

**REGULAR MEETING  
CITY OF CALIFORNIA CITY  
CITY COUNCIL  
Tuesday March 2, 2010  
Council Chambers, 21000 Hacienda Blvd.  
MINUTES**

**CALL TO ORDER**

Mayor Adams called the meeting to order at 5:30 pm

**Following the Pledge of Allegiance and invocation, the city clerk called the roll:**

**PRESENT:** Councilmembers Smith, Strong, Lessenevitch, Edmiston  
Mayor Adams

**ABSENT:** None

**ADOPTION OF AGENDA**

City Manager briefed the council on the need to add to the agenda an item pertaining to a change order for the removal of the trailer at the Lake View Mobile Home Park.

Motion by Councilmember Lessenevitch, second by Councilmember Smith that the council make the finding that the need arose subsequent to the posting of the agenda to add this item to the agenda. Motion carried 5-0

Motion by Councilmember Lessenevitch, second by Councilmember Smith to adopt the agenda, with the addition of NB 8. Motion carried 5-0

**PRESENTATIONS**

Mr. Moore, Cal City High School, thanked staff on the success of the disaster drill held recently at the school.

**STAFF ANNOUNCEMENTS/REPORTS**

City Manager Weil report that the County Board of Supervisors will be taking action on the contract for the Community Center on March 9<sup>th</sup>. Beacon Solar will be conducting an all day hearing here at City Hall on March 22<sup>nd</sup> and 23<sup>rd</sup>.

Captain Ken Mylander provided an update for the council on the fire department activities, including the recent apartment structure fire. Police Chief Colerick provided the council an update on OHV activities.

**CIVIC / COMMUNITY ORGANIZATION ANNOUNCEMENTS**

Mary Ann LeBlanc, EDC Breakfast 3/18/10 @ Foxy's

Kim Collins, Citizen's Advisory Committee - Update on last meeting

## **PUBLIC BUSINESS FROM THE FLOOR**

Public comment was received from Kim Collins, Cindy Brickner, Wally Melendez, Lou Peralta, Pat Bohannon, and Eleanor Owens

## **CONSENT CALENDAR / PUBLIC COMMENT**

- CC 1.** City check registers dated through 2/25/10
- CC 2.** Council 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 SIGN PERMITS”**
- CC 3.** Council adopt **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY REQUESTING COLLECTION SERVICES FOR ASPEN AVENUE SEWER DISTRICT ASSESSMENTS FISCAL YEAR 2010-2011”**
- CC 4.** Council adopt **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY REQUESTING COLLECTION SERVICES FOR MEASURE “A” SPECIAL TAX FISCAL YEAR 2010-2011”**
- CC 5.** Council adopt **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY INITIATING PROCEEDINGS FOR THE ESTABLISHMENT OF THE WATER STANDBY CHARGES FOR THE FISCAL YEAR COMMENCING JULY 1, 2010”**
- CC 6.** Council adopt **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY SUPPORTING THE FINDINGS OF THE CALIFORNIA STATEWIDE LOCAL STREETS AND ROADS NEEDS ASSESSMENT”**
- CC 7.** Council adopt **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AUTHORIZING THE SUBMITTAL OF AN APPLICATION, ACCEPTANCE OF AN ALLOCATION OF FUNDS, EXECUTION OF A GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, FOR AN AIRPORTS IMPROVEMENTS GRANT AND CERTIFYING THE AVAILABILITY OF CITY’S SHARE OF MATCHING FUNDS AND AUTHORIZING HELT ENGINEERING, INC. TO PROVIDE PROFESSIONAL CONSULTANT SERVICES FOR AIRPORT GRANT PROJECTS”**
- CC 8.** Award contract for Construction Material Reclamation Project to Kern Asphalt Paving and Sealing Co. Inc.

Staff requested that CC2 be pulled and discussed separately.

Councilmember Smith received clarification on check # 81379 and #81380.

Public received clarification on the amount of the contract outlined in CC8.

Motion by Councilmember Lessenevitch, second by Mayor Pro Tem Edmiston to approve items CC1 and CC3-CC8 on the consent calendar.

Roll call vote as follows:

**AYES:** Smith, Strong, Lessenevitch, Edmiston, Adams

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

## **CC 2**

City Manager Weil reported that the purpose behind this ordinance was to try and identify signs that were possibly dilapidated or needed to be replaced or removed. Staff is now recommending that this be part of the business license process, which will make tracking of signs a lot easier. No additional fee would be applied. The duration of the sign “permit” would be annually to coincide with the duration of the business licenses.

There was much discussion among staff and council attempting to clarify that after the initial fee is paid for a sign, through the building department, there will not be an annual fee assessed. The business owner will be paying annually for a license only, and staff will use that system to check the status of the business sign.

City Attorney Lemieux reported that staff will bring back the proposed ordinance tying in the sign permits and the business licenses.

## **CONTINUED BUSINESS**

### **CB 1. Medical Marijuana Clinics Ordinance**

City Attorney Lemieux reported that he as brought back the proposed ordinance incorporating many of Mayor Pro Tem Edmiston’s suggestions. Mayor Adams brought up the fact that there is a good chance that there will be a ballot measure on November’s election making the use of marijuana legal. He inquired to staff and councilmember’s if it would not be wise to wait to see the outcome of the election first.

Motion by Mayor Pro Tem Edmiston, second by Councilmember Lessenevitch to extend the existing moratorium for an additional 6 months.

Carried 5-0

## **NEW BUSINESS**

### **NB 1. Municipal Code: Title 5 Review**

City Attorney Lemieux went over the proposed changes to Title 5, which focuses on Public Welfare. There are very few changes needed to this Title.

Council received clarification and added their comments. Public comment was received regarding the section concerning coin-operated game

machines and the age that a person must be to play unaccompanied by a parent or guardian.

Consensus of the Council to accept proposed changes discussed and continue with the review process of the Municipal Code.

**NB 2. Professional Engineering Services Salt/Nutrient Management Plans Proposal**

Public Works Director Bevins reported that the State Water Resources Control Board has been authorized to require basins and sub basins to produce salt and nutrient plans where there is recycling of water happening. The plan is required to be adopted by 2014. For the City of California City that timeframe has moved up substantially, due to the questions asked by California Energy Commission relative to the status of our ground water for potential containment increases as the result of our conversion from septic tanks to community waste water treatment. Staff is asking that we move forward so that the City is ensured as an alternative for recycled water providing to the Beacon Project. It is also staffs recommendation to approve Stetson Engineering proposal as they are experienced with our basin. Funding will come from the Sewer Fund balance.

Public comments were received.

Motion by Mayor Pro Tem Edmiston, seconded by Councilmember Lessenevitch to approve Stetson Engineering to develop a Salt/Nutrient Management Plan.

**AYES:** Smith, Strong, Lessenevitch, Edmiston, Adams  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** None

**NB 3. Request for Proposals for Engineering Services - Wastewater Treatment Plant Condition Assessment and Upgrade Feasibility Study**

Public Works Director Bevins reported that the City has not had a significant waste water treatment plant feasibility study that focused on this sort of groundwater contamination issues. This study is the next step in getting a permit change by Lahontan Regional Water Quality Control Board of our area. This Request for Proposal coincides with questions being asked of us by the California Energy Commission and keeps the City as a viable option for the Beacon Project.

Council concerns and questions were addressed by staff.  
No public comments noted.

Motion by Mayor Pro Tem Edmiston, second by Councilmember Strong to approve staff to solicit Request for Proposals Wastewater Treatment Plant Condition Assessment and Upgrade Feasibility Study. Roll call vote as follows:

**AYES:** Strong, Lessenevitch, Edmiston, Adams

**NAYS:** Smith

**ABSTAIN:** None

**ABSENT:** None

#### **NB 4. License Agreement - Aspen Mall Signs**

City Manager Weil explained the updated License Agreements that will be between the City and the Aspen Mall business owners. This agreement provides a license to place a sign on the City's property and assess a fee for the maintenance of the sign. He further explained the details of the agreement, including the fee schedule depending on the size of the sign.

At this time Councilmembers Smith, Strong and Lessenevitch disclosed that they all have current businesses/signs at the Aspen Mall and would need to abstain due to conflict of interest. City Attorney announced in order to restore the quorum he would write down a number between 1 and 3 and the three abstaining councilmembers would then chose a number between 1 and 3. Councilmember Strong picked the same number as the attorney and therefore remained on the dais. Councilmembers Smith and Lessenevitch stepped down from the dais.

No further council or public comment noted.

Motion by Mayor Pro Tem Edmiston, second by Councilmember Strong to approve the License Agreement. Roll call vote as follows:

**AYES:** Strong, Edmiston, Adams

**NAYS:** None

**ABSTAIN:** Smith, Lessenevitch

**ABSENT:** None

#### **NB 5. Central Park Pavilion Project**

Police Chief Colerick reported that the Parks and Recreation Commission had recently received public input of revitalizing the pavilion at Central Park. They then requested that the City Council review the project and authorize it to proceed. He further explained the details of the project. Staff will offer local contractors, in good standing with the State Contractors Board and currently licensed with the city, walkthroughs and details for the project to submit a proposal. Staff will return to council for final awarding of the contract.

Council received clarification.

Consensus of the council to have staff proceed with the project.

**NB 6. Well #14 Change Order**

Public Works Director Bevins reported that after conclusion of repairs done to Well #14 it was noted that the Well was originally built sitting at ground level. Following an annual inspection by the Department of Health Services in 1998, it was recommended then that the concrete surface pad be replaced with an approved pad that is at least 18 inches above ground level. That was never completed and must now be corrected so that possible storm water will not contaminate the well.

Motion by Mayor Pro Tem Edmiston, second by Councilmember Strong to approve the change order for Well #14. Roll call vote as follows:

**AYES:** Smith, Strong, Lessenevitch, Edmiston, Adams

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**NB 7. Lift Station Control Repairs / Wastewater Treatment Plant**

Public Works director Bevins reported that in 2002 when the plant was updated a decision was made to put controls for the lift station at head works in an open area right next to it. The proximity to the hydrogen sulfite gas that comes out from the lift station has created corrosion problems with the electrical contacts. The proposal is to move the controls and the associated variable torque drive controls into the main building away from gas contamination. Tamang Electric is the contractor, they are the firm that did the original install and have services it ever since. They however did not due the original design and have had issues with that since 2002. Done at the same time will be an upgrade to the variable torque drives from 50 hp to 75 hp. Total project cost to be \$49,085.15 and will be funded by maintenance accounts from the existing budget.

Council questions were addressed.

No public comments noted.

Motion by Councilmember Strong, second by Councilmember Lessenevitch to approve the Lift Station Control Repairs at the WWTP.

Roll call vote as follows:

**AYES:** Smith, Strong, Edmiston, Lessenevitch, Adams

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**NB 8. Mobile Home Removal / Change Order**

City Manager Weil reported that the mobile home demolition project contract with Fred Whitney/IMC was previously approved by council for \$5800. The change order is for work to tear down the remaining brick wall and fill in a 40x20x3 ft deep pit where the mobile home axel was sitting in to bring the lot to grade. The contractor is asking an additional 5 days to complete the project. Total project costs would now be \$6300. Staff recommends approval of the change order.

Motion by Councilmember Smith, second by Councilmember Strong to approve the \$500 change order for IMC. Roll call vote as follows:

**AYES:** Smith, Strong, Edmiston, Lessenevitch, Adams

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**COUNCIL AGENDA**

Mayor Pro Tem Edmiston - Request to be excused at the April 20<sup>th</sup> council meeting; thanks for local support at the meeting regarding post office Saturday hours

**CLOSED SESSION**

**CS 1.** Per Gov't Section 54956.9; confer with legal counsel regarding existing litigation, Medtrans vs California City

**CS 2.** Per Gov't Section 54956.9; confer with legal counsel regarding potential litigation, BENZ INC. vs California City

**CLOSED SESSION ACTION**

City Attorney Lemieux reported that the City had received a nasty gram from Benz attorney threatening a lawsuit; therefore it is appropriate that the council discuss this in closed session. He also reported that the court had awarded the City \$450,000 in attorney fees in the Medtrans. No formal action was taken.

**ADJOURNMENT:**

Motion by Councilmember Strong, second by Mayor Pro Tem Edmiston to adjourn at 7:58 pm. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk

**APPROVED BY CITY COUNCIL ON \_\_\_\_\_**