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**LANCASTER  
CITY COUNCIL/SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
FEBRUARY 12, 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

**STAFF MEMBERS:** City Manager/Executive Director; City Attorney/Authority Counsel; Assistant to the City Manager; City Clerk/Agency/Authority Secretary; Planning Director; Public Works Director; Senior Operations Manager; Finance Director; Economic Development Director; Housing Director; Human Resources Director

**INVOCATION**

Pastor Timothy Stroup, Crosswind Community Church

**PLEDGE OF ALLEGIANCE**

Council Member Johnson

**PRESENTATIONS**

1. Presentation of support to Los Angeles County Sheriff Lee Baca and the Los Angeles County Sheriff's Department
2. Presentation to Lancaster Sheriff Department Captain Bob Jonsen
3. Presentation to Art Thompson, owner of Sage Cheshire, which built the capsule used for the Red Bull Stratos Project

**RECESS**

Mayor/Chair Parris requested a brief recess at 5:36 p.m.

**RECONVENE**

Vice Mayor/Vice Chair Crist reconvened the meeting at 5:55 p.m. Mayor Parris was excused from the meeting.

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**PA NB 1. REVISED GROUND LEASE WITH PSOMASFMG, LLC (PSOMASFMG)**

The City Manager presented the staff report regarding this matter.

Addressing the Power Authority on this matter:

Michael Rives – stated his concerns regarding solar panels near the soccer center and the possible effects on children; the extent of health problems is unknown. Stated that the Power Authority should have its own separate meeting to allow for more information to be given.

Vice Chair Crist reminded Mr. Rives that he may contact City staff at anytime to find out additional information.

Andrew Nieto – stated that he is not opposed to solar projects or having the Antelope Valley become a national leader in solar; encouraged the Council to protect the desert and the Joshua trees; value open land when approving the projects.

Jason Zink – stated that he is in favor of the solar projects; requested clarification on the design of the panels; discussed the costs involved; consider bike paths; keep the area nice; consider buying the remaining twenty acres to protect the desert.

The City Manager gave a brief overview of the panels; the costs associated with the projects.

On a motion by Authority Member Mann and seconded by Authority Member Johnson, the Lancaster Power Authority approved a revised twenty (20) year Ground Lease with PsomasFMG, LLC (PsomasFMG) for 34.41 acres of land west of the Lancaster National Soccer Center (LNSC) and authorized the Executive Director to execute all documents necessary to complete the transaction and modify the Agreement, if necessary, with concurrence of legal counsel to complete the transaction, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist, NOES: None; ABSTAIN: None; ABSENT: Parris

**PA NB 2. ADDENDUM TO MASTER POWER PURCHASE AND SALE AGREEMENT WITH US TOPCO**

The City Manager presented the staff report regarding this matter and Addendum Item No. PA NB 101.

On a motion by Authority Member Johnson and seconded by Authority Member Mann, the Lancaster Power Authority approved the addendum to the Master Power Purchase and Sale Agreement dated June 28, 2011 and authorized the Executive Director to execute all documents necessary to complete the transaction, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

**PA NB 101.**

**GROUND SUBLEASE WITH US TOPCO ENERGY, INC. FOR THE CONSTRUCTION OF PHOTOVOLTAIC SOLAR GENERATION FACILITIES**

On a motion by Authority Member Johnson and seconded by Authority Member Mann, the Lancaster Power Authority approved a ground sublease with US Topco, to work cooperatively to design and construct a 5.5-megawatt photovoltaic solar generation facility on two sites of approximately twenty-five (25) acres of land cumulative near the old fairgrounds (APN 3176-005-914) and adjacent to the Antelope Valley High School District Building (APN 3142-010-901) and authorized the Executive Director to execute all documents and make any non-substantive changes necessary to complete transaction, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

**URGENCY MATTER**

At this time, the Deputy City Attorney stated that pursuant to Government Code Section 54954.2(b) (2), that with regard to the Department of Justice (DOJ) request for a tolling agreement pertaining to an ongoing DOJ investigation, there was a need for immediate action that came to the attention of the City, its Council, its staff and its legal counsel after the agenda was posted.

On a motion by Council Member Smith and seconded by Council Member Mann, the City Council found and determined by unanimous vote that this matter should be added to the Closed Session agenda.

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**M 1. MINUTES**

On a motion by Council Member/Agency/Authority Member Smith 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 January 22, 2013, by the following vote: 3-0-1-1; AYES: Mann, Smith, Crist; NOES: None; ABSTAIN: Johnson; ABSENT: Parris

**CONSENT CALENDAR**

Vice Mayor Crist requested that Item No. CC 3 and Item No. CC 4 be pulled from the Consent Calendar for separate discussion and action.

On a motion by Council Member Smith and seconded by Council Member Johnson, the City Council approved the Consent Calendar, with the exception of Item No. CC 3 and Item No. CC 4, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

**CC 1. ORDINANCE WAIVER**

Waived further reading of any proposed ordinances. (This permits reading the title only in lieu of reciting the entire text.)

**CC 2. WARRANT REGISTER**

Approved the Check and Wire Registers for January 6, 2013 through January 25, 2013 in the amount of \$5,711,480.49.

**CC 3. ORDINANCE NO. 986**

Addressing the City Council on this matter:  
Michael Rives – Opposed to this action.

On a motion by Council Member Smith and seconded by Council Member Mann, the City Council adopted **Ordinance No. 986**, an ordinance of the City Council of the City of Lancaster, California, restating and amending Chapter 2.34 of the Lancaster Municipal Code relating to the Architectural and Design Planning Commission, Chapter 2.30 of the Lancaster Municipal Code relating to the Criminal Justice Commission and Section 2.04.080 of the Lancaster Municipal Code relating to the position of Deputy Mayor, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

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**CC 4. RESOLUTION NO. 13-06**

Addressing the City Council on this matter:

Maria Paesano – inquired as to the process for destroying records; the type of records to be destroyed; how the records are identified.

The City Clerk and the City Attorney gave a brief overview of the Records Retention Policy and the process for destruction of records.

On a motion by Council Member Smith and seconded by Council Member Mann, the City Council adopted **Resolution No. 13-06**, authorizing the destruction of certain records (City Property Damage Claims, Claims Against the City, Risk Management Agendas, Summer Day Camp, Sports, Registration-Recreation Programs, Refunds-Recreation Programs, Recreation-City Facility Use, Repetitive Maintenance Reports, Antelope Valley Film Office, Accident/Incident/Damage Reports, Grants, Recreation Log Books, Accounts Payable Encumbrance Reports, Accounts Payable, Business License Files, Violation of Municipal Code-Business License, Banking Records, Financial Reports, Financial Reports-State Controller Reports, Payroll, Payroll-Registers, Payroll-Employee Files, State & Federal Income Tax, Purchase Orders, Parking Citations, Insurance-City as Insured, Insurance-City as Additional Insured, Appeals, Public Records Requests, Records Center Documentation, Subpoenas, Affidavits of Publication, Closed Session, Speaker Cards, Precinct Election Records, Absentee Voting Records, Inspector Receipts, Election Related Documents, Ballots, Election Correspondence, Plans and Plan Check), by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

**CC 5. INFORMAL BID NO. 1203**

Accepted the work constructed by ANM Construction & Engineering for **Informal Bid No. 1203**, Street Nuisance Water Improvements, Avenue K, 11<sup>th</sup> Street East to Carol Drive, and directed the City Clerk to file the Notice of Completion for the project. Retention on this project has been disbursed in accordance with California Public Contract Code.

**CC 6. ACCEPTANCE OF SEWER FOR MAINTENANCE**

Approved the following developer installed sanitary sewer and accepted this sewer for maintenance by the City and for public use for Tract No. 54370-02, Private Contract No. PC 04-55, located on the northwest corner of Avenue L-4 and 70<sup>th</sup> Street West. Owner: KB HOME Coastal Inc.

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**CC 7. BID NO. 562-12**

Awarded **Bid No. 562-12, Traffic Signal Equipment, STPL 5419(031)**, to the bidders listed on Table 1 of the staff report and authorized the City Manager, or his designee, to sign all documents. This contract is awarded to the lowest responsible bidder in accordance with Government Code 54202 and City of Lancaster Municipal Code 3.32.210.

**CC 8. APPROVAL OF EXPENDITURE FOR SOCCER CENTER EVENTS**

Approved the addition of an expenditure Account No. 101-4660-223 (Soccer Gate Expense), to facilitate the collection and disbursement of entrance fees for Cal South events; approve appropriation of \$40,000 to Account No. 101-4660-223 and increased estimated revenues in Account No. 101-3401-340 by the same amount.

**NB 1. BUILDING INCENTIVE STIMULUS REPORT**

The Public Works Director presented the update regarding this matter. Discussed the investment to the community; home building; improvements to over thirty tracts; how the stimulus program has helped the builders; several different development companies have taken advantage of this program which has helped employment and the community. Housing costs are down and the savings have been passed on to the homeowners.

No action was necessary, report was received.

Vice Mayor Crist inquired as to the status of the Wendy's restaurant that has been closed for a very long time due to a fire. If citizens are expected to care for their property, business owners should be expected to care for their property as well.

Council Member Johnson stated that it has been long enough; too long and something needs to be done.

The Public Works Director stated that this was an insurance issue and that demolition should begin very soon.

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**NB 2. DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT REPORT**

The Projects Manager for the City and the Vice President of the BLVD Association presented the update regarding this matter. The BLVD Association has very limited funds; discussed advocacy program potential; discussed the formation process; potential of the 5-year program.

No action was necessary, report was received.

**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: Warrants were approved by the Districts for costs incurred for operation and maintenance; approved departmental invoices; accepted Contract No. 4553 to GSE Construction, Inc., authorized Purchase Order to Tamco Chemical, Inc., presentation received on emerging technologies. Full report is available in the City Clerk Department.

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

Council Member Mann presented the following information: The Board received the FY2012-13 Second Quarter LA County Sheriff's Report presented by Sheriff Department representatives; staff updated the Board on the outreach efforts and public meetings for potential service modifications; The Board approved an amendment to Webb Brothers Construction contract for Phase II AVTA facility construction which includes replacement of the transformer for AVTA's solar power; the Board approved the award of a sole-source contract to Farber Specialty Vehicles (located in Ohio) for a mobile command unit. Staff noted that due to the fact that only one bid was received and the funding expires March 31, 2013, staff is recommending a sole source contract be awarded to Farber Specialty Vehicles; staff proposed a Dial-A-Ride Policy Change. Full report is available in the City Clerk Department.

**LANCASTER FINANCING AUTHORITY**

No action required at this time.

**LANCASTER SUCCESSOR AGENCY**

No action required at this time.

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**CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS**

The City Manager stated that the Utility Services Division has received over \$470,000 in grant funding from CalRecycle to support various recycling activities. CalRecycle came out to visit Lancaster's recycling center. This center is the first 24-hour recycling center in the State. They were so impressed that they sent additional people out to look at it and they see it as a model for the State and would like other cities to replicate it. Lancaster's recycling center receives more used oil than any other center in Los Angeles County. Based on this, CalRecycle gave the City an additional piece of equipment – an industrial crusher and they are going to be looking favorably at expanding this to the east and west sides of the City. The City Manager gave a brief overview of how the 24-hour recycling center operates.

**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:

Andrew Nieto – stated that the roads around J-8 west are in need of repair. He is a bike rider and collided with a large piece of asphalt. There are several holes in this area and road maintenance is essential to the safety of cars and it is important to keep the bike lanes repaired as well.

Jason Zink – discussed solar energy; parks; suggested that Council invite the CEO of Wendy's to meet with the Mayor and possibly build more Wendy's, which will create more jobs. Discussed lack of strong signals from cell towers; discussed street sweeping issues.

Maria Paesano – discussed the increase in the gas and electric bills in her neighborhood; companies are saying nothing is wrong; inquired as to whether the citizens are paying for projects in the city by paying higher utility bills.

Vice Mayor Crist stated that citizens do not pay for City projects through their utility bills; discussed insulation of homes; improvements needed on homes.

**COUNCIL / AGENCY COMMENTS**

None

**RECESS** Vice Mayor Crist recessed the meeting at 7:04 p.m. for the purpose of conducting a Closed Session meeting regarding the matters listed on the agenda and the urgency matter which was added earlier in the evening.



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**CLOSED SESSION**

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

- Waterhouse v. Lancaster – Case No. CV 12-00923 SJO
- Doe v. Lancaster – Case No. “unknown”
- Palmdale v. Lancaster - Case No. 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 8:04 p.m.

**CITY ATTORNEY ANNOUNCEMENT**

The City Attorney stated that City Council met in Closed Session regarding the abovementioned items to receive status reports and give direction in regards to Waterhouse v. Lancaster; Palmdale v. Lancaster; Lancaster v. Housing Authority; Antelope Valley Allied Arts v. Lancaster and the Department of Justice matter which was added to the agenda earlier in the evening. No other action was taken.

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**ADJOURNMENT**

Vice Mayor/Vice Chair Crist adjourned the meeting at 8:06 p.m. and stated that the next regular meeting would take place on Tuesday, February 26, 2013 at 5:00 p.m.

PASSED, APPROVED and ADOPTED this \_\_\_\_\_day of \_\_\_\_\_, 2013, 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)

\_\_\_\_\_