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

CALL TO ORDER

Mayor/Chair Parris called the regular meeting of the City Council/Successor Agency/Financing/Power Authority to order at 5:05 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/Authority Secretary; Planning Director; Public Works Director; Parks, Recreation and Arts Director; Finance Director; Economic Development Director, Housing Director; Human Resources Director

INVOCATION

Spiritual Assembly of the Baha'is of Lancaster

PLEDGE OF ALLEGIANCE

Cub Scout Troop 123

PRESENTATIONS

1. SOAR High School – Lemelson MIT InvenTeam
2. Presentation of Most Business Friendly City Award

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AGENDA ITEMS TO BE REMOVED

It was the consensus of the City Council to remove Item No. NB 2 from the agenda at this time.

Vice Mayor Crist requested and it was the consensus of the City Council to discuss Item No. CA 2 at this time.

CA 2. CONSIDERATION OF NOMINATION/APPOINTMENT OF TODD PORTER AND JOYCE GONZALES TO THE LANCASTER PERFORMING ARTS CENTER FOUNDATION (LPACF) BOARD OF DIRECTORS

On a motion by Mayor Parris and seconded by Vice Mayor Crist, the City Council approved the appointments of Todd Porter and Joyce Gonzales to LPACF Board of Directors, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

At this time, the City Clerk administered the oath of office to Mr. Porter and Ms. Gonzales.

SA NB 1. RESOLUTION NO. SA 12-13

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

On a motion by Vice Chair Crist and seconded by Agency Director Johnson, the Lancaster Successor Agency approved **Resolution No. SA 12-13**, finding the Pre-Dissolution Loans were for legitimate redevelopment purposes and directed staff to bring loans to Oversight Board for finding that the loans were for legitimate redevelopment purposes and inclusion on future Recognized Obligation Payments Schedules (ROPS) for repayment, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

M 1. MINUTES

On a motion by Vice Mayor/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 November 12, 2013, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

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CONSENT CALENDAR

Mayor Parris requested that Item Nos. CC 6 and CC 7 be pulled for separate action.

On a motion by Vice Chair Crist and seconded by Council Member Johnson, the City Council approved the Consent Calendar with the exception of Item Nos. CC 6 and CC 7, 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

Approved the Check and Wire Registers for October 27, 2013 through November 23, 2013 in the amount of \$3,974,572.47.

CC 3. MONTHLY REPORT OF INVESTMENTS

Accepted and approved the October 2013, Monthly Report of Investments as submitted.

CC 4. CANCELLATION OF REGULAR MEETING ON APRIL 8, 2014

Approved the cancellation of the City Council/Successor Agency/Financing/Power Authority meeting of April 8, 2014 and directed the City Clerk to post the required notice.

CC 5. ORDINANCE NO. 995

Adopted **Ordinance No. 995**, an ordinance of the City Council of the City of Lancaster, California, amending Sections 16.08.190 and 17.32.170.a. of the Lancaster Municipal Code, and adding Section 17.32.175 to the Lancaster Municipal Code, relating to the expiration of other discretionary approvals in conjunction with a Tentative Map.

CC 6. PWCP NO. 12-001

Addressing the City Council on this matter:
Michael Rives – requested clarification regarding this item.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council accepted the work constructed by ANM Construction & Engineering of Lancaster, California for **Public Works Construction Project No. 12-001, Municipal Stadium Parking Lot Resurfacing** and directed the City Clerk to file the Notice of Completion for the project, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CC 7. ACCEPTANCE OF MAINTENANCE FOR LANDSCAPE IMPROVEMENTS

Addressing the City Council on this matter:

Michael Rives – requested clarification regarding this item.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council approved and accepted for maintenance the landscape improvements for the Landscape Maintenance District, Annexation No. 347 and Tract No. 061206, located on the southeast corner of Avenue J and 35th Street East; Owner: KB Home Coastal, Inc., and appropriated \$7,992.60 from the first year's maintenance cost that has been paid by the developer to cover the remaining seven (7) months of the fiscal year into the Landscape Maintenance Operating Account No. 482-4747-402, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CC 8. COMPLETED WATER SYSTEM

Approved the completed water system installed by the developer for Site Plan Review No. 12-01, located on the northeast corner of 10th Street West and Avenue K; Owner: Intertex General Contractors, Inc.

CC 9. PWCP NO. 09-027, 25TH STREET EAST ALIGNMENT AT AVENUE J AND LANCASTER BOULEVARD, SLPPCL13-5419(039)

- a. Awarded **PWCP No. 09-027, 25th Street East Alignment at Avenue J and Lancaster Boulevard, SLPPCL13-5419(039)**, to ANM Construction and Engineering of Lancaster, California, in the amount of \$377,898.78 plus a 10% contingency for installation of street improvements and authorized the City Manager, or his designee, to sign all documents. This contract is awarded to the lowest responsible bidder per California Public Contract Code Section 22038 (b).
- b. Appropriated \$361,000.00 in Prop 1B State-Local Partnership Program (SLPP) 2012-13 Competitive funds to Capital Improvement Budget Account No. 205-16ST001-924 and increased estimated revenues in Account No. 205-3302100 by the same amount.

CC 10. PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC.

Approved a professional services agreement with Kimley-Horn and Associates, Inc. of Los Angeles, California, in the amount of \$1,741,380.00, with a 6% contingency, for Program/Project Management Services for Measure R "Highway Equity" Funds and authorized the City Manager, or his designee, to sign all documents. The consultant selection process was made in accordance with Government Codes 4526 and 53060.

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CC 11. APPROPRIATION OF FUNDS

Approved an appropriation in the amount of \$2,000 to Account No. 106-3232-100 for the Walmart Corporation Facility Giving Grant and increased estimated Revenue Account No. 106-4684-222 by the same amount.

CC 12. APPROPRIATION OF FUNDS

Approved an appropriation in the amount of \$1,000 to Account No. 106-4644-770 for the Youth Service America (YSA) 2014 MLK Day of Service Lead Organizer Grant and increased estimated Revenue Account No. 106-3208-102 by the same amount.

PH 1. TEFRA HEARING/APPROVAL OF MULTIFAMILY HOUSING REVENUE BONDS FOR FRIENDLY VILLAGE MOBILE HOME PARK AND HACIENDA MOBILE ESTATES

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.

The City Council and the City Attorney clarified that these are Housing Bonds, not Municipal Bonds and the City is responsible for only holding the Public Hearing, not distribution or funding of bonds.

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. 13-64**, pursuant to Section 147(f) of the Internal Revenue Code of 1986 approving the issuance of housing revenue bonds (the “Housing Revenue Bonds”) by the California Municipal Finance Authority (“CMFA”) in an aggregate principal amount not to exceed \$70 million, up to \$5 million of which is intended to refinance all or a portion of the Caritas Affordable Housing, Inc.’s, a California nonprofit corporation, outstanding Independent Cities Lease Finance Authority Senior Lien Mobile Home Park Revenue Bonds (Caritas Affordable Housing, Inc. Project) Series 2003A, for mobile home parks located in the City of Lancaster (the “City”) generally known as Friendly Village Mobile Home Park, and Hacienda Mobile Estates, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

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JNB 1. AMENDMENT NO. 3 TO THE OPTION AGREEMENT, ACKNOWLEDGMENT AND CONSENT AGREEMENT WITH PSOMAS FMG, LLC (PSOMASFMG)

The Senior Projects Coordinator presented the staff report regarding this matter.

Addressing the City Council/Power Authority on this matter:
Michael Rives – opposed to this action.

On a motion by Vice Mayor/Vice Chair Crist and seconded by Council Member/Authority Member Johnson, the City Council/Power Authority approved the following actions, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

1) Approved Amendment No. 3 to the Option Agreement, Acknowledgment and Consent Agreement with Psomas FMG, LLC (PsomasFMG) acknowledging terms of the Sublease with PsomasFMG, Lancaster Solar Crest, LLC, a Delaware limited liability company and authorized the City Manager to execute all documents necessary to complete the transaction and modify the Agreement, if necessary, with concurrence of legal counsel to complete the transaction.

2) Approved Amendment No. 3 to the Option Agreement, Acknowledgment and Consent Agreement with Psomas FMG, LLC (PsomasFMG) consenting to the assignment of the Option Agreement to PsomasFMG Lancaster Solar Crest, LLC, a Delaware limited liability company 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.

NB 1. CITY OF LANCASTER HAZARD MITIGATION PLAN 2013-2018

The Assistant to the City Manager presented the staff report regarding this matter.

Addressing the City Council on this matter:
Michael Rives – encouraged the City Council to read the Plan before approving.

On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council adopted **Resolution No. 13-65**, approving the City of Lancaster Hazard Mitigation Plan 2013-2018 and directed the City Manager or his designee to submit the Plan to the State Office of Emergency Services for approval, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

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NB 2. LANCASTER BUSINESS PARK LANDSCAPE MAINTENANCE DISTRICT

This item was removed from the agenda by action taken by Council earlier in the evening.

NB 3. AMENDMENT TO TITLE 8 (HEALTH AND SAFETY) OF THE LANCASTER MUNICIPAL CODE BY ADDING CHAPTER 8.29 RELATING TO SWIMMING POOL MAINTENANCE

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 introduced **Ordinance No. 996**, adding Chapter 8.29 to the Lancaster Municipal Code, relating to maintenance of swimming pools, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CA 1. CONSIDERATION OF RE-APPOINTMENT OF MARVIN CRIST TO THE ANTELOPE VALLEY FAIRGROUNDS JOINT POWERS AUTHORITY BOARD OF DIRECTORS

On a motion by Mayor Parris and seconded by Council Member Smith, the City Council approved the re-appointment of Vice Mayor Crist to the AV Fairgrounds JPA Board of Directors, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CA 3. REPORT ON PROPOSED EMERGENCY SHELTER

Vice Mayor Crist clarified that the City is not making the fairgrounds into a homeless shelter, but into an emergency shelter when the temperature outside gets below freezing. This plan has been going on for approximately nine months and the fairgrounds brought it to everyone's attention. There are different partners involved and part of the process was acquiring a bus to bring in the homeless. Eastside School District provided a natural gas bus and the AVAQMD purchased three other buses as well. It is a partnership between the fairgrounds; the cities; the faith based community and there are over forty churches involved in this process including Palmdale Council Member Tom Lackey. Ryan Crist has pulled everyone together and brought in the faith-based community. It is a partnership that includes Council Members Mann and Johnson.

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CA 3. REPORT ON PROPOSED EMERGENCY SHELTER (continued)

Council Member Johnson stated that it takes a team to make great things happen in the community and a great example of this are all the names and organizations Vice Mayor Crist has stated. She and Council Member Mann had the honor of meeting with the City of Palmdale Council Members Hofbauer and Lackey. It was a very positive meeting; very personal and benefited the community as a whole. The City of Palmdale voted on the approval of funds for this project and the L.A. County Board of Supervisors has also approved funding as well. This is a day of celebration and coming together as a family, made magic happen.

Council Member Mann stated that it was surprising to come together with the City of Palmdale despite what is being said in the public. Everyone came together quickly; agreed on this project and he hopes to someday see this amount increased to \$30,000.

Vice Mayor Crist requested that an item come back to City Council in the future with a proposal for \$30,000 for this program.

Addressing the City Council on this matter:

Michael Rives – Stated that two years ago he suggested the City partner with a mission from down below. The Los Angeles missions would have acquired a lot of donations to run the shelter and they are experienced in handling the homeless problem. Many of the people on the streets choose the homeless lifestyle; choose to live on the streets. By providing this program the City is encouraging this lifestyle and he is opposed to this action.

Mayor Parris stated that in sixty years he has never met anyone who chooses to be cold. What is sometimes a nuisance, when weather changes and people start freezing and starving, that nuisance becomes a spiritual obligation of everyone. He does not care how a person got to the position of homelessness but what he does care about is alleviating it. It offends him to know there are people in this community who share the views of Mr. Rives.

Vice Mayor Crist stated that many of the homeless are veterans. They paid a serious price and this community needs to take care of them. There is an obligation to these people not to kick the can down the road. Everything that Mr. Rives suggests is to kick the can down the road. That is why Lancaster is the Most Business-Friendly City. This City takes action and will take care of the people in this community and the homeless.

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CA 3. REPORT ON PROPOSED EMERGENCY SHELTER (continued)

On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council received the report on the proposed emergency shelter at the Antelope Valley Fairgrounds; appropriated \$8,000 to Account No. 306-4542-301 from Lancaster Housing Authority Fund Balance to assist with shelter operations and authorized the City Manager to execute all necessary agreements and documents to support emergency shelter operations by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CR 1. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR THE ANTELOPE VALLEY TRANSIT AUTHORITY

Vice Mayor Crist presented the following information:

- The Board received a presentation of the 2013 American Public Transportation Association (APTA) Adwheel Grand Prize and First Prize Awards for Video Presentation and Television Advertisement.
- The Board received staff's evaluation of fare evasion and fraud.
- Staff presented an overview of considerations and steps needed to implement electric bus technology into the AVTA's fleet.
- The Board approved a contract to MJS Construction Inc. for Phase I AVTA Bus Stop Improvement Program in the City of Lancaster.
- The Board conditionally authorized the Executive Director to issue a Notice to Proceed to Gillig Corporation under Contract Number 2014-12 for the purchase of twelve (12) heavy duty clean diesel buses scheduled for delivery in February 2015.
- The Board authorized the Executive Director to solicit proposals for federal advocacy services which will assist in securing professional representation at the federal level to ensure AVTA interests are protected as various appropriations bills are drafted.
- The Board authorized the Executive Director to hire a project engineer to oversee AVTA's technology initiatives, such as the electric bus, bus rapid transit and intelligent transportation system projects.

Full report is available in the City Clerk Department.

Addressing the City Council on this matter:

Michael Rives – discussed lack of consistency with actions taken by AVTA; discussed recent purchase of buses.

Vice Mayor Crist discussed the process for acquiring the buses; process for getting in line for the purchase of diesel and natural gas buses in the event that the electric buses do not pass testing.

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CR 2. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR DISTRICT NO. 14 OF THE COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY – NOVEMBER 21, 2013 MEETING

Council Member Mann presented the following information:

- The Board approved warrants and departmental invoices.
- The Board took the following action regarding Lancaster Water Reclamation Plant (WRP) Landscaping:
 - (a) Approved plans and call for bids for construction of the project; authorized the Chief Engineer and General Manager to establish the date for receipt of bids.
 - (b) Authorized the Chief Engineer and General Manager to award the contract for construction of the project.

Full report is available in the City Clerk Department.

LANCASTER FINANCING AUTHORITY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

The City Manager recognized Richard Short and Luke Duncan for their work on the video submitted for the Most Business-Friendly City award. Mr. Short provided the voice over for the video and Mr. Duncan was the producer.

The City Manager stated that it had been a very eventful week with the Hoffman Hospice Event; Magical BLVD event and the Lancaster Parade. The events were all great and it was a wonderful way to end the year. He thanked the Lancaster Baptist Church Choir which was three to four hundred strong, for their wonderful Christmas performance.

Council Member Johnson stated the events were great and despite the freezing temperatures, people came out for the tradition of the events; families gathered; took pictures; enjoyed coffee; hot chocolate and having everyone yell out Merry Christmas was wonderful.

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:

Michael Rives – discussed the Senior Center Lunch Program; lack of feeding the seniors during the holidays. He discussed this issue with the Lancaster Director of Aging to understand the process and commended City staff for looking into this issue.

David Paul – stated that he enjoys seeing the progress the City is making; pleased to see the two cities agreeing on certain matters; congratulated the City for receiving the Most Business-Friendly Award.

COUNCIL / AGENCY COMMENTS

Council Member Johnson stated this weekend is an event at the University of Antelope Valley called the 7th annual event of Caring for the Community where people will receive a nice home cooked hot meal. Santa will be there and through an organization called TIFF (Together in Faith and Family), there will be approximately 2,000 toys that Santa will be able to give away and 80 bicycles were donated by the Sheriff's Booster Club and Walmart.

Council Member Johnson stated that the Color Me Rad event is scheduled for February and currently there are 2300 people registered for this event. This will be a wonderful event to bring community together and will truly show why Lancaster is respected as the Most Business-Friendly City.

Vice Mayor Crist reminded people to please attend the hearing on December 17, 2013 regarding the Power Plant. It is very important that all voices be heard.

RECESS Mayor Parris recessed the meeting at 6:47 p.m. for the purpose of conducting a Closed Session meeting regarding the following matters:

CLOSED SESSION

1. Conference with Legal Counsel – Anticipated Litigation: significant exposure to litigation pursuant to Government Code Section 54956.9(d) (2) - four potential cases.
2. Conference with Legal Counsel--Existing Litigation - Government Code Section 54956.9(d) (1)
3. Coalition for Open Government v. City of Lancaster, Case No. BC499047
4. Quartz Hill Cares v. City of Lancaster, Case No. BS 122336
5. Palmdale v. Lancaster - Case No. BC443280
6. Lancaster v. Housing Authority of the County of Los Angeles (HACoLA) Case No. MC023649
7. Rubin v. Lancaster - United States District Court Case No. CV 10-4046 DSF (JCx)

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8. Miracle Star Women's Recovering Community, Inc. et al. v. City of Lancaster, et al.
LASC Case No. MC 020079

9. Save Our Neighborhood Group v. City of Lancaster, et al. Los Angeles Superior Court
Case No. BS 121501.

10. 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

11. Shabazz v. Parris, USDC, Central Case No. CV12-5803 SVW (JEM)

RECONVENE Mayor Parris reconvened the meeting at 8:16 p.m.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney announced that City Council met in Closed Session and discussed Palmdale v. Lancaster; Miracle Star Women's Recovering Community, Inc. et al. v. City of Lancaster, et al. and three items of anticipated litigation.

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ADJOURNMENT

On behalf of the City Council, Mayor Parris wished everyone a very Merry Christmas; a prosperous and happy new year. He adjourned the meeting at 8:17 p.m. and stated the next Regular Meeting will take place on Tuesday, January 14, 2014 at 5:00 p.m.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2014, 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)
