

**LANCASTER
CITY COUNCIL/SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
February 11, 2014**

CALL TO ORDER

Mayor/Chair Parris called the regular meeting of the City Council/Successor Agency/Financing/Power Authority to order at 5:01 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

Representative of the Spiritual Assembly of the Baha'is of Lancaster

PLEDGE OF ALLEGIANCE

Ron McCormick – Lancaster High School student

AGENDA ITEMS REMOVED

None

**SA NB 1. RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD
JULY 1 TO DECEMBER 31, 2014**

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

On a motion by Vice Chair Crist and seconded by Agency Director Johnson, the Successor Agency adopted **Resolution No. SA 01-14**, approving the Recognized Obligation Payment Schedule for the period July 1 to December 31, 2014 and directed staff to bring before the Lancaster Successor Agency Oversight Board 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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SA NB 2. SUCCESSOR AGENCY BUDGET FOR THE PERIOD JULY 1, 2014 TO DECEMBER 31, 2014

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

On a motion by Agency Director Johnson and seconded by Agency Director Smith, the Successor Agency adopted **Resolution No. SA 02-14**, approving Successor Agency Budget for the period of July 1, 2014 to December 31, 2014 as detailed in Attachment A of the staff report, 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 January 28, 2014, by the following vote: 4-0-1-0; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: Parris; ABSENT: None

CONSENT CALENDAR

Vice Mayor Crist requested Item Nos. CC 2; CC 5; CC 6; CC 7 be pulled for separate action.

Vice Mayor Crist stated that he would need to recuse himself on Item Nos. CC 6 and CC 7 due to the proximity of the projects to property he owns.

Mayor Parris stated that he would need to recuse himself on Item No. CC 5 due to the party involved being a client.

On a motion by Council Member Smith and seconded by Council Member Mann, the City Council approved the Consent Calendar, with the exception of Item Nos. CC 2; CC 5; CC 6; 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.)

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CC 2. WARRANT REGISTER

Addressing the City Council on this matter:

Michael Rives – opposed to certain items under the Warrant Register; opposed funding being approved for the roundabouts (Item Nos. CC 6 and CC 7). Encouraged the City Council to use grant funding for expansion of airport; beautification of the City.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council approved the Check and Wire Registers for January 12, 2014 through January 25, 2014 in the amount of \$13,590,252.86, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

CC 3. RESOLUTION NO. 14-04

Adopted **Resolution No. 14-04**, amending the List of Designated Employment Classifications as provided in Section 2.40, Title 2, of the Lancaster Municipal Code.

CC 4. Resolution No. 14-05

Adopted **Resolution No. 1405**, authorizing the City Manager to apply for a Sustainable Communities Planning Grant from the State of California, Strategic Growth Council for the City of Lancaster Sustainability Implementation/Action Plan, and authorizing the City Manager or his designee to execute all documents relative to the grant.

CC 5. MONUMENTATION WORK

Mayor Parris recused himself from this matter and left the dais.

On a motion by Council Member Smith and seconded by Council Member Mann, the City Council approved the monumentation work for Parcel Map No. 70476, located on the northwest corner of 12th Street West and Avenue L-12 by the following vote: 4-0-1-0; AYES: Johnson, Mann, Smith, Crist; NOES: None; RECUSED: Parris; ABSENT: None

At this time, Mayor Parris returned to the dais.

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CC 6. PROFESSIONAL SERVICES AGREEMENT WITH PENFILED & SMITH ENGINEERS, INC. – PWCP 13-022

Vice Mayor Crist recused himself from Item Nos. CC 6 and CC 7 and left the dais.

Discussion took place regarding the studies that have been done for the areas involved in Item Nos. CC 6 and CC7; Grant Funding criteria; schools are in favor of the projects; neighborhoods are in favor; importance of public safety for the children; Grant restrictions; timelines; history of accidents in the areas involved; approvals are for design at this time; further approval will come before the Council for actual construction; consider having one traffic circle constructed at a time – survey the results of the project before building the second traffic circle.

(CC 6) Approved a professional services agreement with Penfield & Smith Engineers, Inc., of Lancaster, California, in the amount of \$184,440.00, with a 5% contingency, for Roundabout Design Services for **PWCP 13-022**, 15th Street West and Lancaster Boulevard Roundabout 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.

On a motion by Council Member Mann and seconded by Council Member Smith, the City Council approved **Item Nos. CC 6 and CC 7** by the following vote: 4-0-1-0; AYES: Johnson, Mann, Smith, Parris; NOES: None; RECUSED: Crist; ABSENT: None

CC 7. PROFESSIONAL SERVICES AGREEMENT WITH PENFIELD & SMITH ENGINEERS, INC. – PWCP 13-025

Approved a professional services agreement with Penfield & Smith Engineers, Inc., of Lancaster, California, in the amount of \$198,980.00, with a 5% contingency, for Roundabout Design Services for **PWCP 13-025**, 15th Street East and Lancaster Boulevard Roundabout 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.

At this time, Vice Mayor Crist returned to the dais.

CC 8. AWARD OF CONTRACT TO MOORE IACOFANO GOLTSMAN, INC.

Awarded a contract for the City of Lancaster's ADA Self-Evaluation and Transition Plan to Moore Iacofano Goltsman, Inc (MIG, Inc.) in the amount of \$118,900 and authorized the City Manager, or his designee, to sign all documents.

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JNB 1. LOAN BETWEEN THE CITY OF LANCASTER AND THE LANCASTER SUCCESSOR AGENCY AND RELATED AMORTIZATION SCHEDULE

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

On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council adopted the following resolutions by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

- A. **Resolution No. 14-06**, 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 enforceable obligations and administrative expenses for the period January to June 2014 pursuant to Health & Safety Code Section 34173(h).
- B. **Resolution No. 14-07**, approving the loan amortization schedules for the loan from the City of Lancaster to the Lancaster Successor Agency for enforceable obligations and administrative expenses for the period January to June 2014 pursuant to H & S Code Section 34173(h) and 34191.4(b)(2).

On a motion by Agency Director Johnson and seconded by Agency Director Smith, the Successor Agency adopted the following resolutions by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

- A. **Resolution No. SA 03-14**, 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 enforceable obligations and administrative expenses for the period January to June 2014 pursuant to Health & Safety Code Section 34173(h).
- B. **Resolution No. SA 04-14**, approving the loan amortization schedules for the loan from the City of Lancaster to the Lancaster Successor Agency for enforceable obligations and administrative expenses for the period January to June 2014 pursuant to H & S Code Section 34173(h) and 34191.4(b)(2).

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JNB 2. AGREEMENTS WITH PSOMASFMG LANCASTER SOLAR CREST, LLC

The City Attorney presented the staff report regarding this matter.

Addressing the City Council/Successor Agency on this matter:

Michael Rives – opposed to this action; expressed his concerns regarding legal fees.

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) Authorized the City Manager and City Attorney to negotiate the final details and take all steps necessary to finalize, execute and implement (a) the Solar Lease and Recognition and Attornment Agreement, (b) terminate the Option Agreement (c) record a Memorandum of the Solar Lease, and (d) terminate the Solar PPA as to the Solar Crest Parcels.

2) Authorized the Executive Director and City Attorney to negotiate the final details and take all steps necessary to finalize, execute and implement (a) the Solar Lease and Recognition and Attornment Agreement, (b) terminate the Option Agreement (c) record a Memorandum of the Solar Lease, and (d) terminate the Solar PPA as to the Solar Crest Parcels.

NB 1. DESTINATION LANCASTER ANNUAL REPORT

Representing Destination Lancaster – President Ron Emard and Chief Operations Officer of the Lancaster Chamber of Commerce – Sandy Smith.

Information included: Launching of several new initiatives including the development of the Lancaster Tourism Business Improvement District (LTBID), developed a new partnership to establish a Visitor’s Center, created an official Visitors Guide and developed new partnerships that have the organization moving in the right direction. They discussed marketing strategies; community calendar; mobile visitor kiosks; using the budget wisely; advertising and branding.

The City Council commended President Emard and Ms. Smith for a job well done; literature is very informative and user friendly; the quality of work is amazing; this is something to be very proud of.

No action necessary.

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NB 2. SCHOOL DISTRICT SOLAR SAVINGS UPDATE

The Deputy City Manager and the Senior Projects Coordinator presented the update regarding this matter.

Information included receiving the American Public Works Association (APWA) award for the project of the year for 2013; staff has done an amazing job of coordinating 24 different school solar projects; continuing excellent customer service; reviewed a full year of operation and savings. Presented information regarding the savings for Eastside School District and Lancaster School District; changes in SCE Generation Rates; Demand Charges; Rate Increases; Projected Annual Energy Costs.

No action necessary.

NB 3. AUTHORIZATION TO USE BIOLOGICAL IMPACT FEE FUNDS FOR THE ACQUISITION OF 40 ACRES OF JOSHUA TREE CONSERVATION PROPERTY BY TRANSITION HABITAT CONSERVANCY

The Planning Director presented the staff report regarding this matter.

Addressing the City Council on this matter:

Margaret Rhyne – Thanked the City Council for their consideration of this matter; very grateful for steps taken to help with conservation.

Michael Rives – inquired as to the fair market value of the land; who owns the land; consider taking the land by eminent domain.

Jill Bays – discussed history of the project; involvement has included many entities; discussed the conservation area.

Council Member Smith discussed the history of the project dating back to his term on the Planning Commission; protecting habitat for future development; mitigation process; expansion and connection of the parks and reserves.

On a motion by Vice Mayor Crist and seconded by Council Member Smith, the City Council adopted **Resolution No. 14-08**, to authorize funding for the purchase of 40 acres of Joshua tree conservation property by Transition Habitat Conservancy, and appropriate \$108,000 from the Biological Impact Fee fund balance to Account no. 224-4520-912, Property Acquisitions, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

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LANCASTER HOUSING AUTHORITY

No action required at this time.

LANCASTER FINANCING AUTHORITY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

The City Manager presented a brief video on the Color Me Rad 5k event which took place on February 1, 2014. It was a lot of fun; brought the community together; a great time was had by everyone.

Council Member Johnson stated that it was a great day; full of high energy; a proud day to see over 5,000 runners and spectators come together; positive energy; children; senior citizens participated; amazing day to be proud of the Antelope Valley, being a family and having fun.

CITY CLERK /AGENCY/AUTHORITY SECRETARY ANNOUNCEMENT

The City Clerk provided the public with the procedure to address the City Council/Successor Agency/Authority regarding non-agendized items.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Addressing the City Council at this time:

David Paul – discussed his friendship with Mr. Gary Burgess who recently passed away; related stories of Mr. Burgess and the amazing love he had for his wife and family.

Benjamin Landaverde – urged the City Council to consider a zone change regarding the marijuana ordinance; would like to open his own medical cannabis dispensary; discussed the problems of the black market and how it can be eliminated; it is time to be ahead of the curve.

Additional discussion took place regarding this matter. It will be on the ballot in November; complexity of the laws; it will be up to the voters; City should be prepared and have a viable plan in place; requested the Planning Director meet with Mr. Landaverde to discuss this matter.

Michael Rives – discussed the importance of having a Veteran’s facility in the Antelope Valley.

Michelle Egberts – discussed the implementation of AB 218; Chapter 699 relating to employment applications and criminal history. Encouraged the City Council to consider a resolution to include the private sector regarding this bill.

Further discussion took place regarding this matter. Application process; background checks; the rights of people; bill will commence on July 1, 2014. Wait for one year after bill is in effect; have staff review statistics and report back to the City Council on how it is working.

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COUNCIL / AGENCY COMMENTS

Mayor Parris announced that the meeting this evening would be adjourned in memory of Gary Burgess. Mr. Burgess was a strong proponent for the betterment of Lancaster which began with his fight to save his own neighborhood. This grew into how Lancaster deals with crime and he was influential in the City's decision to reinstate its Neighborhood Watch Program and the hiring of a Crime Prevention Officer. His commitment led him to become a volunteer at the Lancaster Sheriff's station and he had a healthy impatience with the system and always wanted to be a part of the solution. He is survived by his wife and five children.

RECESS Mayor Parris recessed the meeting at 6:26 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 – Anticipated Litigation: consideration of initiation of litigation pursuant to Government Code Section 54956.9(d) (4) - one potential case.
3. Conference with Legal Counsel--Existing Litigation - Government Code Section 54956.9(d) (1)
4. Coalition for Open Government v. City of Lancaster, Case No. BC499047
5. Quartz Hill Cares v. City of Lancaster, Case No. BS 122336
6. Palmdale v. Lancaster - Case No. BC443280
7. Lancaster v. Housing Authority of the County of Los Angeles (HACoLA) Case No. MC023649
8. Rubin v. Lancaster - United States District Court Case No. CV 10-4046 DSF (JCx)
9. Save Our Neighborhood Group v. City of Lancaster, et al. Los Angeles Superior Court Case No. BS 121501.
10. Shabazz v. Parris, USDC, Central Case No. CV12-5803 SVW (JEM)
11. 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;

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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 Mayor Parris reconvened the meeting at 7:13 p.m.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney announced that City Council met in Closed Session and gave legal counsel direction regarding Item No. 6 – Palmdale v. Lancaster; Item No. 11 – Antelope Valley Groundwater Cases and anticipated litigation – no other reportable action.

ADJOURNMENT

Mayor Parris adjourned the meeting in memory of Gary Burgess, at 7:14 p.m. and stated the next Regular Meeting would take place on Tuesday, February 25, 2014 at 5:00 p.m.

PASSED, APPROVED and ADOPTED this 25th day of February, 2014, by the following vote:


AYES: **Council Members: Johnson, Mann, Smith, Vice Mayor Crist, Mayor Parris**

NOES: **None**

ABSTAIN: **None**

ABSENT: **None**

ATTEST:


GERI K. BRYAN, CMQ
CITY CLERK/
AUTHORITY SECRETARY
Lancaster, CA

APPROVED:


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)
