

**REGULAR MEETING  
CALIFORNIA CITY CITY COUNCIL  
TUESDAY, January 17, 2006, 6:00 p.m.  
Council Chambers, 21000 Hacienda Blvd.  
MINUTES**

**OPENING CEREMONIES:**

Mayor Adams opened the meeting at 6:12 p.m. following the close of the Redevelopment Agency meeting. Following the Pledge of Allegiance, the Invocation was delivered by Pastor Eric Fooks, New Life Assembly of God. The City Clerk called the roll:

**PRESENT:** Council members Edmiston, Lessenevitch, Schafer, Mayor Adams.

**ABSENT:** Vice Mayor Dempsey

Mayor Adams asked if the Council could vote to excuse Vice Mayor Dempsey because he had announced his absence at the last meeting. Attorney Lemieux said no, because it is not on the agenda. It can be done at the next meeting if it is on the agenda.

**Also Present:**

City Manager Bill Way; Assistant City Manager/Finance Director Terry Hicks; City Attorney Wayne Lemieux, Police Chief Linda Lunsford; Airport Manager Tom Weil; H/R Manager Michelle Schafer, City Clerk Helen Dennis, Deputy City Clerk Denise Hilliker

**ADOPTION OF AGENDA:**

Motion by Councilman Lessenevitch, second by Councilman Edmiston, to add a closed session item to the agenda, making the finding that the need had arisen for action by Council subsequent to the posting of the agenda. Carried.

Motion by Councilman Lessenevitch, second by Councilman Edmiston, to adopt the agenda with the Addendum of Closed Session item CS 2, personnel negotiations.

**PRESENTATIONS:** None

**STAFF ANNOUNCEMENTS:** None

**CIVIC/COMMUNITY ORGANIZATION ANNOUNCEMENTS:**

Councilman Edmiston invited the community to the Annual Community Club membership Dinner Sunday January 22<sup>nd</sup> at the Middle School, 5 pm to 6 pm.

Ed Waldheim, EDC asked the public to come to the EDC breakfast Thursday January 19, 7:30 am at Foxy's Restaurant at the airport. The topic is our parks and their preservation.

Chief Antonucci announced that the California City Fire Department now has the biohazard waste disposal units that allow citizens (non-commercial use) to dispose of their sharps and other diabetic or medical waste. They pick up the empty canisters and when full, dispose of them at the Mojave Disposal site.

**PUBLIC BUSINESS FROM THE FLOOR:**

Eugene Turner, Georgetown Street, asked what the city was doing about street lights in his neighborhood, it is very black at night. Council advised him the City has no current plans to pay for the installation of more light standards. Mayor Adams said that doesn't mean that Council can't address the issue. He asked Mr. Turner to write down the streets in the areas he has concerns, so the Mayor can go out and check.

Cindy Davis, Campfire Blvd., complained about the tumbleweeds in the mobile home park, particularly those in adjoining lots. She has talked to Code Enforcement about the property directly across from her. She lives at 155 Campfire and its right across the street from her.

**PUBLIC HEARINGS:** None

**CONTINUED BUSINESS:**

**CB 1. Council reconsider an ordinance amending the Municipal Code as it relates to temporary land uses -**

City Manager Way asked that Council discuss and give First Reading of the Ordinance as it relates to temporary land uses. There are some issues that need discussion. Re temporary garage sale signs, the same process should be inserted that controls temporary political signs. A permit should be issued and deposit should be paid to be refunded when the sign is removed. Councilman Edmiston said that the City has been easy on people thus far, this will encourage people to be responsible about cleaning up their signs.

Councilman Schafer noted that where motor homes, manufactured homes, etc., are in the draft; the vehicle should be called one thing. City Attorney said the code defines the different kinds of these and the language in this

ordinance should stand. Councilman Schafer also wants the ordinance to require proof that containers would be moved before property owners are given an occupancy permit.

Councilman Lessenevitch asked that this be an agenda item and not on the consent calendar when it is brought back for second reading and adoption.

Motion by Councilman Edmiston, second by Councilman Lessenevitch to give First Reading by Title Only with Further Reading Waived, of "AN ORDINANCE OF THE CITY COUNCIL OF CALIFORNIA CITY AMENDING THE CALIFORNIA CITY MUNICIPAL CODE AS IT RELATES TO TEMPORARY LAND USES". Roll call vote as follows:

**AYES:** Edmiston, Schafer, Lessenevitch, Adams

**NAYS:** None

**ABSENT:** Vice Mayor Dempsey

**ABSTAIN:** None

Public Comment: Ed Waldheim asked if this would be the ordinance that dealt with blowing trash and containers; this is not, but the city has instituted a policy that contractors will have dumpsters and fenced building sites or they will not get their inspections conducted.

Mr. Waldheim said the lids should be closed on the dumpsters, and emptied when full; he gave some sites where the bins are open, the trash is everywhere, and now stacked alongside the dumpsters. Per the City Manager, that is a code enforcement issue and is being dealt with.

Charles Sprout asked if insurance was required for yard sales as it appeared to say in the language. Yard sales do not require insurance.

Alis Clausen noted that there are a number of prohibitions regarding signage. She said that SCE has several that fall under the Calif. Vehicle Code, and said that there is no mention of utility poles in these prohibitions. She asked that when permits are handed out, that staff remind people that they cannot attach signs to utility poles.

**CB 2:** Council consider an ordinance amending the municipal code as it relates to vehicle parking -

City Manager Way noted that this related to vehicles parked in the parking lot of the Aspen Mall with sale signs on them. He noted that since large

commercial vehicles in residential areas are already addressed elsewhere, the entire parking ordinance has been re-written and is presented here.

Councilman Schafer asked if this ordinance permitted marking and towing illegally parked vehicles, and if so he wants fees included that pay for the - police enforcement time. Regarding the vehicles in the Mall, if no parking signs are posted the Police Dept. can have the vehicles towed. If it is not posted, they cannot, because it is private property. Council brought several other minor amendments to the document, that will be incorporated in the final copy that will come back to Council on February 7.

Ed Waldheim, EDC, confirmed that there were no changes in the ability to park vehicles on the street and on neighboring lots, as previously in the code.

Motion by Councilman Lessenevitch, second by Councilman Edmiston, to give First Reading by Title Only with Further Reading Waived, of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING THE CALIFORNIA CITY MUNICIPAL CODE AS IT RELATES TO VEHICLE PARKING". Roll Call vote as follows:

**AYES:** Edmiston, Lessenevitch, Schafer, Adams

**NAYS:** None

**ABSENT:** Vice Mayor Dempsey

**ABSTAIN:** None

**CB 3:** Fiscal Year ended June 30, 2005 review -

Assistant City Manager/Finance Director Terry Hicks presented his reports showing that while the city overspent the projected budget, unanticipated revenues more than made up for the overages. For fiscal year ending June 30, 2005, the city had revenues that were 2.9 million more than the 15.6 million in expenses recorded for both governmental and business type activities. Citywide revenues were \$1.59 million more than forecast. Citywide expenses were \$.7 million less than appropriated for both governmental and business type activities. Fund balances for both combined were \$.5 million more than the \$2.39 million predicted. Even though the General Fund expenditures exceeded appropriations, the General Fund undesignated fund balance at the end of the fiscal year increased from \$8,467 on June 30, 2004, to \$96,768 on June 30, 2005. The undesignated fund balance forecast for the end of the fiscal year was \$12,000 (see financial review, attached as Attachment "A" to these minutes).

Councilman Schafer asked management staff to lead by example in keeping within their budgets.

Councilman Lessenevitch said that the bottom line, however is that virtually every department went over budget, and it reflects at the top end how department heads and the administration are watching the budget, and whether the budget is actually realistic in the first place. He said he was confused with this budget because he didn't see how it could be balanced without new revenue coming in. There's an implication that when funds are moved around in a budget that has to be approved by the Council. The way this budget was balanced was with delinquent tax revenues. He believes Council should be more closely in contact with how we are allocating the monies we receive. Any additional revenues over and above what was approved when this budget was adopted should have been brought to Council to decide where it would go. Council is not being respected for what their responsibility is for this budget.

Councilman Edmiston said looking at year end it appears we have a little surplus at year-end. He understands Councilman Lessenevitch's position about wanting to be involved in where funds are going but he doesn't think Council needs to be involved in the day-to-day operations of the city. He feels that Council has to make the determination that when budgets get tight then Council has to decide how much service the Council will reduce because the department is over budget; it's not a decision for the department heads to be making.

Mayor Adams noted this was a receive and file item, so it's received and filed.

CB 4: Council consider appointing a California City Charter Commission -

City Manager Way asked the Council to consider appointing a city charter commission to draft a proposed charter to bring back to Council. He asked for their input if they wanted to pursue this at any level.

Councilman Edmiston asked if the commission was set up would they provide back pros and cons of charter-ship. City Manager Way said they would probably come back to Council numerous times to get input for whatever proposal they would put forward.

Councilman Schafer asked if it could be done by the November election. Probably not, it would most likely be a special election. Mr. Way said he expected it to take at least a year to produce the final report.

Mayor Adams said he has asked the League of Cities attorneys to provide a pro and con list. He brought it up at the last League committee meeting. He said the attorneys would be sending him the information. It could pass with a simple majority unless there was a tax increase embedded in the charter; then it would be a 2/3rds vote required. Mayor Adams added that many of the provisions that allowed charter cities to get away from prevailing wage provisions have been removed or negated; there's not much point in becoming a charter city for that benefit.

Mr. Way asked for a consensus on how they wanted to proceed. He said he would bring back a series of recommendations on how to establish that commission and allow them to get public input on the matter. The Council concurred they wanted to take a look at it.

#### **COUNCIL AGENDA:**

Councilman Schafer returned to the manufactured homes issue: several people have called him at home, "just beside themselves" about this matter. There are four manufactured homes being established that are not meeting the requirements as set up by Council. He named the locations and apparent problems with compliance on those specific lots.

Dan Allen reported on two of the ones mentioned; one they have placed on hold until further notice, a second one actually fits on the lot with the required setbacks. It just barely makes it. Mr. Allen said he would follow up on the other two.

Councilman Schafer added he would like an update on the police vehicles. They will be in the city in the coming week, and then they will be fitted with required gear and lights. He asked what is the situation on the Animal Control officer vs. the Veterinarian. Per Mr. Way, the vet has been given until the end of the month to move his operation to the new building. Councilman Schafer asked about the used car lot; is it not supposed to be gone? Per Mr. Way they have been ordered to remove the fence and trailer and remaining vehicle. Councilman Schafer asked if the Public Works Department web pages and the Parks and Recreation web pages could be added to the city's website. Chief Lunsford said she would work on it. The Councilman noted the importance of the EDC meeting upcoming about the parks and volunteers to work on the parks. First agenda is how we get the kids back in the building. Per Mr. Way, the building was walked with the insurance company representative and public works department and the determination was made that the Sports Center is not a safe building to be in. Per Dan Allen, the decision to be made is

whether to rebuild the wings and re-wire the electrical wiring in the dome, or to spend the money in building a new facility.

Councilman Lessenevitch asked, to piggy-back on the manufactured homes issue, did Council not discuss changing our building code as respects roof pitch to somewhat limit certain types of structures from being built here? He would like to see that as a discussion item. The Councilman had a constituent come to him and ask re the increase in utility bills, to be able to split the bills to every month to limit the impact. Can we have a report on how long it's taking to get inspections on building sites? He's getting reports that builders are being stalled out because of not getting inspections.

Mayor Adams said that Charter has performed on a number of things and making improvements. They have removed the weather station to their building and the \$10,000 is forthcoming to redo the audio/visual equipment in the council chambers. He also has a report from the public safety committee of the League on how the state is dealing with sexual predators and where they can live; the report is available. Homeland Security and interagency communications is still an issue. There are police and fire departments around the state who can still not talk to each other. Regarding registered sex offenders, Mayor Adams said there are over 125,000 registered sex offenders and there's another 25,000 in prison who will soon be released. Where they go and what happens to them after release are serious issues.

**CONSENT CALENDAR:**

CC 1. Check Register dated 1/11/06

CC 2. Minutes of 01/03/06 regular meeting

CC 3. Upcoming 2006 Council meeting Schedule

CC 4. Re-adoption of "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING RESOLUTION NO. 08-01-1941 (MASTER FEE RESOLUTION) AS IT RELATES TO REFUSE COLLECTION FEES FOR RESIDENTIAL PROPERTY"

Motion by Councilman Schafer, second by Councilman Lessenevitch to adopt the Consent Calendar. Roll call vote as follows:

**AYES:** Edmiston, Lessenevitch, Schafer, Adams

**NAYS:** None

**ABSENT:** Vice Chairman Dempsey

**ABSTAIN:** None

**CLOSED SESSION:**

- CS 1.** Per Govt. Code Sec. 54956.9, litigation regarding MedTrans  
**CS 2.** Per Govt. Code Sec. 54957.6, confer with Employee Negotiator  
William Way regarding personnel issues

Council adjourned to closed session at 7:32 pm, returned to open session at 8:00 pm. City Attorney Lemieux announced that Council gave direction regarding the litigation, and instructed the Employee Negotiator and authorized actions in relation to the personnel issues.

**ADJOURNMENT:**

Motion to adjourn by Councilman Edmiston, second by Councilman Schafer; carried. Adjourned at 8:00 p.m.

Respectfully submitted by:

Helen Dennis, City Clerk