

**REGULAR MEETING
CALIFORNIA CITY CITY COUNCIL
TUESDAY, March 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 Belton, Trinity Christian Church, 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; Public Works Director Dan Allen, City Clerk Helen Dennis, Deputy Clerk Denise Hilliker.

ADOPTION OF AGENDA:

Motion to adopt agenda, with addendum CS 2., by Councilman Edmiston, second by Councilman Lessenevitch; carried.

PRESENTATIONS: None

STAFF ANNOUNCEMENTS: None

CIVIC/COMMUNITY ORGANIZATION ANNOUNCEMENTS:

David Campbell, of the Special Tax Committee, reported that later this year the committee would be asking the city council to place the special tax initiative on the Nov 06 ballot for renewal. The current tax is scheduled to expire June 07. Questionnaires are available and everyone is encouraged to fill one out. This survey will lead the committee in its recommendation to the council for the dollar amount per parcel to be asked for as well as how long it should be imposed for. Forms are available at City Hall and at the EDC office. They can also be returned at these locations. Next committee meeting will be held on Monday, March 27th.

Mayor Adams explained that the Special Tax has allowed us to provide excellent services, such as Fire, Police, Park & Rec.

Councilman Lessenevitch added that perhaps the local financial institutions would be able to assist in the giving and collecting the forms. Michelle Schafer, California City Collaborative, reported on the various projects that the group has accomplished. Just recently the group was officially accredited through the Kern County Network of Children. Group meets 4th Weds of each month, 7:30pm at the Police dept. Councilman Schafer asked what the deadline date to put the Special Tax on the ballot. City Clerk advised Council has to adopt a resolution the first week in July. City Attorney said that would be the 2nd meeting in June.

PUBLIC BUSINESS FROM THE FLOOR:

Kim Collins was present for Ed Walheim to pass out flyers regarding the proposed Cantil landfill.

PUBLIC HEARING:

PH 1. Council consider adopting resolution establishing water standby charges for the 2006/2007 fiscal year - Finance Director

Mayor Adams declared the public hearing open at 6:08 p.m.

Finance Director Hicks explained this is the second and final step in the compliance process to authorize and implement water stand by charges on the tax rolls for the upcoming fiscal year, 2006-2007. In the upcoming fiscal years, this stand by charges will be used to fund 2/3 of the annual debt service on the USDA low interest loan. The council needs to consider any and all objections to the assessments, if any. The council may reduce or modify the assessment but cannot increase the charge. Council determination to be final.

Mayor asked for any council questions or public comment, which there was none. There was no communications received by the City Clerk.

Mayor asked for a motion to close the public hearing. Motion by Councilman Lessenevitch, second by Councilman Schafer. Carried. Closed hearing at 6:11 p.m. No further council discussion.

Motion by Councilman Schafer, second by Councilman Lessenevitch to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ADOPTING WATER STANDBY CHARGES FOR THE FISCAL YEAR COMMENCING JULY 1, 2006"

Roll Call vote as follows:

AYES: Edmiston, Lessenevitch, Schafer, Dempsey, Adams

NAYS: None

ABSENT: None

ABSTAIN: None

PH 2. Unmet Transit Needs - Finance Director

Mayor Adams declared the public hearing open at 6:14 p.m.

Finance Director explained that each year Kern Council of Governments requires all agencies that intend to file claims to use transportation development act funds or spend them on streets and roads to hold a public hearing to identify any unmet transit needs within California City. Based on public comment, the council must make a finding regarding such needs. By making a finding that no unmet transit needs exist, any unused transportation development act funds, after expenditures on Dial A Ride, can be claimed and expended on streets.

Mayor asked for any council questions or public comment, which there was none. There was no communications received by the City Clerk.

Mayor asked for a motion to close the public hearing. Motion by Councilman Lessenevitch, second by Councilman Schafer. Carried.
Closed hearing at 6:15 p.m. No further council discussion.

Motion by Councilman Schafer, second by Councilman Lessenevitch to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY DETERMINING THAT CALIFORNIA CITY HAS NO UNMET TRANSIT NEEDS THAT CANNOT REASONABLY BE MET BY THE EXISITNG SYSTEM"

Roll Call vote as follows:

AYES: Edmiston, Lessenevitch, Schafer, Dempsey, Adams

NAYS: None

ABSENT: None

ABSTAIN: None

CONTINUED BUSINESS.

CB 1. Mid-Year Budget review (Police Department Report) - Chief Lunsford.

The following is the discussion of item and verbatim of vote.

Chief Lunsford reviewed the amendments she is requesting for her budget F/Y 2005/2006. Amendments are as follows:

Public Safety Dispatch: \$10,064. (see report, attached). Includes funding for step increases and overtime, plus \$1,901 in projected utility costs based on history.

Animal Control: \$7,573: Salary/benefits per step increases as above, and increase in utilities.

Police Services: \$243,952: \$124,000 for police cars (expenditure has to show up here in the Police Dept. budget), \$62,000 golden handshake, \$34,016 salary/benefits related to step increases, \$23,936 utilities based on history.

Supplemental Law Enforcement: \$1,726: Salaries/benefits based on step increases

Vice Mayor Dempsey asked if she were planning on hiring another dispatcher. She said yes, one is on staff now, and in training. But one is on medical leave and due to come back next week.

Councilman Schafer asked about the utility costs; under dispatch it is telephone, under ACO, it is electricity.

Councilman Schafer revisited the subject of the police cars, Terry explained again that the expense has to be budgeted and the police dept. budget is where it goes. The revenue for those cars shows up in the revised revenue portion of the budget. It's the way the mechanics of the budget have to be laid out.

City Manager reviewed the car purchase from approval two months ago to tonight; this action puts that transaction into the revised budget. (Revenue is shown in A.D. 6 delinquent payments).

Motion Councilman Lessenevitch: *"I make a motion to approve the step increases, approval of the police cars being entered into the budget and the golden handshake, approving those items to be added to the list".* Mayor Adams added *"and adopt the Resolution? Thank you.. Second please."* Councilman Edmiston: *"Second"*. Mayor Adams: *"Moved and seconded; Roll Call Vote please"*. Deputy Clerk Denise Hilliker called the roll: *"Councilman Edmiston" "Yes", Councilman Lessenevitch?" "Yes",*

Councilman Schafer?" "Yes", "Vice Mayor Dempsey?" "Yes", "Mayor Adams?" "Yes" "Five-Oh."

CB 2. Authorization to obtain bids on the repair of the drainage system on Ives Court/Jacobs Tract - Public Works Director

Public Works Director Allen explained that on February 23rd staff met with the Citizen's Advisory Committee asking for recommendation for allocation of monies towards Jacob Tract and Ives Court repairs. After lengthy discussions the committee recommended to allocate \$61,000. to the repair of Ives Court and did not recommend monies to be used for the Jacob Tract repairs.

Bud Burnett, on behalf of the Citizen's Advisory Committee, explained that board approved Ives Court for repair. Jacobs Tract was not considered for the simple reason there was never any special funds used originally for development of that project.

Mayor Adams replied that further study of Jacob Tract is warranted. Craig Schultz, who resides on Lewis explained how he feels the flooding will continue in that area. For an alternate plan for a "fix" he proposed that he would sell his house and turn it into a pit for 5 drainage streams for the rest of the tract. Ed Fuller reminded the council that the original estimate, 2 years ago, for the repair of the drainage system was about \$3.2 million. That was for the entire tract that had been built up to that time. It was noted that some progress has been accomplished but that there are still serious drainage issues.

Councilman Edmiston questioned the increase in the amount to repair from the last meeting. Mr. Allen explained that we are extending, per council recommendation, the curb and gutter up and around Ives Dr.

Kim Collins inquired when the project could be started. Mr. Allen estimated 6 weeks including design work and the process of going out to bid.

Motion by Councilman Schafer to authorize staff to go out to bid on the Ives Court project, second by Councilman Lessenevitch. Roll call vote as follows:

AYES: Edmiston, Lessenevitch, Schafer, Dempsey, Adams

NAYS: None

ABSENT: None

ABSTAIN: None

NEW BUSINESS

NB 1. California City's position on Eminent Domain - Councilman Edmiston

Council Edmiston requested consensus of the Board on its position on Eminent Domain. No discussion, board granted its consensus. No further action taken.

NB 2. League of Cities Division Representatives - Councilman Edmiston

Councilman Edmiston explained that accordance with the division by laws that the City, in writing, determines who our primary and alternate voting delegates to the league are. He noted that he has been the primary and the voting delegate for the past three years. Mayor Adams has been the alternate. Does the council wish to continue with this status?

Councilman Schafer requested that whenever possible that Councilman Edmiston advise him of issues ahead of time.

The council agreed to the status quo and directed the City Clerk to forward letter to the league.

NB 3. Council give first reading to an ordinance adopting zone change 170, adopt resolution amending City's general plan - City Manager

Mr. Way referred to this item, as well as NB 4, as housekeeping items. This item came before the Planning Commission on 12/14/04 and should have been brought before the Council for adoption. The Council discussed this item previously and staff was directed to prepare an ordinance affecting the zone change.

Motion by Councilman Schafer, second by Councilman Lessenevitch to give first reading to "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ADOPTING ZONE CHANGE 170", and adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING THE CITY'S GENERAL PLAN" Roll call vote as follows:

AYES: Edmiston, Lessenevitch, Schafer, Dempsey, Adams

NAYS: None

ABSENT: None

ABSTAIN: None

NB 4.

Council give first reading to an ordinance adopting zone change 173, adopt resolution amending City's general plan - City Manager

Motion by Councilman Edmiston, second by Councilman Schafer to give first reading to "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ADOPTING ZONE CHANGE 173", and adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING THE CITY'S GENERAL PLAN" Roll call vote as follows:

AYES: Edmiston, Lessenevitch, Schafer, Dempsey, Adams

NAYS: None

ABSENT: None

ABSTAIN: None

COUNCIL AGENDA:

Councilman Edmiston - None

Councilman Schafer - None

Councilman Lessenevitch - None

Vice mayor Dempsey - No on proposed landfill

Mayor Adams - Job well done to our Police department on the handling of the homicide with condolences for the family of one of our planning commissioners.

CONSENT CALENDAR/PUBLIC COMMENT:

CC 1. Check Register dated 2/24/06

CC 2. Minutes of February 21, 2006 regular meeting

CC 3. Council adopt " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE A GRANT APPLICATION FOR ASSISTANCE UNDER THE TREANSPORTATION DEVELOPMENT ACT"

CC 4. Council adopt " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE THE FEDERAL TRANSPORTATION ACT (FTA) SECTION 5311 OPERATING EXPENSE ASSISTANCE GRANT"

CC 5. Council adopt " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE THE FISCAL YEAR 2006-2007 STREETS AND ROADS CLAIM"

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

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

CLOSED SESSION:

CS. 1 Pursuant to Gov't Code Sec. 54956.9 confer with legal counsel regarding lawsuit of Neilson vs City of California City

City Attorney Lemieux reported in public session about the lawsuit of Neilson vs City of California City. Mr. Lemieux reported that this case is over, allowing him to go public. Mr. Neilson petitioned the California Supreme Court to a hearing to overturn the Court of Appeals decision that it was lawful for the City to levy a special tax on a parcel-by-parcel basis. The CA Supreme Court refused to grant the hearing, thus the Court of Appeals decision is the decision of record. The City won the case.

CS 2. (ADDENDUM) Pursuant to Gov't Code Sec. 54957.6 confer with labor negotiator regarding California City Firefighter's Association

Council adjourned to closed session at 6:50 p.m. returned to open session At 7:25 p.m. City Attorney Lemieux announced that Council discussed Firefighter's issues mentioned on the addendum to the agenda, no reportable action is taken.

ADDITIONAL PUBLIC COMMENT: None

ADJOURNMENT:

Motion by Councilman Lessenevitch, second by Councilman Schafer, to adjourn at 7:27 p.m. Carried.

Respectfully submitted by:

Denise Hilliker, Deputy City Clerk