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MVB

**LANCASTER  
CITY COUNCIL/SUCCESSOR AGENCY/  
FINANCING/POWER AUTHORITY  
MINUTES  
MARCH 12, 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, Mann, Smith, Vice Mayor/Vice Chair Crist

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

**ABSENT:** Mayor/Chair Parris

**STAFF MEMBERS:** City Manager/Executive Director; Deputy City Manager/Deputy Executive Director; Deputy 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 Analyst

**INVOCATION**

Pastor Chris Johnson, Grace Chapel

**PLEDGE OF ALLEGIANCE**

Desert Christian Middle School Leadership

**PRESENTATION**

Vice Mayor Crist and Council Member Mann presented a special proclamation to City Manager, Mark Bozigian. Council Member Mann stated that Mr. Bozigian's first job was working for him at the McDonald's on Avenue I and that his basic skills set and fundamentals were learned from him. Mr. Bozigian worked for two years at McDonald's as a trainee, never achieving his certification as a crew member. He was presented with a proclamation relaying his work history, work ethic and his commitment to the Antelope Valley for over 40 years of dedicated service. He was presented with the official McDonald's blue hat which signifies that he is a certified crew member of McDonald's.

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**URGENCY ITEM**

Vice Mayor/Vice Chair Crist stated that an Urgency Item would need to be added to the agenda. This was a joint item between the City and the Lancaster Successor Agency regarding a transfer of funds.

The Deputy City Attorney stated that a two-thirds vote is needed to add it to the agenda pursuant to Government Code Section 54954.2 (b), which allows an item to be added to the agenda if there is an immediate need for action and a need came to the attention of the City after the agenda was posted. This item came to the attention of the City on Saturday, March 9, 2013 and there is a five day window provided by the Department of Finance in which the City and the Successor Agency are required to act.

On a motion by Council Member/Agency Director Mann and seconded by Council Member/Agency Director Smith, the City Council/Successor Agency approved adding the Urgency Item (JNB 101) to the agenda, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Vice Mayor/Vice Chair Crist; NOES: None; ABSTAIN: None; ABSENT: Mayor/Chair Parris

At this time Vice Mayor Crist requested that Item No. CA 1 be moved to this portion of the agenda.

**CA 1. NOMINATIONS/APPOINTMENTS BY MAYOR PARRIS TO VARIOUS COMMISSIONS**

On behalf of Mayor Parris, Vice Mayor Crist requested Council consideration of the following people for appointments to City Commissions.

On a motion by Council Member Smith and seconded by Council Member Johnson, the City Council approved the nomination and appointments to three Commissions by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

The new Commissioners are: Michele Bowers (Architectural/Design Planning Commission); Christy Valaskantjis (Criminal Justice Commission); Stan Muhammad, (Neighborhood Vitalization Commission).

At this time, Council Member Johnson administered the oath of office to Michele Bowers; Council Member Smith administered the oath of office to Stan Muhammad and Vice Mayor Crist administered the oath of office to Christy Valaskantjis.

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**AGENDA ITEMS TO BE REMOVED**

None

**JNB 101 TRANSFER OF FUNDS FROM CITY OF LANCASTER TO LANCASTER SUCCESSOR AGENCY AND PAYMENT TO THE LOS ANGELES COUNTY AUDITOR-CONTROLLER**

The Finance Director presented the staff report regarding this matter.

Pursuant to Health and Safety Code (HSC) Section 34179.6(c), the City of Lancaster Successor Agency (Agency) completed an Other Funds and Accounts Due Diligence Review (Review) and submitted it to the Oversight Board and subsequently to Department of Finance (DOF) for review.

The DOF completed its review and issued a determination letter on March 8, 2013 concluding that it disallowed a loan repayment transfer from the Agency to the City of Lancaster in the amount of \$118,244. The Agency is required to remit the funds within five working days or be subject to penalties including the possibility of withholding of sales and property tax funds.

On a motion by Council Member Smith and seconded by Council Member Mann, the City Council approved the transfer in the amount of \$118,244 from fund balance to the Lancaster Successor Agency for disallowed transfers as a result of Department of Finance Review of the Other Funds Due Diligence Review, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

On a motion by Agency Director Smith and seconded by Agency Director Mann, the Lancaster Successor Agency approved the transfer in the amount of \$118,244 from the City of Lancaster and approved payment to the Los Angeles County Auditor-Controller from Account No. 991-4540-240 for distribution to other taxing entities, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

**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 February 26, 2013, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

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**CONSENT CALENDAR**

On a motion by Council Member Smith and seconded by Council Member Johnson, the City Council approved the Consent Calendar, 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 February 10, 2013 through February 23, 2013 in the amount of \$2,410,697.23.

**CC 3. ORDINANCE NO. 987**

Adopted **Ordinance No. 987**, an ordinance of the City Council of the City of Lancaster, California, amending the City Zoning Plan for 20± acres located at the southwest corner of Lancaster Boulevard and 40<sup>th</sup> Street East known as Zone Change No. 12-03.

**CC 4. PWCP NO. 11-010**

Accepted the work constructed by C. A. Rasmussen, Inc. for **Public Works Construction Project No. 11- 010, Citywide Traffic Calming**, HSIPL-5419(029), 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 5. PWCP NO. 12-002**

Accepted the work constructed by C. A. Rasmussen, Inc. for **Public Works Construction Project No. 12-002, 2012 Pavement Management Program** 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 WORK FOR IN-TRACT DRAINAGE IMPROVEMENTS**

Approved and accepted for maintenance the work and materials for the in-tract drainage improvements installed by the developer, KB HOME Coastal Inc., for Drainage Benefit Assessment District Annexation No. 06-23, Tract No. 061206 Phase 1, located on Emerald Lane between 35<sup>th</sup> Street East and 37<sup>th</sup> Street East.

**CC 7. APPROVAL OF COMPLETED WATER SYSTEM**

Approved the completed water system installed by the developer for Tract No. 060614, located on the southwest corner of Avenue K-4 and 20<sup>th</sup> Street East. Owner: KB HOME Coastal, Inc.

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**CC 8. CONTRACT RFP NO. 564-13**

Awarded Contract for RFP No. 564-13, "Citywide Copier Replacement", to American Business Machines, a local Antelope Valley business, for an estimated total of \$596,563 and authorized the City Manager, or his designee, to sign all documents. This contract is awarded in accordance with City of Lancaster Municipal Code Chapter 3.32.

**CC 9. RESOLUTION NO. 13-10**

Adopted **Resolution No. 13-10**, authorizing the City Manager, or his designee, to apply for all funds available to the City of Lancaster, from the Los Angeles County Metropolitan Transportation Authority, allocated for street and road improvements for the Fiscal Year 2012-2013 in the amount of \$3,689,316.

**NB 1. LOAN FOR DOMINGO'S MEXICAN & SEAFOOD RESTAURANT UNDER THE SPICE UP LANCASTER LOAN PROGRAM**

The Project Manager presented the staff report regarding this matter.

Mr. Gutierrez, the owner of Domingo's Mexican & Seafood Restaurant, spoke briefly and thanked the City Council for their consideration of this matter.

On a motion by Council Member Mann and seconded by Council Member Johnson, the City Council approved a loan of \$25,000 to Domingo's Mexican & Seafood Restaurant 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, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

**NB 2. AMENDMENT TO CHAPTER 9.44 OF THE LANCASTER MUNICIPAL CODE RELATING TO REGISTERED SEX OFFENDERS**

The Deputy City Attorney presented the staff report regarding this matter.

Addressing the City Council on this matter:

Andrew Nieto – agrees with the ordinance; stated his concerns regarding the limits placed on offenders regarding Halloween; unconstitutional and should be handled at the State level; needs to be equal protection.

Council Member Smith clarified that the State took care of this with legislation; it is considered a pre-emption and gives cities the authority to set additional standards.

Robert Long – supports the ordinance; discussed the permanent damage that is done to a child who is molested; in favor of the Halloween restrictions.

Vice Mayor Crist stated that it is the intention of the City Council to give law enforcement every tool possible to protect the citizens of this City.

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**NB 2. AMENDMENT TO CHAPTER 9.44 OF THE LANCASTER MUNICIPAL CODE RELATING TO REGISTERED SEX OFFENDERS (continued)**

On a motion by Council Member Johnson and seconded by Council Member Smith, the City Council introduced **Ordinance No. 988**, amending Chapter 9.44 of the Lancaster Municipal Code relating to registered sex offenders, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

**CA 2. DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED FUNDING FOR IMPROVEMENTS AT LANCASTER METROLINK STATION**

Vice Mayor Crist stated that he and Mayor Parris have been researching this issue for some time and believe the best way to serve the community's transportation needs is to work hand-in-hand with the City of Palmdale. Currently, there are two Metrolink stations and rather than maintaining the status quo in which Metrolink is forced to divide funding between the two cities, it would be in the region's best interest to devote the funding to a single transportation center. The Palmdale Transportation Center is the ideal location for this all-purpose transit hub. Both cities have been working with the California High-Speed Rail authority to determine the best route for the proposed train in order to minimize any negative impact and maximize usability for the residents. The resources and staff time of both cities, as well as those of MTA would be best used to establish one first-rate transportation center. Both cities have a vision for this community and believe the citizens will be best served by one transportation hub.

It was the consensus of the City Council to direct the City Manager to set up a meeting with the officials of the City of Palmdale to discuss this matter and move forward.

**CR 1. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR DISTRICT NO. 14 OF THE COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY – FEBRUARY 21, 2013 MEETING**

Council Member Mann presented the following information:

The Board approved warrants in the amount of \$287,406.78. The warrants issued by the District are for costs incurred for operation and maintenance, such as electricity, water, telephone, and chemicals, and for relatively small capital projects; approved a departmental invoice in the amount of \$2,213,281.81. The invoice is an internal document that transfers each District's proportionate share of expenditures made by District No. 2, the administrative District, on behalf of the participating Districts; authorized advertising and receipt of bids for a 3-Ton Bridge Crane at Palmdale Water Reclamation Plant (WRP); approved and ordered executed an agreement with Terra Renewal for loading, removal, transportation and reuse of biosolids generated at the Lancaster WRP. Full report is available in the City Clerk Department.

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**LANCASTER FINANCING AUTHORITY**

No action required at this time.

**LANCASTER POWER AUTHORITY**

No action required at this time.

**CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS**

The City Manager stated that recently he, along with Mayor Parris and Council Member Johnson, attended a celebration of KB Home and their 1000<sup>th</sup> solar home. 200 of those homes are in the City of Lancaster. Citizens are taking advantage of the sun and saving on their electric bills. The City should take pride in the fact that the first solar home built by KB Home was in partnership with BYD, in Lancaster and from this beginning, grew 1000 homes.

Council Member Johnson stated that it was an amazing event to celebrate and a great example of the City of Lancaster making history with the first solar home. Making history based on the future is extremely important and the City is very proud to be a part of this.

**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:

Dr. Muhammad and Dr. Coronado from the Tapestry Commission invited everyone to attend the Weaver's Public meeting on March 13, 2013 at 6 p.m. in the Council Chambers. The topics will be women's history and the celebration of Women's History Month with a presentation from AAUW and Girl Scouts of America and a celebration of Health Awareness Month and a presentation regarding the environment.

David Paul – stated his concerns regarding fireplace smoke and the effects on people with asthma. He appreciates the involvement by the City, Fire Department and Air Quality Management but their hands are tied. His only recourse is to write a letter to the neighbor about what he should or should not burn in his fireplace. The laws need to be changed regarding this matter.

Jason Zink – stated his thoughts regarding: start times of Council meetings; cell phone tower signals/ Wi-Fi; parking tickets; consider forming an Antelope Valley High Speed Rail Citizens Committee; consider meeting with Roger Little who has over 40 years experience in solar industry.

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**COUNCIL / AGENCY COMMENTS**

None

**RECESS** Vice Mayor Crist recessed the meeting at 5:59 p.m. for the purpose of conducting a Closed Session meeting regarding the following matters:

**CLOSED SESSION**

Conference with Legal Counsel--Anticipated Litigation - significant exposure to litigation pursuant to Government Code Section 54956.9(d) (2). One potential case.

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

- Bowles v. Lancaster School District; City of Lancaster, Case No. MC023493
- Waterhouse v. Lancaster – Case No. CV 12-00923 SJO
- Doe v. Lancaster – Case No. CV-12-10808 SJO (RZx)
- Coalition for Open Government v. City of Lancaster, Case No. BC499047
- Quartz Hill Cares v. City of Lancaster, Case No. BS 122336
- Palmdale v. Lancaster - Case No. BC443280
- Lancaster v. Housing Authority of the County of Los Angeles (HACoLA) Case No. MC023649
- 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.



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- 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 6:26 p.m.

**CITY ATTORNEY ANNOUNCEMENT**

The City Attorney announced that the City Council met in Closed Session regarding the aforementioned matters. The City Council gave direction to legal counsel in regards to Waterhouse v. Lancaster; Miracle Star v. Lancaster; Save Our Neighborhood Group v. Lancaster; Lancaster v. Housing Authority of the County of Los Angeles; Coalition for Open Government v. Lancaster; Quartz Hill Cares v. Lancaster; Bowles v. Lancaster and Doe v. Lancaster. In the matter of Doe v. Lancaster, the City Council approved on a 4-0-0-1 vote, a conditional settlement agreement, the terms of which provide for the adoption of a new ordinance, payment of \$15,000 in attorney's fees and after adoption of the new ordinance, the plaintiffs will dismiss the action, two days later.

The City Attorney stated as a matter of information, the bills for the matters of Coalition for Open Government v. Lancaster and Quartz Hill Cares v. Lancaster, the Walmart entities are paying for attorney fees incurred.

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**ADJOURNMENT**

Vice Mayor/Vice Chair Crist adjourned the meeting at 6:28 p.m. and stated that the next regular meeting would take place on Tuesday, March 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)

\_\_\_\_\_