

M 1
09/24/13
MVB

**LANCASTER
CITY COUNCIL/SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
SEPTEMBER 10, 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/Authority Member Johnson and seconded by Council Member/Authority Member Mann, the City Council excused Mayor/Chair Parris from the meeting, by the following vote: 4-0-0-1; **AYES:** Johnson, Mann, Smith, Crist; **NOES:** None; **ABSTAIN:** None; **ABSENT:** Parris

ABSENT: Mayor/Chair Parris

STAFF

MEMBERS: City Attorney/Authority Counsel; Assistant to the City Manager; City Clerk/Authority Secretary; Planning Director; Public Works Director; Parks, Recreation and Arts Director; Assistant Finance Director; Economic Development Director, Housing Director; Human Resources Director

INVOCATION

Pastor Ryan Parish, New Hope Community Church

PLEDGE OF ALLEGIANCE

Criminal Justice Commissioner Fuller

AGENDA ITEMS TO BE REMOVED

The Assistant to the City Manager requested that Item No. CC 5 be pulled from the agenda for a separate presentation and discussion.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
SEPTEMBER 10, 2013

**SA NB 1. RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD
JANUARY 1 TO JUNE 30, 2014**

The Assistant Finance Director presented the staff report regarding this matter.

On a motion by Agency Director Johnson and seconded by Agency Director Smith, the Lancaster Successor Agency adopted **Resolution No. SA 09-13**, approving the Recognized Obligation Payment Schedule for the period January 1 to June 30, 2014 and directed staff to bring this matter before the Lancaster Successor Agency Oversight Board for approval, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

**SA NB 2. SUCCESSOR AGENCY BUDGET FOR THE PERIOD JANUARY 1 TO JUNE
30, 2014**

The Assistant Finance Director presented the staff report regarding this matter.

On a motion by Agency Director Johnson and seconded by Agency Director Smith, the Lancaster Successor Agency adopted **Resolution No. SA 10-13**, approving the Successor Agency Budget for the period of January 1 to June 30, 2014 as detailed in Attachment A, 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/Authority Member Mann and seconded by Council Member/Authority Member Johnson, the City Council/Agency/Authority approved the City Council/Successor Agency/Financing/Power Authority Regular Meeting minutes of August 27, 2013, by the following vote: 3-0-1-1; AYES: Johnson, Mann, Crist; NOES: None; ABSTAIN: Smith; ABSENT: Parris

CONSENT CALENDAR

On a motion by Council Member Johnson and seconded by Council Member Smith, the City Council approved the Consent Calendar with the exception of Item No. CC 5, 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 August 11, 2013 through August 24, 2013 in the amount of \$3,207,236.04.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
SEPTEMBER 10, 2013

CC 3 RESOLUTION NO. 13-50

Adopted **Resolution No. 13-50**, repealing Resolution No. 08-48 and establishing the meeting day and time of the Lancaster City Council, pertaining to the second meeting in November and the second meeting in December due to the holidays.

CC 4. COMPLETED RECYCLED WATER SYSTEM

Approved the completed recycled water system installed by the United States Army Corps of Engineers for **Project No. W912PL-10-C-0026 ARRA** - North Valley Water Lancaster, CA, along Division Street from Lancaster Boulevard to Avenue K, west in Avenue K to 10th Street West, then south to Avenue K-15 near Lancaster City Park and the new Kaiser Facility. Additionally, a branch was extended south in Sierra Highway from Avenue K to Avenue M.

CC 5. PWCP NO. 12-010

The Public Works Director presented the staff report regarding this matter. He stated at this time, staff was requesting a change to the recommendation due to some deficiencies in the bid package and requested Council consider rejecting all bids for this project and allow staff to correct the deficiencies and advertise for a rebid. The low bid was found to be deficient and the other bid was quite high.

Vice Mayor Crist and Council Member Mann requested clarification on the action to be taken.

The City Attorney stated this would be a modified motion. Staff is seeking a motion to reject all bids.

Addressing the City Council on this matter:

Michael Rives – pleased to see Council consideration to reject the bids. Funding can be used elsewhere rather than the BLVD.

On a motion by Council Member Smith and seconded by Council Member Mann, the City Council rejected all bids for **Public Works Construction Project No. 12-010, Downtown Lancaster Gateway, 10th Street West and Lancaster Boulevard**, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
SEPTEMBER 10, 2013

**PH 1. GENERAL PLAN AMENDMENT NO. 13-01 AND ZONE CHANGE NO. 13-01
(92.7± ACRES GENERALLY BOUNDED BY AVENUE K-8, AVENUE L, 20TH
STREET EAST, AND 30TH STREET EAST)**

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

Addressing the City Council on this matter:

Michael Rives – stated his concerns for the environment; soccer fields; opposed to all of the solar projects.

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

Council and staff discussion included comments regarding dust mitigation; there is a difference between natural energy and manmade energy; limits placed on cities by the State; achieving Net Zero; staff has done a great deal of hard work on this project; it is an excellent use of the land.

On a motion by Council Member Mann and seconded by Council Member Smith, the City Council adopted **Resolution No. 13-51**, amending the General Plan land use designation on the subject property from O (Open Space) to NU (Non-Urban Residential), by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

On a motion by Council Member Mann and seconded by Council Member Smith, the City Council introduced **Ordinance No. 992**, rezoning the subject property from PK (Park) and RR-1 (Rural Residential, one dwelling unit per acre) to RR-2.5 (Rural Residential, one dwelling unit per 2.5 acres), by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
SEPTEMBER 10, 2013

JNB 1. LOAN AMORTIZATION SCHEDULE FOR THE LOAN FROM THE CITY OF LANCASTER TO THE LANCASTER SUCCESSOR AGENCY FOR ADMINISTRATIVE EXPENSES FOR THE PERIOD JANUARY TO JUNE 2013

The Assistant Finance Director presented the staff report regarding this matter.

On a motion by Council Member Smith and seconded by Council Member Johnson, the City Council adopted **Resolution No. 13-52**, approving the loan amortization schedule for the loan from the City of Lancaster to the Lancaster Successor Agency for Administrative Expenses for the period January to June 2013 pursuant to H & S Code Section 34173(h) and 34191.4(b)(2), 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 adopted **Resolution No. SA 11-13**, approving the loan amortization schedule for the loan from the City of Lancaster to the Lancaster Successor Agency for Administrative Expenses for the period January to June 2013 pursuant to H & S Code Section 34173(h) and 34191.4(b)(2), by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

NB 1. SOLAR SAVINGS PRESENTATION

The Projects Coordinator and Projects Assistant presented an update on the Lancaster School District solar savings analysis. Information included a Solar Saving Analysis; Solar Costs in 2012 compared to the Base Year of 2009; savings from reduced consumption; changes in SCE demand charges; comparison of non-energy related charges; changes in SCE generation rates; changes in consumption; future energy efficiency; plans to move forward.

CA 1. CONSIDERATION OF NOMINATION AND APPOINTMENT OF MATTHEW SMITH TO THE ANTELOPE VALLEY MOSQUITO & VECTOR CONTROL DISTRICT BOARD

On behalf of Mayor Parris, Vice Mayor Crist presented this matter to Council for consideration.

On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council approved the nomination and appointment of Matthew Smith to the Antelope Valley Mosquito & Vector Control District Board, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
SEPTEMBER 10, 2013

LANCASTER FINANCING AUTHORITY

No action required at this time.

LANCASTER POWER AUTHORITY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

The Communications Manager presented the following information and videos to Council:

- (1) Recently the New York Times officially named the City of Lancaster the Alternative Energy Capital of the World. There have been numerous film and news crews from around the world descending on Lancaster to help tell this story. Showtime Network will be featuring Lancaster in an upcoming documentary series exploring climate change and will be the subject of the segment regarding alternative energy. Lancaster will be featured in the film “Future of Energy” which will have its world premier on Saturday, September 14, 2013 in San Francisco.
- (2) The LEAPS Program has now been in operation for approximately one year. Recently, local television news station Time Warner Cable 3 produced a segment regarding one of the many successful LEAPS missions during this past year.
- (3) Lancaster holds a number of events on The BLVD. The first of these events is “Celebrate America” which will take place on Saturday, September 14, 2013 from 5 to 9 p.m.

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:

Michael Rives – discussed the proposed birthing tourism by Antelope Valley Hospital; financial troubles of the hospital; City needs to work with the hospital and assist them with solutions.

Dan Selmsler – discussed the recent adoption of the Resolution No. 13-49 – Immigration Reform. City should not be involved in this matter; discussed the program e-verify which is now no longer enforceable; hardship stories were told; Council sometimes must make unpopular decisions; the citizens of Lancaster elected this Council; each member swore to uphold the Constitution of the United States and the Constitution of the State of California and he is very disappointed in the action taken by this Council.

Vice Mayor Crist clarified that the resolution that was adopted was to improve immigration enforcement and border security that is consistent with this nation’s values, first and foremost.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
SEPTEMBER 10, 2013

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS (continued)

Joyce Roberts – discussed parking problems in the area of Gadsden and J-10 & J-11; parents have no respect for the laws and place their children in danger; excessive traffic; car break-ins; neighbors blocking driveways; she has gone to all the agencies and they all shift the blame to other agencies.

Vice Mayor Crist requested that Ms. Roberts discuss this further with the Public Safety Manager, Lee D’Errico.

Sheldon Itzkowitz – stated his concerns regarding halfway homes; parolees in neighborhoods; parolees living too close to child daycare facilities; looking for answers to several questions.

Vice Mayor Crist requested that Mr. Itzkowitz discuss this further with Housing Director, Elizabeth Brubaker.

COUNCIL / AGENCY COMMENTS

None

RECESS Vice Mayor Crist recessed the meeting at 6:03 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) - three potential cases.

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

- Coalition for Open Government v. City of Lancaster, Case No. BC499047
- Quartz Hills 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.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
SEPTEMBER 10, 2013

- 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 District
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 6:13 p.m.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney announced that in Closed Session, the City Council discussed one item of anticipated litigation and authorized a settlement with Cal Water with regard to their proposed rate increases. Initially Cal Water was seeking a 58.9% rate increase in its application and it was vehemently opposed by this Council. Legal Counsel and staff negotiated with Cal Water and Cal Water will implement its rate structure as follows: Commencing in January, 2014, the water rates in the Cal Water area will have a net decrease of 3.5% until March, 2014. At this point the rates will increase again over current rates by .4%. In 2015 the rates will increase by 4.5% and in 2016 they will increase by 5.21%, for a total rate increase over a three year period of 9.54%, assuming a 15% water usage reduction or 9.86% in the event of a 30% reduction. In all expected scenarios the rate increase over the next three years will not exceed 10%.

LANCASTER CITY COUNCIL/ SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
SEPTEMBER 10, 2013

ADJOURNMENT

Vice Mayor Crist adjourned the meeting at 6:16 p.m. and stated that the next Regular Meeting will take place on Tuesday, September 24, 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)
