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**LANCASTER
CITY COUNCIL/SUCCESSOR AGENCY/
FINANCING/POWER AUTHORITY
MINUTES
November 12, 2014**

CALL TO ORDER

Mayor Parris called the meeting of the City Council/Successor Agency/Financing/Power Authority to order at 5:00 p.m.

ROLL CALL

PRESENT: Council Member/Agency Director/Authority Member: 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/Agency/Authority Counsel; Assistant to the City Manager; City Clerk/Agency/Authority Secretary; Planning Director; Development Services Director; Parks, Recreation and Arts Director; Finance Director, Economic Development Director, Housing Director; Human Resources Director

INVOCATION

None given

PLEDGE OF ALLEGIANCE

Council Member Smith

PRESENTATIONS

1. Presentation to Robert Neal, Development Services Director for his dedicated service to the City of Lancaster
Presenter: Mayor Parris and Mark Bozigian, City Manager

2. Presentation to Fran Sereseres
Presenter: Mayor Parris

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It was the consensus of the Council to hear item No. NB 4 at this time.

NB 4. REVISED LEASE AGREEMENT WITH JETHAWKS BASEBALL. LP

The City Manager presented the staff report on this item.

Council Member Johnson stated she would need to recuse herself from this item due to the proximity to property she owns and left the dais.

Jake Kerr and Andy Dunn, representing Jethawks Baseball, L.P., provided their background, discussed their plans for the future of the Jethawks and provided their goals and strategies for success. Mr. Kerr and Mr. Dunn are excited for the opportunity to work with the City, the community and the Lancaster Jethawks baseball team.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council approved the Lease agreement between the City of Lancaster ("City") and Jethawks Baseball, LP ("Tenant"), prospective new ownership group of the Lancaster Jethawks, for Lancaster Municipal Stadium, and authorize the City Manager to execute the Lease upon: (i) payment of any past due rent or other amounts that may be owed to the City pursuant to the current lease agreement with Hawks Nest, LLC ("Hawks Nest"), (ii) the issuance of all baseball approvals as required by Section 16.1.2 of the Lease, (iii) satisfaction of all conditions precedent to closing of the Asset Purchase Agreement between Tenant and Hawks Nest; and (iv) issuance of all baseball approvals pertaining to the transfer of the Jethawks franchise from Hawks Nest to Tenant or its parent company (including, but not limited to, issuance of baseball approval of the Application for Control Interest Transfer), by the following vote: 4-0-1-0; AYES: Mann, Smith, Crist, Parris; NOES: None; RECUSED: Johnson; ABSENT: None

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council approved the Lease Termination Agreement and Release of Personal Guarantee ("Lease Termination") between the City and Hawks Nest and authorize the City Manager to execute the Lease Termination upon: (i) payment of any past due rent or other amounts that may be owed to the City pursuant to the current lease agreement with Hawks Nest, (ii) the issuance of all baseball approvals as required by Section 16.1.2 of the Lease, (iii) satisfaction of all conditions precedent to closing of the Asset Purchase Agreement between Tenant and Hawks Nest; and (iv) issuance of all baseball approvals pertaining to the transfer of the Jethawks franchise from Hawks Nest to Tenant or its parent company (including, but not limited to, issuance of baseball approval of the Application for Control Interest Transfer), by the following vote: 4-0-1-0; AYES: Mann, Smith, Crist, Parris; NOES: None; RECUSED: Johnson; ABSENT: None

Council Member Johnson returned to the dais at this time.

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M 1. MINUTES

On a motion by Vice Mayor Crist 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 October 28, 2014, by the following vote: 4-0-1-0; AYES: Johnson, Mann, Crist, Parris; NOES: None; ABSTAIN: Smith; ABSENT: None

CONSENT CALENDAR

Addressing the City Council on Item Nos. CC 5-7 and 9-12:

Maria Paesano – discussed a lawsuit against the City and discussed the transportation program.

On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council approved the Consent Calendar, 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 12, 2014 through October 25, 2014 in the amount of \$6,166,055.75.

CC 3. ACCEPTANCE OF IMPROVEMENTS (STREETS)

Approved and accepted for maintenance the developer constructed street for Director's Review No. 09-24, located east of 17th Street East and south of Kettering Street, Owner: Lancaster School District.

CC 4. AMENDMENT TO SUBDIVISION UNDERTAKING AGREEMENT

Approved and accepted an amendment to the Subdivision Undertaking Agreement submitted by AVI MMK Management, Inc. ("Developer") for Conditional Use Permit No. 05-11, located on the south side of Avenue I, approximately 260 feet west of 20th Street West, extending the date of completion to June 30, 2015.

CC 5. ACTIVE TRANSPORTATION PROGRAM

Approved the plan for use of Active Transportation Program (ATP) funding, which includes:

- a) Increased estimated revenues in Account No. 399-3301-301 by \$85,000.00 for Fiscal Year 2014-2015
- b) Appropriated \$85,000.00 in ATP funds to Capital Improvement Account No. 399-15ST055-924, 5th Street East Corridor Improvements Project

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CC 6. APPROPRIATION FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION REIMBURSEMENT

Approved the appropriation of \$322,000.00 from the California Department of Transportation (Caltrans) reimbursement program for the Active Transportation Program (ATP) to Revenue Account No. 399-3301-302 and corresponding Expense Account Nos. 399-4782-101 for Salary Disbursement of \$88,000.00, 399-4782-202 for Local and Regional Expenses of \$6,500.00, and 399-4782-301 for Professional Services to fund a Safe Routes to School (SRTS) Master Plan.

CC 7. SANITARY SEWER COLLECTION SYSTEM ANNUAL PERFORMANCE REPORT

Accepted the Sanitary Sewer Collection System Annual Performance Report for Fiscal Year 2013-2014.

CC 8. EXTENSION OF STREET SWEEPING CONTRACT

Approved the extension of the Street Sweeping Services contract, as outlined in the original agreement, on a month-to-month basis through February 28, 2015. No increase to the current contract rates have been requested or considered.

CC 9. NEIGHBORHOOD STABILIZATION PROGRAM (NSP 1)

Approved agreement for acquisition of real property between the City of Lancaster and Federal National Mortgage Association for property located at 44912 Andale Avenue, as part of the approved Neighborhood Stabilization Program (NSP 1).

CC 10. NEIGHBORHOOD STABILIZATION PROGRAM (NSP 1)

Approved agreement for acquisition of real property between the City of Lancaster and Deutsche Bank National Trust Company, as trustee for property located at 44539 Stanridge Avenue, as part of the approved Neighborhood Stabilization Program (NSP 1).

CC 11. NEIGHBORHOOD STABILIZATION PROGRAM (NSP 1)

Approved agreement for acquisition of real property between the City of Lancaster and Federal National Mortgage Association for property located at 1010 Valiant Street, as part of the approved Neighborhood Stabilization Program (NSP 1).

CC 12. NEIGHBORHOOD STABILIZATION PROGRAM (NSP 1)

Approved agreement for acquisition of real property between the City of Lancaster and The Bank of New York Mellon FKA The Bank of New York, as trustee for property located at 2019 East Jackman Street, as part of the approved Neighborhood Stabilization Program (NSP 1).

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NB 1. PROFESSIONAL SERVICES AGREEMENT - AUTO MALL URBAN DESIGN

Mayor Parris stated he would need to recuse himself on this item due to the proximity of the project to property he owns.

Addressing the City Council on this item:

Maria Paesano – discussed the number of cars sold and devices on cars.

On a motion by Council Member Mann and seconded by Council Member Johnson, the City Council approved the professional services agreement with Sargent Town Planning of Los Angeles, California (“Consultant”) in the amount of \$436,830 for Auto Mall Urban Design, Landscaping and Civil Engineering Services and authorized the City Manager, or his designee, to sign all documents, by the following vote: 4-0-1-0; AYES: Johnson, Mann, Smith, Crist; NOES: None; RECUSED: Parris; ABSENT: None

On a motion by Council Member Mann and seconded by Council Member Johnson, the City Council appropriated \$200,000 in Traffic Impact Fee fund balances to Capital Improvement Budget Account No. 232-15BW005-924, Lancaster Auto Mall project, by the following vote: 4-0-1-0; AYES: Johnson, Mann, Smith, Crist; NOES: None; RECUSED: Parris; ABSENT: None

NB 2. MEMORANDUM OF UNDERSTANDING, COMPENSATION SCHEDULES AND PERSONNEL RULES AND REGULATIONS FOR REPRESENTED AND NON-REPRESENTED EMPLOYEES

It was the consensus of the City Council to waive the staff report for this item.

On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council adopted **Resolution No. 14-63**, approving the Memorandum of Understanding between the City of Lancaster and Teamsters Local 911 and authorized the City Manager to execute the MOU, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council adopted **Resolution No. 14-64**, amending Resolution 12-37 as amended, establishing a compensation schedule for the non-represented employees of the City of Lancaster, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

On a motion by Vice Mayor Crist and seconded by Council Member Johnson, the City Council adopted **Resolution No. 14-65**, amending the Personnel Rules and Regulations, 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 3. AMENDMENT TO TITLE 9 OF THE LANCASTER MUNICIPAL CODE

Addressing the City Council on this item:

Maria Paesano – discussed restitution for juveniles, juvenile detention centers and separating children from their families.

Discussion among the City Council and staff included discussion of section 9.24.150 related to retail displays of specific items and discussion regarding moving markers to a locked case. Council Member Smith believes this portion should be stricken; enforcing the way this portion of the Ordinance is presented may be difficult.

The Assistant City Attorney and Public Safety Director presented the staff report on this item.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council introduced **Ordinance No. 1000**, amending Title 9 of the Lancaster Municipal Code by amending Chapter 9.24 (Graffiti), relating to the abatement of graffiti and recovery of the City’s costs of graffiti abatement, and adopting a “Graffiti Abatement Costs and Expenses” cost model, by the following vote: 4-1-0-0; AYES: Johnson, Mann, Crist, Parris; NOES: Smith; ABSTAIN: None; ABSENT: None

It was the consensus of the Council to hear item No. CA 1 at this time.

CA 1. DISCUSSION AND POSSIBLE ACTION REGARDING AUTHORITY TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH APPROPRIATE PARTIES RELATED TO LANCASTER METROLINK STATION SAFETY AND OPERATIONS.

The City Manager discussed a recent meeting involving the City of Lancaster, METRO, Metrolink and Los Angeles County at which a Memorandum of Understanding was discussed that would address specific issues related to the Metrolink. The MOU may need to be executed prior to the next City Council meeting on December 9th. This action would give the Mayor the authority to sign the MOU prior to December 9, 2014.

Addressing the City Council on this item:

Jim Barletta – discussed his experience with riding the Metrolink, stated he has not seen riders asked to present a ticket, suggested ensuring people getting off the train have a ticket.

On a motion by Vice Mayor Crist and seconded by Council Member Mann, the City Council gave Mayor Parris the authority to execute a Memorandum of Understanding with appropriate parties related to Lancaster Metrolink Station safety, operations and the homeless, by the following vote: 5-0-0-0; AYES: Johnson, Mann, Smith, Crist, Parris; NOES: None; ABSTAIN: None; ABSENT: None

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RECESS

Mayor Parris requested a brief recess and turned the meeting over to Vice Mayor Crist at this time.

Vice Mayor Crist reconvened the meeting at 6:11 p.m.

NB 5. LPAC FOUNDATION BYLAW CHANGES

Addressing the City Council on this item:

Maria Paesano – discussed the proposed changes to the Lancaster Performing Arts Center Foundation Bylaws and school districts.

The Parks, Recreation and Arts Director introduced Lancaster Performing Arts Center Foundation President Steven Derryberry who presented the staff report on this item.

On a motion by Council Member Johnson and seconded by Council Member Mann, the City Council approved the recommended changes to the Bylaws for the Lancaster Performing Arts Center Foundation, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist, NOES: None; ABSTAIN: None; ABSENT: Parris

NB 6. SUB-RECIPIENT AGREEMENT WITH GRACE RESOURCES

Addressing the City Council on this item:

Maria Paesano – discussed mental health issues and discussed her concerns with buses downtown, discussed Metrolink and visiting individuals at the Sheriff station.

The Housing and Neighborhood Revitalization Director presented the staff report on this item.

Discussion among the City Council and staff included discussion of allocating additional funds now and challenging the City of Palmdale and the County of Los Angeles to match these funds.

On a motion by Council Member Mann and seconded by Council Member Johnson, the City Council approved the Sub-Recipient Agreement between the City of Lancaster and Grace Resources to provide administration services of the Lancaster Homeless Shelter for the 2014 Community Development Block Grant (CDBG) Program Year with appropriation of a total of \$50,000 and challenged the City of Palmdale and the County of Los Angeles to match the funds, by the following vote: 4-0-0-1; AYES: Johnson, Mann, Smith, Crist; NOES: None; ABSTAIN: None; ABSENT: Parris

CR 1. COUNCIL REPORTS

Council Member Johnson stated the University of Antelope Valley was recently approved by Cal-Pac for Conference membership.

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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 showed a brief video covering the recent BooLVD Event

The Deputy City Manager gave a brief report regarding the Field of Drafts event and thanked staff for their hard work.

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 item.

PUBLIC BUSINESS FROM THE FLOOR - NON-AGENDIZED ITEMS

Addressing the City Council at this time:

Maria Reyes – discussed her concerns regarding children hanging around a local business during school hours.

Kirk Boyer – thanked staff regarding their assistance with scheduling a meeting and discussed his experience with homelessness.

Fran Sereseres – discussed security at the Metrolink and the procedure of checking tickets and requested clarification regarding the location of future roundabouts.

Discussion regarding roundabouts included the number of accidents at the intersections where the roundabouts are proposed, the speed for roundabouts and the proposed crosswalks for these intersections. Council Member Mann offered to assist with providing presentations to the senior community regarding roundabouts.

COUNCIL / AGENCY COMMENTS

Council Member Johnson discussed Cal-Pac and stated UAV is eligible to compete against larger schools, which also means these schools may visit our community to play against the students in our community.

Council Member Mann thanked Robert Neal for his contributions in helping Lancaster become Los Angeles County's Most Business Friendly City, twice.

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RECESS

Vice Mayor Crist recessed the meeting at 6:49 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 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. Lancaster v. Housing Authority of the County of Los Angeles (HACoLA) Case No. MC023649
7. Save Our Neighborhood Group v. City of Lancaster, et al. Los Angeles Superior Court Case No. BS 121501.
8. Shabazz v. Parris, USDC, Central Case No. CV12-5803 SVW (JEM)
9. ANTELOPE VALLEY GROUNDWATER CASES
Included Actions:
Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.
Superior Court of California, County of Los Angeles, Case No. BC325201;

Los Angeles County Waterworks District No. 40 v. Diamond Farming Co.
Superior Court of California, County of Kern, Case No. S-1500-CV-254-348

Wm. Bolthouse Farms, Inc. v. City of Lancaster, Diamond Farming Co. v. City of Lancaster, Diamond Farming Co. v. Palmdale Water District
Superior Court of California County of Riverside, consolidated actions;
Case Nos. RIC 353 840, RIC 344 436, RIC 344 668

Santa Clara Case No. 1-05-CV 049053

RECONVENE

Vice Mayor Crist reconvened the meeting at 7:04 p.m.

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CITY ATTORNEY ANNOUNCEMENT

The City Attorney announced the City Council met in Closed Session and discussed one potential case for item number one, one potential case for item number two and discussed item number nine with no reportable action.

ADJOURNMENT

Vice Mayor Crist stated the City Council meeting will be adjourned in memory of Michael Tyner Alsbury. His interest for planes and flying began at an early age and he got his pilot's license at 23. Mike was considered a "pilot's pilot" and absolutely loved to fly. He lost his life in the tragic SpaceShip Two crash. He was a devoted husband, father and son and will be missed by family and friends.

Vice Mayor Crist stated the City Council meeting will be adjourned in memory of Robert "Bob" Johnstone. He leaves behind a legacy in aerospace and the future of engineering in our community. Bob's 18 years of volunteer work in the "Aerospace Office" have completely changed the education landscape in the Antelope Valley. He was truly a remarkable man. He was a loving husband, father and grandfather and will be missed by all who knew him.

Pursuant to action taken by the City Council/Successor Agency/Financing/Housing/Power Authority on September 10, 2013, there will not be a City Council/Successor Agency/Financing/Housing/Power Authority meeting on November 25, 2014 due to the Thanksgiving holiday.

Vice Mayor Crist adjourned the meeting at 7:05 p.m. and stated the next meeting would take place on Tuesday, December 9, 2014 at 5:00 p.m.

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

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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)
