, 2013

CONSENT CALENDAR

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council approved the Consent Calendar with the exception of Item Nos. CC 2; CC 4; CC 5, which were pulled for separate action, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

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

Addressing the City Council on this matter:

Scott Pelka – inquired as to the payments to the LEAPS Program; payment for Mr. Visco to LPAC.

The City Manager stated that staff will look into the payment for Mr. Visco and reminded Mr. Pelka that anytime he has a question, he is welcome to call and talk with him or City staff.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council approved the Check and Wire Registers for November 30, 2012 through December 21, 2012 in the amount of \$6,289,112.22, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CC 3. MONTHLY REPORT OF INVESTMENTS

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

CC 4. ORDINANCE NO. 984

Addressing the City Council on this matter:

Loretta Berry – opposed to this action.

Michael Rives – encouraged Council to consider woodlands/park land to mitigate pollution in connection with this project.

Stephen Petty – opposed to this action.

Andrew Nieto – opposed to this action.

Scott Pelka – opposed to this action; insinuated that the Mayor incorrectly stated that Palmdale wanted this project, stating that Palmdale had not been approached.

Mayor Parris gave a brief history of the project, stating that the project is over 7 years old. When it was initially planned, there was in fact a discussion with Palmdale. He invited the developer of the project, Stan Rothbart to give a brief overview.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
JANUARY 8, 2013

CC 4. ORDINANCE NO. 984 (continued)

Stan Rothbart stated that approximately 7 years ago, Walmart met with Palmdale; met with Lancaster for the consideration of a Walmart on the west side to better serve the community. His company and Walmart felt that the west side was definitely underserved and there was a need for an additional store. Palmdale certainly was in favor of a Walmart; the company chose the area of 60th and L.

Ed Galindo – opposed to this action.

Mayor Parris stated that Palmdale knew what they wanted; Walmart chose Lancaster; either location was going to impact Quartz Hill.

On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council adopted **Ordinance No. 984**, an ordinance of the City of Lancaster, California, amending the City Zoning Plan for 40± acres located at the northwest corner of Avenue L and 60th Street West, known as Zone Change No. 06-04, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CC 5. AWARD OF REQUEST FOR PROPOSAL TO SARGENT TOWN PLANNING

Council Member Mann and Council Member Johnson recused themselves from this matter due to the fact that they own property in the area and left the dais.

On a motion by Vice Mayor Crist and seconded by Council Member Smith, the City Council awarded Request for Proposal No. 13-563, City of Lancaster Transit Oriented Development (TOD) Overlay Zone, to Sargent Town Planning in the amount of \$133,500, by the following vote: 3-0-2-0; AYES: Smith, Crist, Parris; NOES: None; RECUSED: Johnson, Mann; ABSENT: None

At this time, Council Member Mann and Council Member Johnson returned to the dais.

CC 6. APPROPRIATION OF GRANT FUNDS

Approved an appropriation in the amount of \$5,000 in Account No. 106-4808-251 for the 2012 Edison International Grant and increased estimated revenues Account No. 106-3208-100 by the same amount.

CC 7. ACCEPTANCE OF STREET TREES FOR MAINTENANCE

Accepted the interior street trees for maintenance by the City for Tract No. 061905, located on the southeast corner of Avenue K-8 and 27th Street West; Owner: KB HOME Coastal, Inc.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
JANUARY 8, 2013

CC 8. PWCP NO. 10-020

Accepted the work constructed by ANM Construction & Engineering for **Public Works Construction Project No. 10-020, Westwind Elementary School Pedestrian Improvements**, and directed the City Clerk to file the Notice of Completion for the project. Retention on this project will be disbursed in accordance with California Public Contract Code.

CC 9. APPROVAL OF COMPLETED WATER SYSTEMS

Approved the completed water systems installed by the developer for Director's Review No. 09-64, located on the southeast corner of Kettering Street and 30th Street East; Owner: Hanes and Associates, Inc.; and Tract No. 31613, located on the southeast corner of Lancaster Boulevard and 23rd Street East; Owner: Regency Hills Homes III, LLC.

CC 10. ACCEPTANCE FOR MAINTENANCE FOR LANDSCAPE IMPROVEMENTS

Approved and accepted for maintenance the landscape improvements for Lancaster Landscape Maintenance District No. 1, Annexation No. 287, and Tract No. 060779, located on the northwest corner of Avenue J-8 and 32nd Street West; Owner: AV Three Homes, LLC; appropriated \$720.00 from the first year's maintenance cost that has been paid by the developer to cover the remaining six (6) months of the fiscal year into the Landscape Maintenance District Operating Account No. 482-4747-402.

CC 11. MONUMENTATION WORK

Approved the monumentation work for Tract No. 062075, located on the southwest corner of 22nd Street East and Donatello Street; Owner: KB HOME Coastal, Inc.

CC 12. ACCEPTANCE OF STREETS FOR MAINTENANCE

Approved the developer constructed streets and accepted the streets for maintenance by the City for Director's Review No. 09-64, located on the southeast corner of Kettering Street and 30th Street East; Owner: Hanes and Associates, Inc.; and Tract No. 53253, located on the northwest corner of Avenue M-8 and 30th Street West; Owner: Portabella, LP.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
JANUARY 8, 2013

PH 1. ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY CITY OF LANCASTER (CITY) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$8,000,000

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

Addressing the City Council on this matter:

Michael Rives – opposed to this action and took offense to the title of the company – “I Yam what I Yam”.

The City Manager explained that he believed that the name of the company is in reference to the Popeye cartoons.

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

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council adopted **Resolution No. 13-01**, approving the issuance of Multifamily Housing Revenue Bonds by City of Lancaster (City) in an aggregate principal amount not to exceed \$8,000,000 to assist in the financing of the rehabilitation of Cedar Ridge in the City of Lancaster, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

PH 2. OCTOBER 2012 CAPITAL IMPROVEMENT PLAN OF THE CONSOLIDATED FIRE PROTECTION DISTRICT AND ANNUAL ADJUSTMENT OF DEVELOPER FEES

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

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

On a motion by Council Member Johnson and seconded by Vice Mayor Crist, the City Council adopted **Resolution No. 13-02**, adopting the October 2012 Capital Improvement Plan of the Consolidated Fire Protection District and Annual Adjustment of Developer Fees, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
JANUARY 8, 2013

**PH 3. RESOLUTION OF FORMATION ESTABLISHING THE LANCASTER
TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID)**

Council Member Johnson recused herself from this matter due to the fact that she owns property in this area and left the dais.

Mayor Parris opened the Public Hearing. The Assistant to the City Manager and the Senior Projects Coordinator presented the staff report regarding this matter.

The Council inquired as to whether or not the Chamber of Commerce was involved; the City should work with them a lot more; important to put some energy into that.

Addressing the City Council on this matter:

Michael Rives – opposed to this action; discussed the bus service; discussed the tax issue.

Vice Mayor Crist explained the different events that the shuttle buses handle; AVTA is a separate entity; the City is trying to do whatever is possible; looking at many different options.

Council Member Smith discussed the transient occupancy tax process vs. formation of a TBID; this is a good project.

Council Member Mann discussed the direct marketing benefit to the City; this is a win-win for the City; important to move forward with this.

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

On a motion by Vice Mayor Crist and seconded by Council Member Smith, the City Council adopted **Resolution No. 13-04**, a resolution of formation, establishing the Lancaster Tourism Business Improvement District (LTBID), by the following vote: 4-0-1-0; AYES: Mann, Smith, Crist, Parris; NOES: None; RECUSED: Johnson; ABSENT: None

At this time, Council Member Johnson returned to the dais.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
JANUARY 8, 2013

JNB 1. LOAN BETWEEN THE LANCASTER SUCCESSOR AGENCY AND THE CITY OF LANCASTER FOR ADMINISTRATIVE EXPENSES FOR THE PERIOD JANUARY – JUNE 2013

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

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council adopted **Resolution No. 13-03**, establishing the terms and conditions and authorizing the execution of a promissory note in favor of the City of Lancaster for the distribution of funds to the Lancaster Successor Agency for administrative expenses for the period January to June 2013 pursuant to H & S Code Section 34173(h), by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

On a motion by Vice Chair Crist and seconded by Agency Director Mann, the Successor Agency adopted **Resolution No. SA 01-13**, establishing the terms and conditions and authorizing the execution of a promissory note in favor of the City of Lancaster for the distribution of funds to the Lancaster Successor Agency for administrative expenses for the period January to June 2013 pursuant to H & S Code Section 34173(h), by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CA 1. DISCUSSION AND POSSIBLE ACTION REGARDING NOMINATIONS/APPOINTMENTS/RE-APPOINTMENTS BY MAYOR PARRIS TO THE FOLLOWING COMMISSIONS

Mayor Parris stated that he has been asked why there is not more diversity on the Commissions and the reason is, people need to apply. There is an application process and he encouraged everyone to apply and he would like to see more diversity on the Commissions. It requires qualified people and it is an incredibly time-consuming commitment. He hopes to receive more applications within the next two weeks.

The applications are available on the website; citizens may contact the City Clerk Department for an application as well. Applications now being accepted for the following Commissions:

- Lancaster Architectural/Design Planning Commission
- Lancaster Criminal Justice Commission
- Lancaster Neighborhood Vitalization Commission

LANCASTER FINANCING AUTHORITY

No action required at this time.

LANCASTER POWER AUTHORITY

No action required at this time.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
JANUARY 8, 2013

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

The City Manager stated that he and the Mayor had the pleasure of attending the expansion of Barones on the BLVD. He congratulated Gene and Diane Magar and Dan Edwards for bringing Barones to the BLVD; bringing 15 more jobs. Barones is an Antelope Valley institution and he invited everyone to come and rediscover this restaurant.

The City Manager stated that a record number of Winter Softball Teams (144) signed up for the Winter Softball Leagues. He commended City staff for running one of the biggest and best leagues in all of Southern California.

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:

Scott Pelka – discussed the items listed under Closed Session on the agenda.

Dan Selmsler – stated his concerns regarding burned out buildings in the City; many have been sitting too long, including the Wendy's restaurant. Requested that the City consider an app for potholes, similar to the app for graffiti.

Mayor Parris liked the idea for the app and also requested that staff look into the issue regarding burned out buildings.

Robert Lens – stated that he was opposed to the Walmart project at 60th West and Avenue L.

Michelle Egberts – discussed Ordinance No. 981 which was adopted by the City Council regarding sex offenders. This ordinance is not in the best interest of the City; lawsuits are not always the best way to handle issues; discussed a complaint she has filed.

Michael Rives – discussed the recent action taken by the City Council regarding the rescinding of support for the Arizona law. Clarified that his concerns are not based on skin color or race.

COUNCIL / AGENCY COMMENTS

None

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
JANUARY 8, 2013

RECESS Mayor Parris recessed the meeting at 6:12 p.m. for the purpose of conducting a Closed Session meeting regarding:

CLOSED SESSION

Conference with Legal Counsel – Potential Litigation – 1 Case - (Government Code Section 54956.9 (b))

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

- Doe v. Lancaster – Case number “unknown”
- 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

Vice Mayor Crist reconvened the meeting at 7:29 p.m. and stated that Mayor Parris needed to leave early.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
JANUARY 8, 2013

CITY ATTORNEY ANNOUNCEMENT

The City Attorney stated that City Council met in Closed Session regarding the abovementioned items. The City Council gave direction to legal Council regarding: Potential Litigation – 1 Case - (Government Code Section 54956.9 (b)); Doe v. Lancaster case and Antelope Valley Allied Arts Association et al v. Lancaster et al, Los Angeles Superior Court Case No. BC488907. No other items were discussed.

ADJOURNMENT

Vice Chair Crist adjourned the meeting at 7:31 p.m. and stated that the next regular meeting would take place on Tuesday, January 22, 2013 at 5:00 p.m.

Vice Chair Crist adjourned the meeting in memory of Clarence ‘Corky’ Prothro. Mr. Prothro was a long time resident of the Valley; owner and operator of Corkys Auto Repair for 40 years. He was well respected in his community and abroad, having many friends. He was a loving husband, father and grandfather and will be greatly missed by all who knew and loved him.

PASSED, APPROVED and ADOPTED this _____day of _____, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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

APPROVED:

R. REX PARRIS
MAYOR/CHAIRMAN
Lancaster, CA

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
JANUARY 8, 2013

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)
