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MVB

**LANCASTER
CITY COUNCIL/SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
October 14, 2014**

CALL TO ORDER

Mayor Parris called the meeting of the City Council/Successor Agency/Financing/Power Authority to order at 5:05 p.m.

ROLL CALL

PRESENT: Council Member/Agency Director/Authority Member: Johnson, Mann, Vice Mayor/Vice Chair Crist, Mayor/Chair Parris

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

ABSENT: Council Member/Agency Director/Authority Member Smith

STAFF

MEMBERS: City Manager/Executive Director; Deputy City Manager/Deputy Executive Director, City Attorney/Agency/Authority Counsel; Assistant to the City Manager; City Clerk/Agency/Authority Secretary; Planning Director; Development Services Director; Parks, Recreation and Arts Director; Finance Operations Manager; Economic Development Director, Housing Director; Human Resources Director

INVOCATION

Wally Melendez

PLEDGE OF ALLEGIANCE

Council Member Johnson

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PRESENTATIONS

1. Presentation to Streets of Lancaster Grand Prix Winners
Presenter: Vice Mayor Crist and the Parks, Recreation and Arts Director
2. Recognition of the 2014 Miss Black AV Pageant Winners
Presenter: Mayor Parris
3. Recognition of the SoCal Terror Baseball Team
Presenter: Mayor Parris
4. Athlete of the Month – Seal McElroy, Quartz Hill High School
Presenters: Mayor Parris

The Mayor requested a recess at this time.

The meeting reconvened at 5:34 p.m.

M 1. MINUTES

On a motion by Council Member Mann and seconded by Council Member Johnson, the City Council/Successor Agency/Financing/Power Authority approved the City Council/Successor Agency/Financing/Power Authority Meeting minutes of September 23, 2014, by the following vote: 3-0-1-1; AYES: Johnson, Mann, Crist; NOES: None; ABSTAIN: Parris; ABSENT: Smith

CONSENT CALENDAR

Addressing the City Council on Item No. CC 4:

Maria Paesano – discussed KB Homes and issues with sanitary sewer construction.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council approved the Consent Calendar by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

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 September 7, 2014 through September 27, 2014 in the amount of \$4,688,795.62.

CC 3. ACCEPTANCE OF IMPROVEMENTS (STREETS)

Approved and accepted for maintenance the developer constructed streets for Tract 53102-02, located at the northwest corner of Avenue J-12 and 45th Street West. Owner: Magnolia L.P.

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CC 4. ACCEPTANCE OF IMPROVEMENTS (SANITARY SEWER)

Approved and accepted the following developer installed sanitary sewer and accepted this sewer for maintenance by the City of Lancaster and for public use for Tract 53102-02, located at the northwest corner of Avenue J-12 and 45th Street West. Owner: Magnolia L.P.

CC 5. LEASE AGREEMENT FOR FREEDOM TELECOMMUNICATIONS, LLC

Approved the lease agreement with Freedom Telecommunications, LLC for the non-exclusive use of 15.04 miles of existing and available duct space for a term of five (5) years, with the option of three (3) successive five (5) year extensions.

CC 6. MEMORANDUM OF UNDERSTANDING

Approved a Memorandum of Understanding (MOU) between the City of Lancaster (Lancaster) and the City of Palmdale (Palmdale) to design and construct the North County Traffic Forum Intelligent Transportation System (ITS) Expansion Project improvements and authorized the City Manager or his designee to execute all documents and make any non-substantive changes necessary to complete the transaction.

CC 7. NEIGHBORHOOD STABILIZATION PROGRAM (NSP 3)

Approved agreement for acquisition of real property between the City of Lancaster and Gary Spilak and Betty Lou Spilak, husband and wife as joint tenants for property located at 45040 8th Street East, as part of the approved Neighborhood Stabilization Program (NSP 3).

CC 8. Appropriated \$55,882 in CalRecycle Waste Tire Cleanup grant funds to expenditure accounts shown below, and estimate revenue in the same amount to 330-3304-208.

<u>Distribution</u>	<u>Description</u>	<u>Amount</u>
330-4542101-137	Salaries and Benefits	\$9,193.00
330-4545101-137	Salaries and Benefits	43,251.00
330-4542656	Contract Services	3,003.00
330-4545203	Mileage	435.00

CC 9. RESOLUTION 14-61

Adopted **Resolution No. 14-61**, authorizing the submittal of applications to the California Department of Resources Recycling and Recovery (CalRecycle) under the Local Government Waste Tire Cleanup and Enforcement Grant Programs for which the City of Lancaster is eligible; and if selected, approving the execution of standard agreements and any amendments thereto, and any related documents necessary to participate. Authorized the City Manager or his/her designee to execute any documents necessary to receive such funds, and to take actions as needed to facilitate all eligible grants applied for through the CalRecycle Local Government Waste Tire Cleanup and Enforcement Grant Programs.

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CC 10.RESOLUTION 14-62

Adopted **Resolution No. 14-62**, authorizing the sale of delinquent taxes and assessments, in whole or in part, for any one or more of the covered fiscal years, for a minimum purchase price of 110% of the amount thereof.

At this time it was the consensus of the Council to hear public business from the floor regarding Desert Palms Mobile Home Park.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Addressing the City Council at this time:

Cesar Vega Magellon – discussed undocumented immigrants, stated the City is a welcoming City and discussed issues at Desert Palms Mobile Home Park.

Maria Molina – discussed high utility bills at Desert Palms Mobile Home Park, stated on occasion she comes home and her home is without water; she stated she is not asking for a handout, she would like something to be done; gas bill increases when no one is home using the utility.

Berta Suarez– discussed frequent water shut offs and faulty water system at Desert Palms Mobile Home Park; she discussed a disabled child who lives in the park; she stated 7 and 14 day notices were recently served on residents requiring repairs to their mobile homes.

Jose Santos – stated he is a tenant in Desert Palms Mobile Home Park, has been asked to make repairs to his home; he is requesting more room for the children to play outside, requested an on-site manager who is willing to work with tenants, stated there is no security at the park, and has concerns with the park having one entrance/exit.

Elvia Orihuela – stated she lives in Desert Palms, discussed frequent water shut offs, asking for basic necessities including clean water to bathe; she discussed large amount of sediment in the water and the residents are expected to use the water to bathe and to drink.

Discussion among the residents and the City Council took place regarding the repairs to the water system at the park, the legalities regarding the 7 and 14 day notices and the issues with possible gas leaks. Additionally the residents stated their concerns regarding the utility bills, retaliation and intimidation.

Mayor Parris requested a mediator work with the management of the park and the residents to resolve the issues.

Anabel Gutierrez and Karin Burgess – management of the Desert Palms Mobile Home Park – discussed the utility meters, stated the playground was removed at the park's insurance company's request due to liability; discussed the requirement of the homeowners to adhere to standards and rules & regulations.

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PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS CONTINUED...

Discussion took place regarding the frequency of the issuance of 7 and 14 day notices and the steps taken to remedy the water issues at the park. The water pump has been replaced and the park is working on a secondary tank and water system as a back-up.

NB 1. PROPERTY EXCHANGE AGREEMENT WITH LANCASTER SCHOOL DISTRICT

The Economic Development Director presented the staff report regarding this item.

Addressing the City Council at this time:

Michael Rives – discussed the existing lease; stated a better agreement can be reached.

Maria Paesano – discussed Superintendent’s jobs, discussed audits related to the school district, discussed the former use of the building involved with this agreement, discussed Architectural Design Commission members.

Discussion of the 99 year lease took place; revenues from Ecostar should outgain the income obtained from the 99 year lease; the City’s priority is education and it will continue to support education and the children in the community.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council approved the proposed property exchange agreement, allowing the Lancaster School District to acquire fee simple interest in the former Halley Olsen Mortuary property, which will be utilized to expand student resources. The agreement will also terminate a lease that the District has concerning a three acre parcel at the City Maintenance Yard, which will become the site of the manufacturing plant for the City’s partnership with Ecostar. The former Mortuary Property has been appraised at \$126,000 more than the lease-hold interest at the City Maintenance Yard. To compensate for this difference, the Lancaster School District will also provide the City with additional access to its gymnasiums, which will permit increased community activities, such as additional teams for the City’s Basketball Leagues, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

NB 2. 2014-2015 LANCASTER YOUTH COMMISSION

The Parks, Recreation and Arts Director presented the staff report regarding this item.

On a motion by Mayor Parris and seconded by Vice Mayor Crist, the City Council nominated and appointed Karen Ventura, Elizabeth Maymoun, Bobby Mubarkeh, Connor McCormick, Moriah Mitchell, Jamie Sanchez and Creed Broadwater to the 2014-2015 Lancaster Youth Commission, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

The City Clerk administered the Oath of Office at this time.

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NB 3. AGREEMENT WITH GOLF GUYS, INC.

The Parks, Recreation and Arts Director presented the staff report regarding this item.

Discussion took place regarding the current water shortage issue, the use of turf and the availability of jobs.

On a motion by Council Member Mann and seconded by Council Member Johnson, the City Council approved the agreement between the City of Lancaster and Golf Guys, Inc., dba Birdie's, for the operation and management of the Lancaster Golf Center, located at 431 E. Avenue K-4, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

NB 4. AGREEMENT FOR DATA MANAGER SERVICES WITH NOBLE AMERICAS ENERGY SOLUTIONS, LLC

The Deputy City Manager presented the staff report regarding this item.

Discussion among the City Council and staff included discussion of current and future rates for citizens, call center hours and Southern California Edison's rates. Discussion of the City Council setting rates for its customers took place; the Mayor discussed having a separate entity involved to recommend rates for Council to approve to eliminate the possibility of politics being involved.

Addressing the City Council at this time:

Maria Paesano – discussed the agreement, how rates are set, changing companies every 30 days.

Robert Teller – stated he is a small business operator in the area, discussed SCE's willingness to be involved, and discussed his electric bills and the service provided by SCE.

Fran Sereseres – discussed not providing a rate structure prior to entering into the agreement.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council approved the Master Professional Services Agreement and Addendum for Data Manager Services with Noble Americas Energy Solutions, LLC (Noble) for the Data Manager services for the Community Choice Aggregation (CCA), effective November 1, 2014 through December 31, 2019, for an amount not to exceed \$1,100,000 annually and authorized the City Manager or his designee to execute and submit all related documents, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: Smith

NB 5. BETTER BUILT HOMES INCENTIVE PROGRAM

The Development Services Director gave the presentation regarding this item.

Received and filed the update on the Better Built Homes Incentive Program.

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**CR 1. REPORT ON THE ACTIVITIES OF THE BOARD OF DIRECTORS FOR
DISTRICT 14 OF THE COUNTY SANITATION DISTRICT OF LOS ANGELES
SEPTEMBER 18, 2014 MEETING**

Council Member Mann discussed the Sanitation District's decision to remortgage existing bonds which may result in approximately \$25 million in savings; Councilman Mann will be working to put this savings back into citizen's pockets.

CR 2. COUNCIL REPORTS

Vice Mayor Crist discussed the American Public Transportation Association Expo which was held recently in Texas; America's first 60 foot battery-electric articulated bus was revealed and is called 'The Lancaster Bus.'

LANCASTER HOUSING AUTHORITY

No action required at this time.

LANCASTER FINANCING AUTHORITY

No action required at this time.

LANCASTER POWER AUTHORITY

No action required at this time.

LANCASTER SUCCESSOR AGENCY

No action required at this time.

CITY MANAGER / EXECUTIVE DIRECTOR ANNOUNCEMENTS

The City Manager stated the 'Lancaster Bus' is something all City residents can be proud of; two brief videos showcasing the recent Streets of Lancaster and Bark at the Park events were shown.

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.

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PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Addressing the City Council at this time:

Fran Sereceres – discussed the Metrolink Station; provided suggestions for turning this from homeless issue to a training/learning program; discussed trimming the trees on The Blvd.

Discussion took place regarding the Metrolink Station – specifically the time frame for action and the effect it will have on the businesses in the area. The Blvd Association issued a letter in support of moving or closing the Metrolink Station.

Wally Melendez - discussed concerns regarding drug dealers near an elementary school and speed limits on local streets.

Maria Paesano – discussed her current situation, incidents involving assault, loss of her property, and recent incidents with Sheriff Deputies.

Leon – discussed rate charges from SCE, discussed street lighting needs towards Lake Los Angeles.

COUNCIL / AGENCY COMMENTS

Mayor Parris discussed the City's partnership with BYD and stated the recently revealed bus was designed, built and developed in Lancaster in 6 months; ultimately provided a net profit for BYD.

RECESS

Mayor Parris recessed the meeting at 7: 44 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) - three potential cases.
2. Conference with Legal Counsel – Anticipated Litigation: consideration of initiation of litigation pursuant to Government Code Section 54956.9(d) (4) - four potential cases.
3. Conference with Labor Negotiators pursuant to Government Code section 54957.6 to discuss salaries, salary schedules, compensation paid in the form of fringe benefits and regular/overtime schedules.
City designated representatives: Mark V. Bozigian, Beverly Glode
Employee Organizations: California Teamsters, Public, Professional and Medical Employees Local 911 and Lancaster Code Enforcement Association
4. Conference with Legal Counsel--Existing Litigation - Government Code Section 54956.9(d) (1)

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5. Coalition for Open Government v. City of Lancaster, Case No. BC499047
6. Quartz Hill Cares v. City of Lancaster, Case No. BS 122336
7. Lancaster v. Housing Authority of the County of Los Angeles (HACoLA) Case No. MC023649
8. Save Our Neighborhood Group v. City of Lancaster, et al. Los Angeles Superior Court Case No. BS 121501.
9. Shabazz v. Parris, USDC, Central Case No. CV12-5803 SVW (JEM)
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

RECONVENE

Mayor Parris reconvened the meeting at 8:19 p.m.

CITY ATTORNEY ANNOUNCEMENT

The City Attorney announced the City Council met in Closed Session and discussed two items of potential litigation under item number one and discussed item number three with no reportable action.

ADJOURNMENT

Mayor Parris adjourned the meeting at 8:23 p.m. and stated the next meeting would take place on Tuesday, October 28, 2014 at 5:00 p.m.

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PASSED, APPROVED and ADOPTED this _____day of _____, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

BRITT AVRIT, CMC
CITY CLERK
AGENCY/AUTHORITY
SECRETARY

R. REX PARRIS
MAYOR/CHAIRMAN

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)
