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**LANCASTER
CITY COUNCIL/SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
FEBRUARY 26, 2013**

CALL TO ORDER

Vice Mayor/Vice Chair Crist called the regular meeting of the City Council/Successor Agency/Financing/Power Authority to order at 5:00 p.m.

ROLL CALL

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

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

ABSENT: Council Member/Authority Member Mann, 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; Parks, Recreation and Arts Director; Finance Director; Economic Development Director; Housing Director; Human Resources Director

INVOCATION

Pastor John Meadors, Christian Life Assembly

PLEDGE OF ALLEGIANCE

Council Member/Authority Member Johnson

PRESENTATIONS

1. Athlete of the Month Award – Joshua Kay, Desert Christian High School
2. S.O.A.R. (Students On Academic Rise) High School Student of the Month - Krystin Schilling
3. Newton Chelette – thanked the City and the City Council for their support during the American Cancer Society fundraiser basketball tournament. This community's accomplishments are amazing and contributions to this event were incredible.

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RECESS Vice Mayor Crist recessed the meeting at 5:11 p.m. for the purpose of conducting a Closed Session meeting regarding the matters listed on the agenda.

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. CV-12-10808 SJO (RZx)
- 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 5:19 p.m.

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CITY ATTORNEY ANNOUNCEMENT

The City Attorney announced that City Council met in Closed Session regarding the matters listed on the agenda; received updates regarding Doe v. Lancaster – Case No. CV-12-10808 SJO (RZx) and Antelope Valley Allied Arts Association et al v. Lancaster et al, Los Angeles Superior Court Case No. BC488907. No other action was taken.

PA CC 1. AMENDMENTS TO US TOPCO AGREEMENT

It was the consensus of the Lancaster Power Authority to waive the presentation regarding this matter.

On a motion by Authority Member Smith and seconded by Authority Member Johnson, the Lancaster Power Authority authorized the Executive Director to execute all documents necessary to amend the previously executed ground sub-lease agreement (Sublease) with US Topco to remove contingency clauses requiring approval of a Property Management Plan by the State Department of Finance (DOF) and to rename the agreement, by the following vote: 3-0-0-2; AYES: Johnson, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

M 1. MINUTES

On a motion by Council Member/Agency/Authority Member Smith 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 February 12, 2013, by the following vote: 3-0-0-2; AYES: Johnson, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

CONSENT CALENDAR

Addressing the City Council regarding Item Nos. CC 11; CC 12 and CC 13:

Nicole Parson – opposed to the ordering of judicial foreclosure of delinquent special taxes in Community Facilities District Nos. 91-2; opposed to the amendment of the subdivision agreement; opposed to the transfers of property from the Successor Agency to the City of Lancaster.

On a motion by Council Member Smith and seconded by Council Member Johnson, the City Council approved the Consent Calendar, by the following vote: 3-0-0-2; AYES: Johnson, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

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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 27, 2013 through February 9, 2013 in the amount of \$8,909,567.71.

CC 3. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the January 2013, 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. 54370-02, located on the northwest corner of Avenue L-8 and 70th Street West. Owner: KB HOME Coastal, Inc.

CC 5. APPROPRIATION OF FUNDING AND AWARD OF CONTRACT TO QUINN COMPANY

Appropriated \$48,498.85 to Account No. 104-4740-763 for the purchase of one Motor-Grader All Wheel Drive (AWD), Model #120M2, and awarded contract to Quinn Company in the amount of \$293,233.85. The contract amount was competitively bid through the National Joint Powers Alliance (NJPA) and includes both the 5-year extended warranty and mobile communications option.

CC 6. APPROPRIATION OF GRANT FUNDS

Approved the appropriation of \$10,422.24 in awarded grant funds from the California Emergency Management Agency (Cal-EMA) Hazardous Management Preparedness Planning Grant (HMEP) to Revenue Account No. 399-3305-100 and corresponding Expense Account No. 399-4755-101.

CC 7. MONUMENTATION WORK

Approved the monumentation work for the acceptance of improvements for Tract No. 060614, located on the northwest corner of 20th Street East and Avenue K-8. Owner: KB HOME Coastal, Inc.

CC 8. ACCEPTANCE OF SEWER FOR MAINTENANCE

Approved the following developer installed sanitary sewer and accept this sewer for maintenance by the City and for public use for Tract No. 060241, Private Contract No. 05-49, located on the southwest corner of Jackman Street and 30th Street West. Owner: Beazer Homes Holdings Corp.

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CC 9. ACCEPTANCE OF STREETS FOR MAINTENANCE

Approved the developer constructed streets and accept the streets for maintenance by the City for Tract No. 54370-02, located on the northwest corner of Avenue L-8 and 70th Street West. Owner: KB HOME Coastal, Inc.

CC 10. APPROVAL OF COMPLETED WATER SYSTEM

Approved the completed water system installed by the developer for Tract No. 54370-02, located on the northwest corner of Avenue L-8 and 70th Street West. Owner: KB HOME Coastal, Inc.

CC 11. ACCEPTANCE OF AMENDMENT TO SUBDIVISION UNDERTAKING AGREEMENT

Approved and accepted an amendment to the Subdivision Undertaking Agreement submitted by Magnolia, LP (“Subdivider”), for Tract Map No. 53102-02, located on the northwest corner of Avenue J-12 and 45th Street West, extending the date of completion to February 12, 2015.

CC 12. RESOLUTION NO. 13-07

Adopted **Resolution No. 13-07**, ordering judicial foreclosure of delinquent special taxes in Community Facilities District Nos. 91-2.

CC 13. APPROVAL OF FUTURE TRANSFERS OF PROPERTY

Approved future transfers of property from the Successor Agency to the City of Lancaster, subject to State Department of Finance approval and authorized the City Manager or his designee to execute all documents to accept said properties from the Successor Agency.

PH 1. GENERAL PLAN AMENDMENT 12-03 AND ZONE CHANGE 12-03 (20± ACRES LOCATED AT THE SOUTHWEST CORNER OF LANCASTER BOULEVARD AND 40TH STREET EAST)

Vice Chair Crist opened the Public Hearing. The Planning Director presented the staff report regarding this matter.

Addressing the City Council on this matter:

Michael Rives – opposed to this action; the plant will be located near a facility where young people congregate; concerned about solar energy impact on the environment. A hearing should be held regarding this matter before it is approved.

Hearing no further testimony, Vice Chair Crist closed the Public Hearing.

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PH 1. GENERAL PLAN AMENDMENT 12-03 AND ZONE CHANGE 12-03 (20± ACRES LOCATED AT THE SOUTHWEST CORNER OF LANCASTER BOULEVARD AND 40TH STREET EAST) (continued)

On a motion by Council Member Smith and seconded by Council Member Johnson, the City Council adopted **Resolution No. 13-08**, 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 NU (Non-Urban Residential), by the following vote: 3-0-0-2; AYES: Johnson, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

On a motion by Council Member Smith and seconded by Council Member Johnson, the City Council introduced **Ordinance No. 987**, rezoning the subject property from R-7,000 (single family residential, one dwelling unit per 7,000 square feet) to RR-2.5 (Rural Residential, one dwelling unit per 2.5 acres), by the following vote: 3-0-0-2; AYES: Johnson, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

JNB 1. LOAN BETWEEN THE LANCASTER SUCCESSOR AGENCY AND THE CITY OF LANCASTER TO COVER PAYMENT DUE TO CARDLOCK

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

On a motion by Council Member Smith and seconded by Council Member Johnson, the City Council adopted **Resolution No. 13-09**, 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 payment due to Cardlock, by the following vote: 3-0-0-2; AYES: Johnson, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

On a motion by Agency Director Smith and seconded by Agency Director Johnson, the Lancaster Successor Agency adopted **Resolution No. SA 04-13**, 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 payment due to Cardlock, by the following vote: 3-0-0-2; AYES: Johnson, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Mann, Parris

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NB 1. HOMETOWN HEROES BANNER PROGRAM UPDATE

The Parks, Recreation and Arts Director presented an update on this program. Since the inception of the program in 2011, the City currently has 52 banners displaying hometown heroes on the BLVD. Due to the success of the program and requests from families to continue this program, a second round of banners will be offered and 40 families have opted to participate in round two of the program. Families from round one of the program were offered the option of taking the banners home or having them moved to American Heroes Park to keep on display. The families all agreed to have the banners moved to American Heroes Park. The new program will begin in March and there are currently 20 additional spots available. The program is open to any military personnel that have served during a time of war, in a combat zone. Opportunities still exist to sponsor the banners and the BLVD Association is interested in working with the banner program as well. The City has received tremendous feedback and support regarding this program and thanks all of the military personnel. If someone is interested in sponsoring the program they can contact the Parks, Recreation and Arts Department or come in to City Hall.

LANCASTER FINANCING AUTHORITY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

The City Manager thanked the City Council for giving their time to Youth in Government Day. This is a very important program for the students. City staff and the students appreciate the involvement by the Mayor and City Council.

The City Manager stated that the City of Lancaster Wellness Committee has put together the Lancaster Corporate Challenge. This program will include softball, basketball, bowling and golf tournaments; a 5K run/walk and many other events. The Wellness Committee has engaged several Corporate Sponsors and encourages everyone to get involved in the program to promote fitness in the community. The event will kick off on April 6, 2013 and the closing ceremonies will end with a Chili Cook-off on June 22, 2013.

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.

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PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Addressing the City Council at this time:

Andrew Nieto – stated that he was involved in the Youth in Government Program in 2002 and thinks it is a wonderful program. Stated that he is pleased with the City’s investment in alternative energy and encouraged the City to look into other opportunities such as wind energy.

Michael Rives – discussed the news on the Business Conference; pleased to see information on job creation in the Antelope Valley; discussed his property tax bill.

COUNCIL / AGENCY COMMENTS

None

ADJOURNMENT

Vice Mayor/Vice Chair Crist adjourned the meeting at 5:44 p.m. and stated that the next regular meeting would take place on Tuesday, March 12, 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

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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)
