

RCC 1
12/11/07
MVB

**LANCASTER REDEVELOPMENT AGENCY
REGULAR MEETING
MINUTES
November 13, 2007**

CALL TO ORDER	Chairman Hearn called the regular meeting of the Redevelopment Agency to order at 6:02 p.m.
ROLL CALL	<p>Present: Agency Directors: Jeffra, Sileo, Smith, Vice-Chairman Visokey, Chairman Hearn</p> <p>Staff Members: Executive Director, Assistant Executive Director, Agency Counsel, Deputy City Clerk, Agency Secretary, Planning Director, Public Works Director, Parks, Recreation & Arts Director, Finance Director, Economic Development Director, Housing Director, Human Resources Director</p>
INVOCATION	Pastor Chris Johnson, Grace Chapel
PLEDGE OF ALLEGIANCE	<p>Ms. Brooke DelMonte – age 3</p> <p>Mayor/Chairman Hearn requested that the Closed Session matter regarding: Government Code Section 54957 – Evaluation of City Manager/Contract be considered at this time.</p> <p>The City Manager requested that the Closed Session take place now rather than at the end of the meeting due to the fact that his attorney would only be available until 7:00 p.m. via speaker phone.</p> <p>Several citizens submitted speaker cards regarding this matter and out of respect for the City Manager, agreed to hold their comments until Council reconvened in open session. One citizen requested to be heard at this time.</p> <p>Addressing the Council on this matter:</p> <p>Darlene Peterson – Stated that she has watched the City Council since 1977 and is not happy with what is transpiring; pleased with the turnout at the meeting; spoke regarding the notice of intent to recall Council Member Smith.</p>

REDEVELOPMENT AGENCY REGULAR MEETING MINUTES
NOVEMBER 13, 2007

RECESS	<p>Mayor/Chairman Hearn's recessed the Agency/Council meeting at 6:12 p.m. for the purpose of conducting a closed session regarding:</p> <p>1) Government Code Section: 54957 PERFORMANCE EVALUATION OF CITY MANAGER/CONTRACT EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE</p>
RECONVENE	<p>Mayor/Chairman Hearn's reconvened the Agency/Council meeting at 7:41 p.m.</p>
STATEMENT BY EXECUTIVE DIRECTOR/CITY MANAGER	<p>Robert LaSala stated that as most observers know, the past year has been one of great progress for the City of Lancaster and also a year of tension and difficulty. He has enjoyed the professional challenges of achieving ambitious goals set by the City Council but regrets the controversy and distraction that it has meant for the community. It is time to bring that distraction to an end and reluctantly decided that it is in the best interest of the community that he resign his position as City Manager and allow the City Council and the community an opportunity for a fresh start. He stated that he is extremely proud of what has been accomplished during the past three years. These achievements transcend the efforts of any single individual; he has been honored to lead the City administration. He stated that he is pleased with helping to achieve the following: long term financial stability for the City including the development of a ten-year financial forecast; initiating strategic efforts with the City Council to develop long range plans for open space, economic development, transportation, capital improvements and strong neighborhoods; working with the City Council to position the City to address the suppression of crime in the community conditions that fostered criminal behavior, particularly among young people. Developing a more transparent and open administration with outreach to all segments of the community, leading to partnerships and alliances that will benefit the community for decades to come; working diligently with the City Council to foster a climate of economic prosperity and intelligent growth, resulting in the recent designation as the most business-friendly city in Los Angeles County, by the Los Angeles County Economic Development Corporation. He stated that there have been some disappointments as well, tensions that resulted in putting Council Members at odds with one another and with the City Manager. He stated that he has tried diligently and professionally to work with the City Council but has not been able to heal the breach. He stated that he has become increasingly uncomfortable being the subject of political debate, both within the Council and the community. He stated that it has become increasingly clear that this controversy was hurting the community and his continued presence could be partially responsible for its continuation. He stated that he has negotiated satisfactory terms for the separation of his position as City Manager. He expressed his appreciation to the staff of the City of Lancaster, the City Council and those in the community who have worked hard to make the past three years a success. He stated that he would always be grateful for the support he has received.</p>

REDEVELOPMENT AGENCY REGULAR MEETING MINUTES
NOVEMBER 13, 2007

CITY ATTORNEY
ANNOUNCEMENT

The City Attorney stated that as part of the Closed Session discussion, the Council did approve the separation agreement and mutual general releases. The agreement provides for the payment of the benefits Mr. LaSala is entitled to in his contract. There were some amendments made to the draft separation agreement that were presented in Closed Session and specifically, those changes were: In addition to agreeing to the terms of the statement that the City Manager made, there is an addition of one category of benefits to cover his continued membership in national and state organizations and his attendance at meetings during the severance period. Another change in the agreement is to make a cash payment to the Retiree Health Services (RHS) account on his behalf, subject to verification that it meets the requirements of the Internal Revenue Service and the provider of the health services account. He stated that a draft of the agreement will be available on the 14th of November, once the amendments are changed. He anticipated that the agreement would be signed on November 14, 2007 by all parties, with respect to the change that requires verification; this will be done in a timely manner and make a determination, whether or not that is a permissible deposit that can be made.

COUNCIL
COMMENTS

Council Member Sileo inquired as to whether there would be a public vote regarding this matter.

The City Attorney stated that if Council would like to take a public vote as to whether of not to accept the City Manager's resignation, they could do so, however it is not required.

Council Member Sileo made a motion to have a public vote.

The City Attorney stated that the motion should be subject to the terms of the separation agreement. He stated that one of the requirements of the Closed Session is to report out the vote. It would be appropriate to take a vote on the motion that was made.

Vice Mayor Visokey asked if it was appropriate to ask the City Manager if the Council accepts the resignation.

The City Attorney stated that this has already been determined subject to the terms of the separation agreement.

Council Member Jeffra inquired as to whether they were talking about the individual points.

The City Attorney stated that it was not about the individual points; it is about accepting the terms and conditions of the of the separation agreement that was reported out.

REDEVELOPMENT AGENCY REGULAR MEETING MINUTES
NOVEMBER 13, 2007

COUNCIL
COMMENTS
(continued)

The City Attorney stated that the motion is: Should the City Council accept the resignation of the City Manager subject to the terms and conditions of the separation agreement.

Council Member Sileo stated that to his knowledge, that vote has not been taken.

Mayor Hearn offered a motion to accept the City Manager's resignation subject to the terms and conditions of the separation agreement.

Vice Mayor Visokey clarified the motion.

Council Member Smith seconded the motion.

Council Member Jeffra asked the City Manager, based on everything that has gone on, is it his intention to resign.

The City Manager confirmed that this was his intention.

Council Member Jeffra stated that the terms and conditions are done; therefore this vote would basically be personal.

Vice Mayor Visokey understood that the vote was to be about what has transpired over the last few days and last few meetings regarding this matter. This is not an endorsement or a non-endorsement for the City Manager. This vote is to approve what has taken place at those meetings.

The City Attorney stated that this is to approve the City Manager's resignation subject to the terms and conditions of the separation agreement. It is a relatively straight forward vote.

Vice Mayor Visokey stated that he understands but the issue of a personal vote was brought up and this is not a personal vote. He stated that if this was a personal vote he would vote differently than he would on the resignation/terms and conditions.

Council Member Smith clarified that the motion is: Does the City Council accept the City Manager's resignation subject to the terms and conditions of the separation agreement.

Council Member Sileo reviewed the past year; joint meeting with the Planning Commission and that it was the pinnacle of bringing the community together and moving forward, involving them in the local political process so they could have a say and thought they had a say.

REDEVELOPMENT AGENCY REGULAR MEETING MINUTES
NOVEMBER 13, 2007

COUNCIL
COMMENTS
(continued)

Mayor Hearn stated that the City Manager has offered his resignation.

Council Member Sileo stated that he is exercising his first amendment political speech.

Council Member Smith stated that if Council was going to discuss the merits of that last meeting and all the other issues that Council Member Sileo wants to talk about, it is dilitorius and does not have anything to do with this particular motion. It is rhetoric and if he would like to place this matter at the end of the agenda under Council Comments or place it on another agenda and bring back the drawings and the issues, then it can be discussed. This is political rhetoric only and if Council Member Sileo wants to keep his first amendment rights he can go to the newspaper; have a press conference or save it for Council Comments. Council Member Smith made a motion to call for the question and have the vote taken.

Council Member Sileo requested that he be allowed to make his comments. He stated that he was simply speaking about the rationale behind how he was going to vote.

Council Member Smith withdrew his motion to call for the question.

Council Member Sileo that at the meeting from a year ago, at that time, it was perceived, at least publicly, that things were not straight up or not being reported correctly by the newspaper and this was unfortunate. This was the beginning of the end and in his opinion: this Council did not know how to present themselves to the press and he believed that Council expected the City Manager to cover this for them and the City Manager expected the Council to already know how to handle this. This set in motion feelings and emotions that were never dealt with and never settled. This was the genesis for how Council got to where they are this evening. This needs to be looked at when another City Manager comes on board – that is another issue. A couple of months after that meeting, the City Manager was evaluated in Closed Session and things were put in his review that he disagreed with. The majority of the Council chose to have another review of him, six months later and three months later – another review which Mr. LaSala chose to take out to the public because he did not feel he had anything to hide. At that time, Council should have brought forward their problems with the City Manager. Personnel sessions are private to protect the employee not the Council. It is not proper for Council to say things in closed session that they are not willing to say in open session. Additional reviews were placed on the agenda and in July it was placed on the agenda and removed. There has not been a public statement as to why that was pulled off of the agenda.

REDEVELOPMENT AGENCY REGULAR MEETING MINUTES
NOVEMBER 13, 2007

COUNCIL
COMMENTS
(continued)

Council Member Sileo stated that he was told that Council was going to tell Mr. LaSala what a good job he was doing, but he has difficulty believing that this evening. When he looks at the history of the events, comments were made by active people and influential people of the community and they stated that they would do everything they could to get the City Manager fired. When there are letters to the editor stating that the City Council should resign or they should fire the City Manager, he has a problem with this, when a week later his contract is on the agenda for review and the City Manager has done nothing wrong. There are allegations that the City does not move fast enough in economic development, yet the Los Angeles County Economic Development Corporation disagrees. He has heard that the City Manager does not communicate enough and the community at large would disagree. This City Manager reached out to the community and communicated more than any other City Manager in the history of Lancaster. This City Council did not communicate with this City Manager and if this Council as a whole or individual City Council Members had expectations of the City Manager, they should have brought those to him personally or brought them up in his review both public and private. The City Manager chose to make it public for accountability purposes, so that if there is a disconnect between one person's reasoning and another, everyone would see it and everyone could decide and make up their own mind. He stated that he is disgusted and he used to be proud to be a part of the City Council but not anymore and he is not proud to be a part of this government and what has transpired over the last nine months.

Vice Mayor Visokey stated that the majority of the Council did not put the City Manager's review on the agenda for April. That was put on in April, much to his dismay. For clarification, when the matter was placed on the agenda in July, that was for his benefit but it was to go over individual portions and give him a written evaluation so that the City Manager would have a working document, it had nothing to do with determining employment. He stated that he asked for it to be placed on the agenda but he did not ask for it to come off of the agenda. He stated that he agrees with Council Member Sileo that Council should be willing to say what happens behind closed doors, when it comes to personnel issues, he doesn't believe a personnel issue can ever be solved by having a public debate and that is why personnel issues are done in closed session. It is counterproductive to have a public debate on personnel issues. He is very disappointed in how the Council has behaved and acted over the last several months and believes there could have been discussions to work through the issues, but when members of Council rely on reporting to the press what happens in closed session, that is counterproductive and is not good government. He stated that he and the City Manager have continuously had private discussions and gone over different issues and he has done this on a regular basis.

REDEVELOPMENT AGENCY REGULAR MEETING MINUTES
NOVEMBER 13, 2007

COUNCIL
COMMENTS
(continued)

Vice Mayor Visokey stated that Council Member Sileo is making it sound like there are three votes to get rid of the City Manager and his hands are tied as to how much he can say. There is more to this than what is being seen on the dais – it is all very, very political. He stated that he has kept his integrity by not discussing personnel issues in the public – it is inappropriate to do this.

Mayor Hearn stated that less than one hour ago Council agreed, and Mr. LaSala asked the Council to be reasonable and not assassinate anyone.

Council Member Jeffra stated that Council is trying to deal with a legal issue and they do not want to violate it. This is the worst time he has ever seen in the City's history regarding Council/Manager relationships. Everyone can speculate; but the bottom line is simple, it does not do any good to debate this issue. He requested that Council call for the vote. The vote will be an opinion of the Council on whether they want the City Manager to leave.

Vice Mayor Visokey disagreed that Council is not voting on their opinion.

Mayor Hearn stated that Mr. LaSala read his statement and offered his resignation and prior to this, Council agreed to leave the private matters alone and leave them private.

Council Member Smith suggested that if Council Member Jeffra wants to take a vote of confidence and then make a motion first because there is a motion already on the table. The discussion is out of control; there are rules of order that are not being followed and not being enforced. There are ways of conducting business and it is not being done.

Vice Mayor Visokey stated that he would not participate in that vote; he would only participate in the motion that is currently on the table.

On a motion by Mayor Hearn and seconded by Council Member Smith, the City Council accepted the resignation of the City Manager, subject to the terms and conditions of the separation agreement, by the following vote: 3-2-0-0; AYES: Smith, Visokey, Hearn; NOES: Jeffra, Sileo; ABSTAIN: None; ABSENT: None. Motion carried.

Mayor Hearn stated that he has given almost eighteen years of his life to local city government willingly and brought the knowledge he had and he was voted in, in 1990. He stated that when a man has been as respectful as Mr. LaSala and read his resignation, sat through this entire discussion including closed session, the citizens need to be respectful as well. Mayor Hearn reviewed the different dates that Council met regarding this issue.

REDEVELOPMENT AGENCY REGULAR MEETING MINUTES
 NOVEMBER 13, 2007

<p>COUNCIL COMMENTS (continued)</p>	<p>Mayor Hearn further reviewed the process as presented from the City Council to the City Manager. The process was not working and there was a mix within the Council/Manager relationship that was not working.</p> <p>The City Attorney reminded the Mayor about the agreement made in closed session regarding public comments.</p> <p>Council Member Smith requested a brief recess to discuss this matter with the City Attorney.</p>
<p>RECESS</p>	<p>The Mayor called for a brief recess at 8:23 p.m.</p>
<p>RECONVENE</p>	<p>The Mayor reconvened the meeting at 8:26 p.m.</p>
<p>PUBLIC COMMENTS</p>	<p>Mayor Hearn requested that the public allow the Council to have their discussion and then public comment will be taken.</p> <p>Mayor Hearn stated that he was appalled at the behavior from the business and church leaders in the Chambers. He requested that everyone respect each other and respect the process.</p> <p>Addressing the Council on this matter:</p> <p>David Paul – Public is confused as to why the City Manager is leaving; he stated that he loves the community and wants everyone to get along; issues have not been managed well.</p> <p>Glenda Hartis – City Manager has done extremely well in and for the community.</p> <p>Lynn Harrison – Requested clarification about the administrative leave for Mr. LaSala; concerns regarding the hiring of a new City Manager.</p> <p>David Abber – Council Members should resign; disappointed in decision to have Mr. LaSala resign.</p> <p>Steve Malicott, representing the Antelope Valley Chamber of Commerce – The Chamber of Commerce will continue to support the City; believes Mr. LaSala has done great things for the City; hopes the City can move forward and continue to be a business-friendly City.</p> <p>Robert Yapp – Defended actions of the Council; referred to brief background/history of Mr. LaSala’s employment with Sunnyvale; citizens should not be so quick to judge.</p>

REDEVELOPMENT AGENCY REGULAR MEETING MINUTES
 NOVEMBER 13, 2007

<p>PUBLIC COMMENTS (continued)</p>	<p>Betty Miller – Appreciates the hard work of Council Member Jeffra and the City Manager; appreciates the improvements in her neighborhood; there has been a decrease in crime; thanked Mr. LaSala for his efforts.</p> <p>Michael Wilson – City has been recreated; more involvement from the community; unfortunate that the City must pay for the exit agreement as well as a new City Manager.</p> <p>Karen Wilson – Thanked the City Manager for his resignation speech; respects Council confidentiality, as it is a personnel matter; thanked Council for having so much patience with the citizens.</p> <p>Arnie Rodio – Does not understand the actions of the Council; public is not fooled by the actions of the Council regarding a severance package.</p>
<p>PRESENTATIONS</p>	<ul style="list-style-type: none"> • Presentation by eSolar – Given by Robert Rogan, Vice President of eSolar. Presentation included discussion regarding Utility-Scale Solar Power; gave a brief background; discussed solar thermal power systems; proposed site – 60th Street West and Avenue F; showcase for renewable energy project; creates jobs; millions of dollars in local spending; no air quality impact; fully funded; brief explanation of process. • The Government Finance Officers Association of the United States and Canada’s Certificate of Achievement for Excellence in Financial Reporting for the City of Lancaster’s Comprehensive Annual Financial Report – presented by Barbara Boswell, Finance Director. • Mayor Hearn stated that November 14, 2007 is World Diabetes Day and Council supported the UN Proclamation; a serious disease that has no cure; costs estimated at \$132 billion annually; importance of increasing public awareness of the risk factors and symptoms.
<p>AGENDA ITEMS TO BE REMOVED</p>	<p>None</p>
<p>APPROVAL OF CONSENT CALENDAR</p>	<p>On a motion by Council Member Jeffra and seconded by Mayor Hearn, the Redevelopment Agency approved the Consent Calendar, by the following vote: 5-0-0-0; AYES: Jeffra, Sileo, Smith, Visokey, Hearn; NOES: None; ABSTAIN: None; ABSENT: None</p>
<p>RCC 1. MINUTES</p>	<p>Approved the Regular meeting minutes of October 23, 2007.</p>

REDEVELOPMENT AGENCY REGULAR MEETING MINUTES
NOVEMBER 13, 2007

RCC 2. CANCELLATION OF APRIL 8, 2008 AGENCY MEETING	Approved the cancellation of the April 8, 2008 regular Redevelopment Agency meeting and directed the City Clerk to post a Notice of Adjournment for the meeting.
RCC 3. EXTENSION TO OPTION TERM WITH LARWIN INVESTMENT COMPANY	Approved an extension to the Option Term with Larwin Investment Company for an eighteen month period to be effective from December 31, 2007 to June 30, 2009.
EXECUTIVE DIRECTOR ANNOUNCEMENTS	None
AGENCY SECRETARY ANNOUNCEMENT	The Agency Secretary provided the public with the procedure to address the Redevelopment Agency regarding non-agendized items.
PUBLIC BUSINESS NON-AGENDIZED	None
AGENCY COMMENTS	None
CLOSED SESSION	None
ADJOURNMENT	Chairman Hearn announced: Pursuant to action taken by the Redevelopment Agency on August 14, 2007, there would not be a Redevelopment Agency meeting on November 27, 2007. There being no further business, Chairman Hearn adjourned the meeting at 11:10 p.m. and announced the next regular meeting of the Redevelopment Agency would be held on December 11, 2007 at 6:00 p.m.

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

**CERTIFICATION OF MINUTES
REDEVELOPMENT AGENCY**

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

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

(seal)

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
Agency Secretary
Lancaster Redevelopment Agency

HENRY W. HEARNS
Chairman
Lancaster Redevelopment Agency