

**REGULAR MEETING  
CALIFORNIA CITY CITY COUNCIL  
TUESDAY, February 7, 2006, 6:00 p.m.  
Council Chambers, 21000 Hacienda Blvd.  
MINUTES**

**OPENING CEREMONIES:** Mayor Adams opened the meeting at 6:00 p.m. Following the pledge of Allegiance, Pastor James Fuller, Solid Rock Missionary Baptist, provided the invocation. The clerk called the roll:

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

**ABSENT:** None

**Also Present:**

City Manager Bill Way; City Attorney Wayne Lemieux; HR Manager Michelle Schafer, Fire Chief Mike Antonucci; Police Chief Linda Lunsford, Airport Manager Tom Weil; Parks and Recreation Supervisor Michele Hornback; City Clerk Helen Dennis

**ADOPTION OF AGENDA:**

Motion to adopt agenda with NB 5 added by Councilman Edmiston, second by Councilman Schafer; carried.

**PRESENTATIONS:**

Honda America R&D, represented by Bobbi Patillo, presented a check for \$1,000 to Shelly Hornback for Parks and Recreation needs.

Mayor Adams made a proclamation on behalf of Hall Ambulance for their 35<sup>th</sup> anniversary.

Councilman Schafer and the City Council and Mayor dedicated the "In God We Trust" motto on the Council Dais, Jacquie Sullivan, Bakersfield City Councilwoman and chairman of "In God We Trust America" was present for the dedication.

**STAFF ANNOUNCEMENTS:**

City Manager Way reported on the closing of the Community Center on Friday, February 3<sup>rd</sup> following the direction of the City Council from Thursday's closed session meeting on the subject of the condition of the building. P&R staff are temporarily located in City Hall until other arrangements can be made. Shelly has shuffled the activities normally held

in the Community Center to a variety of locations including the schools and the Senior Center.

Environmental Specialists and our insurance carrier have been notified. Jerry Helt and contract environmental evaluators will be inspecting the building on the 15<sup>th</sup> of February and a clearer picture of what needs to be done will be forthcoming within the next 30 days. He announced the Town Hall meeting in the Council Chambers on the upcoming Thursday at 6 pm on the same subject.

**CIVIC/COMMUNITY ORGANIZATION ANNOUNCEMENTS:** None

**PUBLIC BUSINESS FROM THE FLOOR:**

- Councilman Schafer introduced Chris Chebatah just back home from Iraq.
- Linda Wilson asked if anyone had asked Benz Sanitation to clean up their area and where the trash has blown across the street. She wants it on an upcoming agenda. Mayor Adams said that would be done. She also wants the Taco and fruit stands south of Chevron addressed at the next meeting, the Mayor agreed to that as well.
- Kim Collins asked what the city was going to do about paving dirt roads where new houses are being built. Mayor Adams said when the Redwood project was underway there might be some grind available to pave some of the streets, but that it had to be of a certain quality to be useable and there's no way to tell what they will get until Redwood is ground up.
- Charles Sprout asked what's up with Air 19; he has heard it is leaving the community, because someone was clearing out their items from a shed at the airport and when asked, said the helicopter would not be back. Mayor Adams and staff have no knowledge about them leaving. As far as they know it is down for 1500 hour maintenance and safety modifications required by the FAA.

**PUBLIC HEARING:**

**PH 1. Council consider approving Initial Study, Negative Declaration, Zone Change 173, General Plan Amendment 06-01 and Tentative Tract Map 6552 - City Manager**

Mayor Adams declared the public hearing open at 6:17 pm.

City Manager/Planning Director Way said this item was brought forward from the Planning Commission with a vote of 3-2 to deny the

environmental actions and zone change, tentative map. The matter is now a public hearing before the City Council. He noted that developer Dennis Bickler was present to review the project and answer questions.

Mr. Bickler said that subsequent to the DRC meeting, the tract was designed with 58 residential lots averaging 7500 square feet, a 22,000 square foot part at the foot of the tract to serve as catch-basin for any drainage created by the development of the housing project as well as that which normally occurs in the area. The project meets and exceeds city standards. There was a site hydrology/drainage study completed on the site before it was designed, curb and gutter will be constructed in normal configuration, storm drainage will be handled by the streets and gutters as designed, the minimum lot size is 6,000 sq. feet and these are 7500, the perimeter block wall will be constructed out of slumpstone blocks, the most expensive way to go with a surrounding wall but also can be cleaned of graffiti, Home Owners Association will be formed to maintain the park and block wall and CC&Rs as developed for the project. The project will be on sewer, not septic tanks. There will be a sidewalk and curb/gutter around the wall with trees every 150'.

Mayor Adams opened the floor for public comment.

Those who spoke in favor of the project were:

- Kim Collins, City, asked if the home owners association can take care of the project; the answer is yes, it has worked successfully elsewhere.
- Chris Chebatah said he liked the plan, asked if our wastewater treatment plant could handle the additional wastewater. Per Dan Allen, Public Works Director, absolutely, and a couple more projects like this one.
- Don Trumbull, likes the idea of the wall, neater and adds value to the neighborhood. He wants privacy, doesn't necessarily want to get to know his neighbors.

Those who spoke against the project for a number of reasons including the block wall and concerns about current residents in the area having access to sewer, were:

- Phillip Spillman, City, doesn't like the wall, wants to see his neighbors, wants the houses turned around facing his across the street. He drew up his own plan and suggested the Developer use his plan. He got up twice more with the same arguments.
- Charlie Sprout, Melville, asked why this didn't go back to the Planning Commission again, believed that because two council

members spoke at the hearing they could not vote on this one (already cleared by the City Attorney). He thinks its illegal in his opinion. He also thinks the sewer should run to all the houses, which would cause the tract to be redesigned. He also doesn't like the wall, and wants an Assessment District formed instead of a Homeowners Association.

- Terry Spillman, City, says there's going to be a drainage problem with the wall erected. Doesn't want to look at a wall.
- Bill Smith, City, said plan is bad for the city. Nothing wrong with walled communities but on the outskirts of town when they are surrounded with desert, and when it is an entire tract, not part of the middle of one. He also agreed the sewer should be made available to everyone. He believes the first people in the tract set the town for the rest of it. Councilman Lessenevitch asked him if the developer made it possible for the rest of the tract to have access to the sewer would that be a fix, in Bill Smith's mind? (no direct response).
- Mary Uptergrove, South CCB, said her problem is with the Council and their attitude that there is no impact. She said they should make the development fit the existing neighborhood. Flip the houses to face the street. She also has issues with sight lines for vehicle traffic. The area already has problems with near-misses and traffic flow, and believes the project's increase in density will cause further problems.
- Carole Land, CCB, said walled communities belong on major highways and believes this will ruin the property values of surrounding homes

Council asked the engineer, Erin Powell of WRA, questions about greater access to the park from outside; this can be modified to permit surrounding property owners access to use the park without having to drive into the project. Mr. Bickler said that outside parking is adequate. The park is primarily a catch basin, park second, and can't be reduced in size or the drainage hydrology won't work.

Councilman Lessenevitch asked what the traffic impact was for the project. City Engineer Helt said traditionally the traffic study is commissioned after the tentative tract map is adopted. Changes are made then between tentative map and adoption of a final map.

Councilman Schafer asked Mr. Bickler if he would be willing to put manholes at the intersections of the tract where sewer lines were being brought in so that if the rest of the tract residents outside the project wanted to bring sewer down their streets they would have access? He said yes, he was willing to do that. The Councilman asked what Bickler's

experience with Home Owner Associations was, Mr. Bickler said it was positive, they do work.

There was much discussion between Council members and the developer and engineer about the drainage and traffic impacts. Councilman Lessenevitch confirmed the developer would put in "tees" for sewer, the answer again was yes. He asked the Fire Chief if he was comfortable about gaining access to the development, Chief Antonucci said yes.

Further comment from the audience. Spiller asked if the City would put in sewer for the residents outside the tract? No, if they want sewer they can form their own assessment district and assess themselves the cost of running the feeder lines in; the City will only bring in the backbone mains.

Engineer Powell, WRA, said in response to Spiller's comments that if they flipped the housing in the tract to face out it would in fact increase the drainage problems for the tract and cause illegal drainage.

Motion to close the public hearing by Councilman Lessenevitch, second by Vice Mayor Dempsey. Carried. Closed at 8:25 pm.

Motion by Councilman Schafer, second by Councilman Lessenevitch, as follows:

1. Accept the project as amended to include sewer/natural gas "T"s;
2. Prepare to change the plan if traffic studies dictate;
3. Encumber developer for cross-over at Harvard and CCB.
4. Stipulate in CC&Rs the Homeowner Association's responsibility for maintaining the park area and the development including graffiti removal;
5. T's at Georgetown and Harvard, Harvard and 107<sup>th</sup>, Bay and 107<sup>th</sup> for sewer if the drainage works;
6. Approve Initial Study and Negative Declaration, Zone Change and General Plan Amendment.

Roll Call vote as follows:

**AYES:** Edmiston, Schafer, Adams

**NAYS:** Lessenevitch, Dempsey

**ABSENT:** None

**ABSTAIN:** None

PH 2. Council consider approving Initial Study, Negative Declaration, Zone Change 174, General Plan Amendment 06-02 and Tentative Tract Map 6632 - City Manager

Mayor Adams read the item and declared the Public Hearing open at 8:30 pm.

Mr. Way identified the proposed project as a commercial development situated between Applewood and the Lakeview Mobile Home Park. Councilman Dempsey declared he had a conflict of interest and left the dais.

**Public Comment:**

Marvin Sass, City (and Planning Commission Chairman), said there were other areas nearby that were better suited for this sort of project, and already zoned commercial.

Mr. Warren Dong Ta, project proponent, said that after the Planning Commission input they were not going all commercial; they were doing a more balanced approach with one-third single family homes, One-third multi-family development and one-third Commercial. He said that there is no commercial development in that area of the city and the project will benefit California City. He said he has a buyer that is willing to purchase and develop the property. He said "we have compromised and have part residential (properties) to make this work." He would like to have the engineer speak to the Council about the project.

David Bonderov, Tehachapi, property owner of Bishop's Hat, said there is already much property zoned commercial that people are not building on. He would like to talk to the proponent about leasing Bishop's Hat for his project.

Felix Gomez, City, said Bishop's Hat has a sign on it about coming storage units; he objects to storage units on that corner, and he supports Mr. Ta's project

Engineer Erin Powell, WRA, described the proposed changes to the project, where the residential would be and where the commercial would be.

Councilman Lessenevitch said the project needed the proper blend of commercial and residential, buffered with multi-family. He wants to see studies of the impacts of the project. He wants to see the actual layout of the project with parking, traffic studies, etc. He said this could go back to the Planning Commission for further work.

Councilman Schafer said to Mr. Ta that 1/3, 1/3, 1/3 won't work, he is not convinced that the number of lots will work because of the requirements for multi-family housing; it may have to be some other percentages of mixed uses. It would be best to count up the lots needed as buffer, then figure how much commercial there would be. He also said it needs to return to the Planning Commission for a realistic breakdown of the three land uses.

Motion to close the Public Hearing by Councilman Lessenevitch, second by Councilman Edmiston; carried. Hearing closed at 8:55 pm.

Motion to deny project by Councilman Edmiston, second by Councilman Schafer. Roll call vote as follows:

**AYES:** None  
**NAYS:** Edmiston, Lessenevitch, Schafer, Adams  
**ABSTAIN:** Dempsey  
**ABSENT:** None

PH 3. Council take public input regarding location of three bus shelters -  
Public Works Director Dan Allen

Mayor Adams declared the Public Hearing open at 8:56 pm., and Vice Mayor Dempsey resumed his seat at the dais.

Dan Allen advised the bus shelters were financed by grant funds from CMAQ, and the three locations he suggested were Rite Aid sidewalk, NAPA Auto Parts and Cactus Deli. The city's match was in-kind labor to construct the shelters.

Public Comment:

Kim Collins, city, asked what they were constructed of, if there were glass windows and if it was safety glass. He noted the one at Friends Tires at 82<sup>nd</sup> had its windows broken out. No further comment, no suggestions other than already discussed, for location of shelters.

Motion by Councilman Lessenevitch, second by Councilman Edmiston, to close the public hearing. Carried. Public hearing closed at 9:00 pm.

Motion to approve installation of all three shelters and to mitigate traffic issues in planning, by Councilman Schafer, second by Councilman Lessenevitch. Roll Call vote as follows:

**AYES:** Edmiston, Lessenevitch, Schafer, Dempsey, Adams  
**NAYS:** None  
**ABSENT:** None

**ABSTAIN:** None

**CONTINUED BUSINESS:**

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

City Attorney Lemieux noted that the changes as requested in this ordinance were added; and recommended Second Reading and adoption of the ordinance.

Councilman Schafer said he could not locate a prohibition of signage on utility poles. City Attorney Lemieux said that is already not permitted elsewhere in the code and in the adopted state and federal codes.

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

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

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**NEW BUSINESS:**

**NB 1. Authorization to obtain bids on the Motocross Track and Lady of The Rock infrastructure - Director of Public Works**

Dan Allen reported the CEQA documents were completed on these projects and the infrastructure improvements were ready to be bid out.

Kim Collins, City, had some question on encroachment and fencing around the motocross project; already under consideration.

Felix Gomez, city, noted the projects were physically far apart, why are they being considered together? Dan explained that the only thing "together" was a single bid for both projects.

Councilman Schafer asked if there was sewer available out there; no there is not. They will both be on septic systems.

Motion by Councilman Edmiston to authorize advertising for bids, second by Councilman Lessenevitch. Roll call vote as follows:

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**NB 2. Fire Department request to hire structural engineer to review status of fire station - Chief Antonucci**

Chief Antonucci said the soils study by BSK indicates the soil is stable. Therefore, the disintegration, cracking and displacement of the building structure is probably an existing structural problem with the building. Chief Antonucci requests that Council direct the city engineer to contract out for a structural engineering service to examine the building and report back to Council with recommendations. The approximate cost is \$15,000 dollars. The State of California will reimburse the funds.

**Motion by Councilman Edmiston to appropriate \$10,000 for the study, second by Councilman Schafer.** Roll call vote as follows:

**AYES:** Edmiston, Schafer, Dempsey, Adams

**NAYS:** Lessenevitch

**ABSENT:** None

**ABSTAIN:** None

**NB 3. Council approve bid by Layne Christensen Company, Barstow CA, to construct Well #16, Option A (with monitoring wells) - Public Works Director Dan Allen**

Dan Allen noted that it was a sole bid by Layne Christensen, bidding \$653,500.00. Total monies for this project allocated, minus the ground water study fee, is \$730,000. Budgeted monies for this project are \$750,000.00. Dan said the project is expected to come in at or under budget. City Attorney Lemieux said the motion should be contingent on having the power in the budget, and to firm up power costs.

**Motion to approve Layne Christensen's bid contingent on power costs staying as budgeted, by Councilman Schafer, second by Councilman Lessenevitch.** Roll Call vote as follows:

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**NB 4. Council consider authorizing PERS 2-year golden handshake early retirement incentive to eligible employees - City Manager**

Mr. Way recommended adoption of the Resolution authorizing the Golden Handshake offer to several eligible employees. Six employees have expressed their intent to accept if offered, one police department employee, one fire department employee, one city clerk employee, and three public works employees. .

**Motion by Councilman Edmiston, second by Councilman Lessenevitch, to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY TO GRANT ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT"**. Roll Call vote as follows:

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

**NAYS:** None

**ABSENT:** None

**ABSTAIN:** None

**NB 5. Quitclaim Deed for flood easement - City Manager**

City Manager Bill Way said that the City Engineer determined that the 13-acre property owned by the RDA at the corner of Mojave Randsburg Road and North Loop has an easement for flooding which may occur. The Engineer has determined that the property is outside the 100-year flood plain, and recommends quitclaiming the easement. He is requesting that the Council authorize the Mayor to sign the quitclaim deed for the easement.

Motion by Councilman Schafer, second by Councilman Edmiston, to authorize the Mayor to sign the quitclaim deed. Carried, Councilman Lessenevitch voting no.

**COUNCIL AGENDA:**

Vice Mayor Dempsey complimented the California City Police Department on their expert handling of a barricaded and armed subject, the situation was resolved without anyone being shot.

Mayor Adams said these times are testing the mettle of the citizens and government of California City, that despite the many financial woes we will come together and overcome these difficulties together.

**CONSENT CALENDAR/PUBLIC COMMENT:**

**CC 1. Check Register dated 1/25/06**

- CC 2. Minutes of January 17, 2006 regular meeting
- CC 3. Second Reading, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING THE CALIFORNIA CITY MUNICIPAL CODE AS IT RELATES TO ALL ASPECTS OF VEHICLE PARKING"
- CC 4. Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY INITIATING PROCEEDINGS FOR THE ESTABLISHMENT OF WATER STANDBY CHARGES FOR THE FISCAL YEAR COMMENCING JULY 1, 2006"
- CC 5. 2006 Engineering Services Agreement. Council adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY TO APPROVE THE FEE SCHEDULE DATED JANUARY 2006 FOR HELT ENGINEERING, INC."
- CC 6. 2006 Legal Professional Services Agreement

Discussion of consent calendar. Councilman Edmiston wants justification for CC 5, City Engineer's fee schedule. Jerry Helt noted the activity of the engineer's office, and the fact that his fees have not increased since 2002. The increase requested, which is about 15%, is tied directly to his costs of doing business.

City Attorney Lemieux said his request did not need to be considered now, he would submit his new fees at budget hearings for the coming fiscal year.

Motion by Councilman Schafer to approve Consent Calendar items CC 1 through CC 4, seconded by Councilman Lessenevitch. Roll Call vote as follows:

**AYES:** Edmiston, Lessenevitch, Schafer, Dempsey, Adams  
**NAYS:** None  
**ABSENT:** None  
**ABSTAIN:** None

Consideration of CC 5:

Motion by Councilman Lessenevitch, second by Councilman Dempsey to approve rate increase and adopt resolution for City Engineer. Roll call vote as follows:

**AYES:** Edmiston, Lessenevitch, Dempsey  
**NAYS:** Schafer, Adams  
**ABSENT:** None  
**ABSTAIN:** None

**CLOSED SESSION:**

- CS 1. Confer with legal counsel re claim of Theotrie Porter (Dial-A-Ride)
- CS 2. Confer with legal counsel re claim of Audrey Haight (Dial-A-Ride)
- CS 3. Confer with legal counsel re Vermillion vs. City of California City
- CS 4. Council confer re Public Employee Performance Evaluation - City Manager

Council went into closed session at 9:38 pm, returned to open session at 9:50 pm. City Attorney Lemieux reported he had received instruction regarding CS 1 through CS 3, and there was no action on CS 4.

**ADDITIONAL PUBLIC COMMENT:** None

**ADJOURNMENT:**

Motion by Councilman Lessenevitch, second by Councilman Schafer, to adjourn at 9:52 p.m. Carried.

Respectfully submitted by:

Helen Dennis, City Clerk