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**LANCASTER CITY COUNCIL
SPECIAL MEETING
MINUTES
April 10, 2007**

CALL TO ORDER	Mayor Hearn called the Special meeting to order at 6:04 p.m.
ROLL CALL	<p>Present: Council Members: Jeffra, Smith, Visokey, Vice Mayor Sileo, Mayor Hearn</p> <p>Absent: None</p> <p>Staff Members: City Manager, Assistant City Managers, City Attorney, City Clerk, Planning Director, Public Works Director, Assistant Parks, Recreation & Arts Director, Finance Director, Economic Development Director, Housing Director, Human Resources Director</p>
SPECIAL MEETING (CLOSED SESSION)	<p>NOTICE IS HEREBY GIVEN that a Special Meeting has been called by the Mayor of the City Council for Tuesday, April 10, 2007 at 6:00 p.m. for the purpose of:</p> <p>CLOSED SESSION – Parks Conference Room – 1st Floor – City Hall</p> <p>Government Code Section: 54957 PERSONNEL MATTER - CITY MANAGER</p> <p><u>/s/ Henry W. Hearn</u> HENRY W. HEARN, Mayor City of Lancaster</p> <p>Posted by Friday, April 6, 2007 - 5:00 p.m. Prepared in compliance with G.C. 54956</p>
CITY MANAGER REQUEST	<p>The City Manager respectfully requested that Council reconvene the Special Meeting to an open session meeting around 6:25 p.m.</p> <p>Mayor Hearn stated that he appreciated the attendance of all the citizens at the meeting. He stated that when he called this special meeting on Friday, April 6, 2007 it was not with the intent of firing of Mr. LaSala. Mayor Hearn gave a brief history of the meetings that have been held since January of 2007 regarding the Personnel Evaluation of Mr. LaSala. He stated that he would like to walk out of the Closed Session as a six-man team to move the City forward.</p>

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RECESS	Mayor Hearn's recessed the regular City Council meeting at 6:12 p.m. in order to conduct a Closed Session Special Meeting regarding the aforementioned matter:
RECONVENE	Mayor Hearn's reconvened the Special Meeting to Open Session at 7:02 p.m.
CITY ATTORNEY ANNOUNCEMENT	The City Attorney announced that City Council met in Closed Session regarding a personnel matter to review the City Manager Performance, no action was taken. As a result of the meeting, direction was given in terms of future discussions and meetings between the City Manager and Council.
CITY MANAGER STATEMENT	Stated that based on the discussion that took place, it is his desire to have individual discussions with the Council Members to make sure that as a team they can be clear on roles, responsibilities and expectations from the perspective of the Council and City Manager sides. He will provide information that address where there is consensus and where there are differences and if we don't feel that we can resolve those points of different interpretations we can all agree that we will come back in a Closed Session in an attempt to work those matters out.
COUNCIL COMMENTS	Council Member Jeffra stated that he is not alright with this and is very displeased with what he has had to listen to in the Closed Session.
CITY MANAGER STATEMENT	The City Manager stated that he and the City Council have to sharpen their understanding and appreciation of the Council/Manager form of Government as it is adopted in the Code of General Government in the State of California and the practical realities of how this gets exercised on a day to day basis whether it is in the areas of policy formulation and recommending policy to Council; acting on the research and requests of this Council and the execution, implementation and administration of that policy. There are opportunities to become clear on this because he believes there are some distinct misunderstandings and misperceptions of those roles, responsibilities and most specifically – expectations. This can be resolved to the best interest of the Council, the City Manager, the workings of the staff and the support of the community.
	Mr. LaSala stated that he will check back in with the Council individually to make sure that we are undertaking that in the manner in which you envisioned.
	Mr. LaSala stated that given the volatility of the politics in this community as he has observed it in the past 25 months, he is particularly concerned about the Council/Manager relationship and the Council/Manager form of Government and how we go about working these things out under the current agreement.

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CITY MANAGER STATEMENT (CONTINUED)	<p>He respectfully requested two issues of the City Council: 1) Change the termination provisions so that it takes a super majority vote of the Council to terminate the City Manager and 2) Lift the term off of the contract, as it is meaningless. On any given day this City Council can terminate the City Manager, so a term provides no benefit other than to define what are the agreements we are going to operate under while we are here, how will he be treated and what he will do in return regarding the terms and conditions of that employment. These would be the terms in the future and if the terms need to be modified, do this annually during the evaluation as we just did. Please consider changing the termination from a three-vote majority to a four-vote majority and simply lifting the term off of the agreement.</p>
COUNCIL COMMENTS	<p>Vice Mayor Sileo stated that given that at least a majority of the Council has expressed both personally and publicly, support for Mr. LaSala, he agrees, given the history of City Managers in this city and the City Manager that was brought back was given the super majority for his own comfort. Our City Manager is a human being and he needs to know that when he comes to work and goes home from work he is going to come back the next day. That is how employees do the best job and that is how Mr. LaSala can do the best job. He wholeheartedly agrees with having a super majority, it just takes four votes rather than three votes to dismiss him. Lifting the drop dead date on the contract, without changing any other terms of the contract, Mr. LaSala can leave under the current terms of the contract with the same notification and the City Council will still be able to dismiss him. If it is with cause, he goes away, if it is without cause he receives compensation – this is standard with all City Managers.</p> <p>On a motion by Vice Mayor Sileo and seconded by Council Member Jeffra, the motion stated was to change his contract to a super majority vote to dismiss him (4/5 vote) and remove the final date of his contract.</p> <p>Council Member Smith stated that as the Council came out of the Closed Session meeting it was decided that this particular issue would be discussed on July 1, 2007; therefore the motion is out of order.</p> <p>Council Member Jeffra stated that he was very displeased with the actions of Council Member Smith and stated that the Council has the three votes necessary.</p> <p>Council Member Visokey requested clarification from Council Member Jeffra as to who he thought was the third vote.</p> <p>Council Member Jeffra stated that he hoped that Council Member Visokey would step up to the plate and do the right thing, whereby Council Member Visokey stated he absolutely would do the right thing.</p>

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COUNCIL COMMENTS (CONTINUED)	<p>Mayor Hearn stated that when the Closed Session ended it was agreed that the City Attorney would make his statement, the City Manager would make his statement, and then Council would move on with the discussion. It was the intent of the Council that on or by July 1, 2007, to review the contract in its entirety. Council discussed a few things with the City Manager to help straighten out some issues so that when the July 1 date comes around there will be nothing left to discuss except to do the good things that Council needs to do for him.</p> <p>Council Member Smith requested a sidebar conversation with Mayor Hearn and the City Attorney.</p> <p>Council Member Smith clarified that the Special meeting was not for the purpose of firing or keeping the City Manager. This was a personnel matter that the Council wanted to discuss with the City Manager and that is why it was in Closed Session. It can not be discussed in open session, it has to do with the relationship between the City Manager and the City Council and that is what was discussed. It was decided that this matter would be discussed privately and on an individual basis and maybe collectively to see if we can work out to have a better relationship.</p> <p>Vice Mayor Sileo stated that the City Manager felt so comfortable with what he heard and this audience is so comfortable with what they have seen coming out of this Council that our City Manager asked for a super majority and to lift the final date of his contract. This definitely shows that there are still some major concerns to be discussed and the motion still stands.</p>
CITY ATTORNEY STATEMENT	<p>The City Attorney stated that the motion is on the floor, and it needs to be interpreted that the intention of that is to bring that contract amendment back to a future meeting for approval.</p>
COUNCIL COMMENTS	<p>On a motion by Vice Mayor Sileo and seconded by Council Member Jeffra, that the contract be amended to include that it takes a super majority (4/5 vote) to terminate Mr. LaSala and to remove the final date of December 31, 2008, all other terms to be the same, and requested the City Attorney make those changes and bring it back to Council for ratification.</p> <p>Council Member Visokey stated that integrity is living his life in such a way that he has nothing to hide. As an elected official he has a philosophy of serving that works great for him and it is simple. If he has a problem with someone he goes to that person, works with that person to see if there is a way to make things right or at least understanding each other better.</p>

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COUNCIL
COMMENTS
(CONTINUED)

Council Member Visokey stated that he has done exactly that and knows that the City Manager would agree that since the meetings in January it is the appropriate thing to do when you have differences of opinion. He stated that he and Mr. LaSala are not the same. They have differences of opinion politically, philosophically and on policy issues. We as elected officials are policy makers so it is okay to have a disagreement with the Chief Executive on policy decisions. That does not make the person a bad person or a bad City Manager, it just means that the three of the Council have the right to vote yes or no and Mr. LaSala understands this. For the last six months and especially the last four months, coming from this City Council, Mr. Visokey has witnessed character assassination attempts, disgusting political maneuvering for ones own or another person's gain and deliberate attempts to distort reality. This is absolutely unacceptable and enough is enough and this must end. He had hoped that Council would come out of Closed Session shaking hands but that did not happen. Mr. Visokey stated that he is not going to sit here and watch the Council butcher the man we call our Chief Executive; not going to sit here and watch Council butcher each other. The Council and the City Manager need to move forward as a team. He stated that he and Mr. LaSala have had their differences and still do, but that is okay. One thing Mr. LaSala does have is tremendous respect from his staff and that is something you must give him a lot of credit for because it is the staff that makes the city move forward. Staff is there to support him and he has nothing but positive things to say about his staff. Maybe some staff members are disgruntled but nothing tangible has been brought forward. Council must respect this about Mr. LaSala and the fact that he has the respect of the community. He stated that he has not returned any phone calls in the last few days so that he could have time to contemplate for himself what needs to be done. He stated that he has never been the swing vote and he apologized if it appeared that way and because he did not make himself clear to others. Council Member Visokey stated that while he is a Council Member he will spend every single ounce of energy that he has to bring the five members of the City Council together to the point of calling each other friends. He has a lot of respect for our form of government but lately it has not been working very well and the last four months have been absolutely miserable for him as an individual and for most of them on the City Council. He requested that Council work along with him, take the five Council members and Mr. LaSala, work together and move this city forward. If there is a change that needs to be made, let it be made at election time not before then. These are some strong statements but this is the way it needs to work. There are strong differences of opinion as to whether Mr. LaSala is moving forward with the direction that was given to him in January. Council Member Visokey stated that in relation to the specific motion at hand – the first part of the motion to require a super majority vote, he will not support this and it is not because he is opposed to Mr. LaSala, it is because a super majority vote should not have been given to the previous City Manager. This is not an appropriate form of government.

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COUNCIL
COMMENTS
(CONTINUED)

Council Member Visokey stated that it is ridiculous to have elections and think that every single vote that is brought forth has to be a 4/5 vote. Council Member Visokey stated that he does not have a problem with the second part of the motion. It is time to move forward as a City Council and it is time for the angry, ugly comments that have come from this Council to stop. Mayor Hearn has been very cordial in conversations regarding this matter and he understands the Mayor's thought processes.

Council Member Smith stated again that the City Council met in Closed Session to work out evaluation, personnel, management – situations that Council has not settled yet and Council set a date of July 1, 2007 to make those motions and decisions and it is wrong to make motions now until Council gets this all ironed out. This is what Council agreed to and it is obvious that there are some disagreements and misunderstandings, some things that Mr. LaSala believes can be worked out. We may not agree on everything, but there are definitely things we need to address. It was going to be done privately in another closed session so we could do it collectively and the appropriate time to have these motions is when those situations are resolved.

Council Member Visokey clarified that the second portion of Mr. LaSala's request means absolutely nothing in terms of whether Council can fire him or not, there is no change in that.

The City Attorney agreed that by eliminating the term of the contract does not change the ability to terminate.

Council Member Smith requested clarification regarding severance items related to the time table of the end of the contract.

The City Attorney explained that the severance items are not related to the end of the term of the contract, they are related to how many years of service he has with the City and it increases each year.

Council Member Smith inquired, as to with the motion, is there a time table of when this is coming back to Council. It should come back before July 1, 2007. He requested that Vice Mayor Sileo restate the motion and possibly amend it to put a time table in place.

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PUBLIC COMMENTS

Addressing the Council on this matter:

Diann Moskowitz – Thanked Mr. LaSala for his wonderful work and in her opinion he is the best hope Lancaster has had in the twenty years that she has lived in Lancaster. She stated that she had discussions with Council Member Smith when he was running his campaign in which she inquired about the Mayor and recalls Council Member Smith stating not to worry, he can handle the Mayor. She requested that he stop harassing her employee or she would make every attempt for his recall as soon as possible.

John Currado – Representing four generations of families in Lancaster and congratulated Vice Mayor Sileo and Council Member Jeffra for having the backbone to stand up and face the issues. The remainder of the Council needs to listen to the citizens of this community. If you value good government and professional leadership you will retain Mr. LaSala and honor his wishes.

Janette Crawford – Has had the privilege to work with Bob LaSala in Rotary and as her position on the school board. Mr. LaSala has dealt with all of the school districts in the area with integrity and dignity. He has made the working relationship with the city much more pleasant, listened to our concerns, helped us with security issues and encouraged the City Council to do the right thing and extend his contract and approve the super majority vote. This man is doing the best that he can for this community and he deserves better than what has been going on.

John D. Wall – The City Manager is doing a wonderful job and does so at the Council's pleasure, however, please remember Council, you work at our pleasure.

Lynn Harrison – Has not been to a Council meeting since 1990, when she retired as Mayor of the City of Lancaster. No issue has provoked her enough to come out and speak until now. She has observed the political storm that is coming. She is appalled that this City Manager is being targeted for political purposes. If this Council is willing to forfeit common sense, good government and a City Manager who engages and ensures citizens and is responsive to citizens and his Council, then they forfeit the legacy of their entire terms in office to negativity, obscurity and a shame for the community which we will not overcome for years. It is time to end this tonight and allow Mr. LaSala to continue his good work with the support of the Council and with job security for himself and his family.

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PUBLIC COMMENTS
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Barbara Little – The shadows of Jim Gilley, Frank Visco and Rex Parris are behind the City Council pulling the chains. Requested that Mayor Hearn give up his daily contacts with Jim Gilley and see just how far this wonderful man, Bob LaSala, can stay here and run this city the way it should be. The Lincoln Club is not needed and the others are not needed either.

Jason M. Smith – This has been an increasing acrimonious debate. There has been continued controversy regarding the continued employment of one of, if not the best, City Managers in the history of this City. In the early years of Lancaster, there was a good old boys network and it was recognized as the way to do business. In the early years of cityhood there was merit to this process. Mr. LaSala set forth to retooling the bureaucratic team of City Hall for the next phase of the City's future. Council should be mindful of the decisions that are made tonight will ring forever in the continued future of this beautiful City and the citizens will take action upon those that defy their rightful future. Move forward not backward and leave the leadership of Mr. LaSala and his team intact for the greater good of this community.

Dave Owens – It will be very costly to the city to buy out Mr. LaSala's contract; costly to the reputation of this city; it is going to look like this is a city that is not united. Staff does not need this kind of drama at the top, there must be unified leadership, do not need the staff feeling insecure about their jobs or Mr. LaSala's job. Uneasy employees are not productive – we do not need this in the city. Mr. LaSala's accomplishments speak for themselves, he has done so much for this city and he has done so much to endear himself to so many people in the community and Council needs to do the right thing and give him what he is requesting because he truly is a valued resource to the City and there will be true benefits to the City if Council does this.

Steve Malicott – Representing the Antelope Valley Chamber of Commerce, stated that the City of Lancaster and the Chamber of Commerce have had a long standing positive relationship for many years. In the last two years there has been amazing progress in the City under the leadership of Mr. LaSala. The city has become more open, more inclusive and more forthcoming than we have seen in the past. The City is moving in the right direction and this is evident in the progress with the general plan, the downtown specific plan, the branding initiative, the business watch program and many other programs. The Chamber of Commerce is now included in legislation and ordinance changes and this is a new process and input is sought from the Chamber so that the right decisions are made for the community.

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PUBLIC COMMENTS
(CONTINUED)

Steve Malicott stated that Mr. LaSala has had a positive impact on the City of Lancaster and the business community. The Chamber would like to see him continue to move the City of Lancaster forward to make the business community more productive, more profitable to better serve the entire community. This can be achieved with Mr. LaSala and the City Council working in harmony toward a common goal in the community.

Val Holt – Under the direction of Council Mr. LaSala has given her hope that the dream she has had for 25 years may very well be accomplished. That dream is that we become a community that allows its citizens to have a quality of life that all people deserve. We have children in the valley that need their parents in the evening to guide them. They will never have this as long as their parents are commuting down to Los Angeles. This will never happen if Council sits here debating, creating conflict and negative headlines. We will never attract industry into this community that will allow the citizens to have a quality of life so they can live, work and play in the City of Lancaster.

Ed Rogner – Long time resident who feels that in the ten years before Mr. LaSala's arrival the city was in neutral and not going anywhere. Since Mr. LaSala's arrival the city is moving forward and the City Council seems to be moving forward. In the last few months all we have seen is the bickering that is going on and is reported to us in the newspaper by different factions of the City Council. He works with many cities and when the bickering starts, the city stops, it doesn't go anywhere. Council must stop the bickering or you will leave the citizens no other choice but to get rid of some of you so that the City can move forward again. That is our only action, given the childish actions of some of you on the Council. Accusing Mr. LaSala of being anti-law enforcement is so far from the truth and the facts it is unbelievable. Mr. LaSala has brought about positive changes to the law enforcement that is delivered in this community. He has managed to get law enforcement moving in the right direction so that our grandchildren will be safe to grow up here and live here.

David Burrell – One issue that he would like Council to keep in mind is that the City does stop when there is so much disagreement among the Council. It is not just the day to day functions that are affected; it is a sense of morale, a sense of civic involvement, a sense of being wanted. When Mr. LaSala put out a questionnaire to find out what the citizens want, this was a huge milestone and something the City has never done before. Citizen involvement and morale is important. There have been many comments in support of Mr. LaSala and the bickering must stop.

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PUBLIC COMMENTS
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David Burrell stated that he voted for Council Member Smith and had hoped that he was the kind of person the citizens would want on the City Council and we were extremely disappointed to find out that he wanted to interrupt his term to run for Assembly and then he changed his mind. He advised the Council Member to get a head start on that run for Assembly and leave voluntarily.

Michael Wilson – Stated that he has met with Mr. LaSala before and found him to be attentive, fair, tough and pretty apolitical on the issues we were discussing. His purpose is to protect the interests of the City of Lancaster and to do the best job he could for the citizens. His actions here have put a face on the City that has never been present. He has put together formations of committees, involved the community in crime prevention, neighborhood watch and open space. Mr. LaSala has organized the staff and the staff is very responsive to the public. The job that Mr. LaSala has done is very worthwhile and he is a man of integrity and is deserving of the City of Lancaster and its citizens.

Ray Hernandez – For many years there was no way a citizen could participate in the issues of the City Council. It was a foregone conclusion that if businessmen wanted something they were going to get it and it didn't matter what the citizens thought about it. In the last two years things have changed and things are getting better in the City. There are certain factions, and Council Members that want to silence Mr. LaSala who is only trying to do the best for his community. We, as a voting public, hear all kinds of rumors that the Council wants to get rid of a person who has obviously been listening to the public. This tells the citizens that Council is not doing a very good job in government. Please consider the requests of Mr. LaSala and approve his request. This will send a message to the public that the Council actually listened to the citizens.

Jim Barletta – He has always been a firm believer that if you have someone who is doing a good job, you hang on to that individual. Give that individual some security so he feels that he is really wanted. Mr. LaSala has done more to fight crime in the last two years than the former City Manager did in his entire tenure with the City. Approve the motion of Vice Mayor Sileo and send the message that this man is wanted. Mr. LaSala can make the Council look real good just by getting rid of the crime in this City and it is a shame that the Council does not see this.

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PUBLIC COMMENTS
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David Prather – Long time resident and has never felt the need to come to a Council meeting until now. This issue was significant enough to bring him to the meeting and stated that he has personally voted for everyone of the City Council members. It is embarrassing that with the collective wisdom of the Council, that it isn't obvious what the right thing is to do. Keep Mr. LaSala on as City Manager, he has a heart for this community and that is obvious. The people in the audience represent a lot of people who would say the same thing. This has come down to politics, the good old boys club and other factions. This is blurring the vision in terms of what is right and best for this community. Do what is right for the people of this community, not for your personal agendas, political issues that are behind the scenes. Those issues are bringing this Council potentially to a decision that would not be in the best interest of this City. Mr. LaSala supports churches and immediately wanted to get together with the Pastors of this community and sit down and receive our perspective of what we thought was needed for this community. He has been open and supportive and has assisted in any way that he could.

Sherry Marquez – She has come to Council meetings repeatedly, begging for something to be done regarding the crime in this community. Her family has been put at risk by gangs and streets are not safe. Mr. LaSala has done some great things for the City. However, every time she has come to Council requesting a substation or a Deputy Sheriff at a Wal-Mart parking lot or anything, Mr. LaSala would state that we don't want to give the people a false sense of security; we don't want to just put officers in patrol cars. She does want this and wants her family to be safe. She thanked Council Member Smith for holding true to his promises from his campaign to put more deputies on the streets at the expense of more programs. Mr. LaSala needs to hear what the people have to say and on February 26, 2007, many people said they are fed up with crime in the Antelope Valley. Requested that Captain Deeley stay the course, as great things have been done, continue on.

Arnie Rodio – Stated that he started the incorporation of the City of Lancaster. He has a lot at stake and served as the Mayor. He had the same problem back then that the current City Council has. Do not make the same mistake that was made years ago by approving a super majority contract. If a City Manager is doing a good job, people will come out as they are tonight and show their support. The City Manager does not need four votes. This City could not get rid of Mr. Gilley because his contract required four votes. There are no boards that take the super majority vote under consideration. City Manager has a good contract and he is paid out if he is terminated.

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<p>CLOSING COMMENTS FROM THE CITY MANAGER</p>	<p>Expressed his appreciation to Mayor Hearn, City Council and members of the community for the platitudes, comments, compliments, the encouragement and support that has been given tonight, not only to him but to staff as well. He respects this immensely and will value this as we work for good government, professional management and for fostering a representative democracy in this community and effective decision making of the City Council.</p>
<p>COUNCIL COMMENTS</p>	<p>Vice Mayor Sileo stated that when the Council was looking for a new City Manager, it was very important that we find a City Manager who could make a connection with the community and we have succeeded there.</p> <p>Council Member Smith inquired of Vice Mayor Sileo, as to whether there is a timetable set for the amended contract.</p> <p>Vice Mayor Sileo stated that he would like to see this come back as fast as possible from the City Attorney.</p> <p>Mayor Hearn stated that in the beginning when Council was looking for a new City Manager, Mr. Gilley brought forth 47 applicants. This was narrowed down to 12, then 6, then 2. He told Mayor Roberts at the time, that Council must be in unanimous agreement as to who the new City Manager will be and Mr. LaSala was unanimously chosen as the number one candidate for the job. He further stated that he helped Mr. LaSala to become connected with the religious community and encouraged the involvement from the Pastors of the community and it is his desire to still walk out of here with a six-man team.</p> <p>Council Member Visokey – Stated that he hopes there will be a second motion after this motion and he has made it very clear that he is in support of Mr. LaSala; however as a conservative he does not believe a super majority vote on the contract is good government and he is not willing to compromise his principles.</p> <p>On a motion by Vice Mayor Sileo and seconded by Council Member Jeffra, the motion stated that the contract be amended to include that it takes a super majority (4/5 vote) to terminate Mr. LaSala and to remove the final date of December 31, 2008, all other terms to be the same, and requested the City Attorney make those changes and bring it back to Council for ratification, by the following vote: AYES: Jeffra, Sileo; NOES: Smith, Visokey, Hearn; ABSTAIN: None; ABSENT: None. Motion failed.</p>

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ADJOURNMENT

On a motion by Vice Mayor Sileo and seconded by Council Member Jeffra the motion stated that the contract be amended to lift the expiration date, all other terms to be the same and requested the City Attorney make those changes and bring it back to Council for ratification, by the following vote: AYES: Jeffra, Visokey, Sileo, Hearn; NOES: Smith; ABSTAIN: None; ABSENT: None. Motion passes.

Mayor Hearn adjourned the Special meeting at 8:20 p.m.

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

HENRY W. HEARNS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

**CERTIFICATION OF MINUTES
CITY COUNCIL**

I, _____, _____ of the City of Lancaster, CA, do hereby certify that this is a true and correct copy of the original City Council Minutes, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)
