

**REGULAR MEETING
CALIFORNIA CITY CITY COUNCIL
TUESDAY, February 6, 2007, 6:00 p.m.
Council Chambers, 21000 Hacienda Blvd.
MINUTES**

OPENING CEREMONIES:

Pro Tem Mayor Lessenevitch opened the meeting at 6:00 p.m. Following the Pledge of Allegiance and invocation, the city clerk called the roll:

PRESENT: Council members Edmiston, Schafer, Strong, Mayor Pro Tem Lessenevitch, Mayor Evans

ABSENT: None

Also Present:

Assistant City Manager Terry Hicks; City Attorney Wayne Lemieux; Police Chief Lunsford; City Clerk Hilliker

ADOPTION OF AGENDA:

City Manager Way requested that new business #5 be removed from the agenda, and approval of the addendum adding CS 6, regarding existing litigation with Hyundai.

Motion by Councilmember Schafer, second by Councilman Edmiston to adopt the agenda with noted requests. Motion carried.

PRESENTATIONS:

Local members of the newly formed California City Republic Women Federated were presented with their official Charter on behalf of the National Federation of Republican Women

Councilmember Schafer gave a powerpoint overview on the potential split of the 760 area code.

STATE OF THE CITY ADDRESS:

Mayor Evans gave his State of the City Address (See Exhibit A)

STAFF ANNOUNCEMENTS/REPORTS: None

CIVIC/COMMUNITY ORGANIZATION ANNOUNCEMENTS:

Jim Quiggle announced the next EDC meeting will be on February 15th

PUBLIC BUSINESS FROM THE FLOOR:

Cindy Brickner - Would like to commend the company installing the waterline project.

Kim Collins - Concerning the make up of the agenda he was wondering if "Additional Public Comment" could be moved in front of "Closed Session" instead of follow it. Council concurred to make the change. Also concerned about AVEK and its ability to increase their fees.

Troy Gam - Extremely concerned about an ongoing trash/garbage issue with a contractor building in his area.

Rhonda Vasquez - Stated she believes that the code enforcement officer is doing a good job, but he could definitely use help.

CONTINUED BUSINESS 1:

Tobacco Ordinance - City Attorney

Mr. Lemieux reminded the council that this issue had come before them from the Kern County Environmental Health Dept., back in January. The County requested that cities adopt this ordinance. Council had requested several aspects of the ordinance be addressed and it is being brought back before the council tonight with those changes.

After discussion, no other changes were noted.

Motion by Mayor Evans, second by Councilmember 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 THE REQUIREMENT OF TOBACCO RETAILER'S PERMIT" Roll call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch. Evans

NAYS: None

ABSTAIN: None

ABSENT: None

NEW BUSINESS 1:

Council discuss proposed formation of a joint powers authority with East Kern Health Care District - City Manager

Mayor Evans abstained due to conflict of interest.

Mr. Lemieux explained that the East Kern County Health Care District is a customer of Lemieux and O'Neill. Council has previously waived a potential conflict of interest for his firm representing the district and the city to work on this endeavor. The district is proposing to develop a skilled nursing facility and additional medical care facilities in California City. The district will have to borrow the money in order to do this project. The common way for public agencies to borrow monies is to issue bonds. Revenue bonds could be issued by agencies by themselves or by a joint powers authority which are favorably treated in the market. Thus the

district started implementing a Joint Powers Authority with the City. The entity formed is an independent entity. The next step would then be for the Authority to hire consultants, expend money, borrow money and build the facility. Mr. Lemieux explained that it would be the district that would be solely responsible for the bonded debt, not California City. Tonight the council needs to decide if they want to join with the district to form this authority. Mr. Lemieux recommended that the authority be made up of all members on both the council and the district.

Motion by Councilmember Edmiston, second by Councilmember Strong to approve formation of a joint powers authority with East Kern Health Care District. Roll Call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch
NAYS: None
ABSTAIN: Evans
ABSENT: None

NEW BUSINESS 2:

Friends of Edwards Air Force Base - Mayor Evans

Mayor Evans invited Rex Mohen, from Senator Ashburn's office to speak. He explained that they are in the process of putting together an informal coalition of all the groups, organizations, and elected officials that support Edwards Air Force Base. This would encompass a 50 - 100 mile radius around EAFB. The primary purpose for this coalition is to help make major events at EAFB successful and to show that the surrounding communities do support it.

Motion by Mayor Pro Tem Lessenevitch, second by Councilmember Schafer to nominate Mayor Evans and City Manager Way to the informal coalition. Motion carried 5-0.

NEW BUSINESS 3:

Council consider Memorandum of Understanding with KernCOG - Assistant City Manager Hicks

Mr. Hicks noted that the council has before them a draft memorandum of agreement for \$30,000 funding from KernCog from their overall work program. These are federal funds being passed through to the City of California City to partially fund the copulation of an updated General Plan involving transportation and land use planning activities. Mayor Pro Tem Lessenevitch requested that LAFCO also be contacted for possible available funds.

Mr. Lemieux stated that he had reviewed the document.

Motion by Mayor Pro Tem Lessenevitch, second by Councilmember Edmiston to approve the MOU with KernCOG. Roll Call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch, Evans

NAYS: None

ABSTAIN: None

ABSENT: None

NEW BUSINESS 4:

Police Department Roof - Chief Lunsford

Police Chief Lunsford reported that the council, in passing the 60/07 budget, approved a \$60,000 expenditure for the repair of the Police Dept. roof. The notice of bid was published on November 2nd, 06 with the closing date of November 30th, 06. No bids were received during this process. She had since spoken with Al Perez, of Dinyari, Inc. who has given a bid of \$59,977.56 to repair the roof.

Mr. Lemieux explained that first since bidding is required the council must have a reason to dispense with bidding. Therefore since there were no bids received it is not practical to re bid. Second the council can then award on technically a negotiated basis.

Motion by Councilmember Schafer, second by Mayor Pro Tem Lessenevitch to make a finding that since there were no bids received and to authorize staff to negotiate contract with Dinyari. Roll call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch, Evans

NAYS: None

ABSTAIN: None

ABSENT: None

COUNCIL AGENDA:

Councilmember Schafer - Requests update on Sports Arena and Sports Center at the next council meeting.

Councilmember Edmiston - Congratulations to the Mayor on his State of the City Address. Would like to request a discussion in regards to looking into permitting off-roaders. (Mayor Evans feels this would probably best be discussed at a future council workshop)

Mayor Evans - Also requests report on status of Sports Center Also reported he would like to start recognizing "Employee of the Month" and giving employee their anniversary pins, awards during Council meetings.

CONSENT CALENDAR/PUBLIC COMMENT:

CC 1. Check register dated 1/29/07

CC 2. Approve minutes of Regular Meetings dated 12/19/06

CC 3. Approve assignment of lease with John Fischer

Motion by Councilmember Edmiston, second by Councilmember Strong to approve Consent Calendar. Roll Call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch. Evans

NAYS: None

ABSTAIN: None

ABSENT: None

CLOSED SESSION:

CS 1. Per Govt. Code Section 54957.6, confer with Labor Negotiator William Way regarding California City Firefighters Association and CCPOA.

CS 2. Per Gov't Code Section 54956.9; confer with Legal Counsel potential litigation

CS 3. Per Gov't Code Section 54956.9; confer with Legal Counsel regarding potential litigation, McCartin

CS 4. Per Gov't Code Section 54957; Public Employee Discipline

CS 5. Per Gov't Code Section 54957; Public Employee Performance Evaluation, City Manager

CS 6. Per Gov't Code Section 54956.9; confer with Legal Counsel regarding existing litigation; Hyundai

Council recessed at 7:58 pm for closed session. Upon reconvening at 9:40 pm City Attorney Lemieux reported the following:

Counsel recommends that the McCartin claim be granted subject to the usual conditions.

Motion by Mayor Pro Tem Lessenevitch, second by Councilmember Edmiston to approve. Roll call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch. Evans

NAYS: None

ABSTAIN: None

ABSENT: None

Counsel recommends that council authorize the termination of all leases at the airport recreation vehicle park and authorize staff to proceed with court actions necessary to secure possession of the property.

Motion by Mayor Evans, second by Councilmember Edmiston to accept recommendation. Roll call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch. Evans

NAYS: None

ABSTAIN: None

ABSENT: None

Counsel reported that the existing litigation with the Firefighters Association has been settled. Also the Public Employee Disciplinary action in regards to Account Clerk II has been upheld and the city attorney has been instructed to prepare a Statement of Decision for consideration. There was also discussion in regards to the performance evaluation of the City Manager and the filing of a petition for appeal in the Neilson suit.

Motion by Councilmember Edmiston, second by Mayor Pro Tem Lessenevitch to file appeal. Roll call vote as follows:

AYES: Edmiston, Schafer, Lessenevitch, Evans

NAYS: Schafer

ABSTAIN: None

ABSENT: None

ADJOURNMENT:

Motion by Councilmember Edmiston, second by Mayor Pro Tem Lessenevitch to adjourn at 9:44 pm. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk