

**REGULAR MEETING
CALIFORNIA CITY CITY COUNCIL
TUESDAY, March 20, 2007, 6:00 p.m.
Council Chambers, 21000 Hacienda Blvd.
MINUTES**

OPENING CEREMONIES:

Mayor Evans 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:

City Manager William Way; City Attorney Wayne Lemieux; Police Chief Lunsford; City Clerk Hilliker

ADOPTION OF AGENDA:

Motion by Councilman Strong, second by Vice Mayor Lessenevitch to adopt the agenda with the addition of Addendum, NB 6. Motion carried.

PRESENTATIONS:

Mayor Evans noted the passing of long time residents Anita Bogan and Barney Jensen.

Mayor Evans, along with members of the council, presented to Vince and Lorraine Balsitis a proclamation honoring them on the occasion of their 60th wedding anniversary.

STAFF ANNOUNCEMENTS/REPORTS:

Councilmember Schafer offered his apologies for remarks he deemed uncalled for at a prior council meeting.

CIVIC/COMMUNITY ORGANIZATION ANNOUNCEMENTS:

Ed Walheim, EDC, 5th Thursday dinner the 29th at 6pm, at the Community Center. He encouraged everyone to attend the Trash Summit planned for 3/28.

Dana Way invited everyone to "What Women Want" Expo 3/31 10-3pm at CCMS.

Buford Land, Chamber luncheon on 4/12 at noon.

American Legion announced their annual Chili Cook-off 3/24, 10 am.

PUBLIC BUSINESS FROM THE FLOOR:

Ken Sommers voiced his concerns about the amount of new homes being built that are remaining empty.

Bob Smith announced his candidacy for the 34th Assembly District.

Charles McGuire requested more than the 3 minutes normally allotted to voice his concerns. After discussion, council decided to place his topic of terminating the City Manager as an agenda item for the next meeting.

John Fischer read a letter to the council in which he requested the termination of the City Manager and Finance Director in regards to the handling of his lease assumption at the airport. Mayor Evans responded by informing Mr. Fischer and others that he would be bullied and there is no intent on his part to fire Mr. Way. He explained that Mr. Way will be given objectives and the council will evaluate him on those objectives.

PUBLIC HEARING 1:

Council consider adopting resolution establishing water standby charges for the 2007/2008 fiscal year

Mayor Evans declared the public hearing open.

Assistant City Manager Hicks reported this is part of the compliance process in order to place water stand by charges on the tax rolls for FY 07'-08'. There is no change is said charges from the previous year. The council may reduce the assessments, but they may not increase the charge. Council determination is final. The water stand by charges are used for the construction and reconstruction of water production, transmission and storage facilities which are used to benefit the properties assessed.

Councilmember Schafer inquired if there is any standard cost of living increase allowed. City Attorney Lemieux explained no, due to this falling under Prop.218.

Mayor Pro Tem Lessenevitch inquired to amount of charges collected the previous year. Mr. Hicks responded approximately \$760,000. The City will use water stand by fees to pay 2/3rds of the annual \$250,000 debt service on the USDA loan.

No Communications were received by the City Clerk.

No public testimony.

At 6:30 pm Mayor Evans ordered the public hearing closed.

Motion by Mayor Pro Tem Lessenevitch, second by Councilmember Schafer 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, 2007"

Roll Call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch, Evans

NAYS: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARING 2:

Council consider adopting resolution regarding Unmet Transit Needs

Mayor Evans declared the public hearing open.

Assistant City Manager Hicks reported that each year the Kern Council of Governments requires all agencies intending to file claims to use Transportation Development Act funds for street and road projects to hold a public hearing to identify any unmet transit needs within California City. Council is asked to take public comment and make a finding regarding such needs. Requirement concerning unmet transit needs is that said needs must be reasonable needs; three categories define unmet needs as unreasonable. Unreasonable to meet due to financial or operational considerations; reasonable yet no funding exists; and reasonable not for a current program but for a future program. By making a finding that no unmet transit needs exist then any unused TDA monies, after expenditures, on transportation can be claimed and expended on streets. The TDA funding estimate has yet to be received from KernCog. Mr. Hicks estimates that the amount should be in excess of \$300,000.for 07'08'

No communications were received by the City Clerk.

No public testimony.

At 6:38 pm Mayor Evans ordered the public hearing closed.

Motion by Councilmember Schafer, second by Councilmember Edmiston 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 EXISTING SYSTEM" Roll Call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch, Evans

NAYS: None

ABSTAIN: None

ABSENT: None

NEW BUSINESS 1:

Mayor issue proclamation declaring the week of April 2-8, 07 as “Public Health Week”

Mayor Evans read the proclamation and presented a copy to Kern County Health Department representative Suzanne Cheseborough.

NEW BUSINESS 2:

Final Tract Map 6573, Phase I

Mr. Way reported that this tentative tract map, located on the north side of CCB at Village Park Way, and extending westerly over and wrapping around to the north side of the current California City Police Dept was approved by the Planning Commission. The applicant has met all of the requirements and is compliance with the conditions of approval. This is brought before the Council tonight for Phase I for approval of a final tract map #6573.

Councilmember Edmiston was given clarification on the location of said map.

Motion by Mayor Pro Tem Lessenevitch, second by Councilmember Schafer to approve Final Tract Map 6573, Phase I. Roll call vote as follows:

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

NEW BUSINESS 3:

California City Boulevard Sidewalk Improvements Project

City Engineer Helt reported that this project was previously approved under the TEA program. The project is now complete with quantity adjustments in the amount of \$2714 which included an additional 568 sq. ft. of sidewalk and 3 additional meters.

Motion by Councilmember Edmiston, second by Councilmember Strong to accept the improvements, authorize the City Manager to sign the Notice of Completion and City Engineer to record said notice. Roll call vote as follows:

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

NEW BUSINESS 4:

Certify March 6, 2007 Special Election results

The City Clerk read the results, as follows, into the record pertaining to the special election results of March 6, 07, as certified by the County:

Measure A Total # YES 1225 Total # NO 578

Motion by Mayor Pro Tem Lessenevitch, second by Councilmember Schafer to accept results and adopt “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY DECLARING THE RESULTS OF THE SPECIAL ELECTION HELD ON MARCH 6, 2007.”

Roll call vote as follows:

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

NEW BUSINESS 5:

California City Street Improvements Project on Randsburg-Mojave Road

Mr. Way reported that the City was allocated CDBG funds for the construction portion of the California City Street Improvements Project on Randsburg-Mojave Road. Following the formal bid process it was determined that Maverick Asphalt was the low bidder, at \$534,567.00, which was then reviewed by Kern County Community Development Department. Staff recommends that council approve and enter into an agreement with Maverick Asphalt.

NOTE: At this point in transcribing, the machine malfunctioned causing permanent damage to the rest of this audio tape. 2nd tape begins with motion on this matter.

Motion by Councilmember Edmiston, second by Councilmember Schafer to award contract to Maverick Asphalt and authorize signature of construction agreement. Roll call vote as follows:

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

NEW BUSINESS 6:

Policy for construction site trash and toilet facilities

Councilmember Strong abstained due to conflict of interest and stepped down from the dais.

Mr. Way reported that the ongoing problem of trash accumulation in the city has come to the council's attention as an issue. Trash on building sites within the city has been the focus of council discussions. At a recent special meeting there were several proposals given to the council for consideration. Staff has taken the comments and recommendations from the council and put them into a resolution as prepared by the City Attorney. Mr. Way gave a brief summary of the resolution presented. He explained that Exhibit A, which is not included, will stipulate requirements for site built containers.

Councilmember Edmiston inquired if all current building sites will now have to comply. Mr. Lemieux responded that it would only apply to future building sites.

Public discussion included concerns about requirements for single lots versus tracts, requiring lids to be closed and the issue of there being a lot of trash around that is not coming from building sites.

Mr. Way offered some modifications to the resolution based on comments previously made.

2. Dumpsters: add the word "closed" regarding lids. At the end of section 2, add the sentence: *Construction sites with three or less multiple contiguous lots, which have received building permits, are authorized to utilize one "roll off" dumpster and one toilet facility.*

3. Requirements: allow the 6 foot high fence to also include a permanent fence. Require fence to be installed around site and dumpster. This to be required prior to the shear inspection.

5. Deposit Calculation: round amount up to \$500.00

Mr. way asked the council to allow staff to go back and make the necessary revisions to the resolution and bring back the complete document as an item on their April 3rd agenda.

Council concurred.

COUNCIL AGENDA:

Councilmember Schafer - Request staff to prepare a Mojave-Randsburg curb and gutter proposal using new funding that we can expect next fiscal year. Commended local builder Tom Meade for going above and beyond in picking up around his site. Acknowledged young man in the audience who is working on a merit badge.

Councilmember Edmiston - Striping on North Loop, new well security and request for report regarding utility billing issues. Also thanked employee Spencer Sample for going above and beyond in his duties.

Mayor Pro Tem Lessenevitch - Timeframe for availability of webcasting council meetings. Also would like to see a representative at the TEA meetings and concerns about the railroad crossing on CCB.

Mayor Evans - Code enforcement issues in the mobile home park. Would like to recognize more people from the community in our newsletter. Also when can the council expect their copies of the audited June financial statements for the city for fiscal year ending June 06'? Mr. Way responded that they will be passed out tomorrow. Also encourage everyone to attend the Trash Summit at the Community Center, 6pm March 28th.

CONSENT CALENDAR/PUBLIC COMMENT:

CC 1. Check register dated 03/09/07

CC 2. Council adopt **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AGREEING TO PAY EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC) FOR ALL EMPLOYEES OF THE POLICE ASSOCIATION, ANIMAL CONTROL AND DISPATCHERS”**

CC 3. Council adopt **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY IMPLEMENTING THE PROVISIONS OF SECTION 414(h) (2) INTERNAL REVENUE CODE AS IT PERTAINS TO EMPLOYEE CONTRIBUTIONS TO THE PUBLIC EMPLOYEE’S RETIREMENT SYSYTEM (PERS)”**

CC 4. 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 2007-2008”**

CC 5. 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 6. Council adopt **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AUTHORIZING THE FINANCE DIRECTOR TO EXECUTE THE FISCAL YEAR 2007-2008 STREETS AND ROADS CLAIM”**

CC 7. 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 TRANSPORTATION DEVELOPMENT ACT”**

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

ADDITIONAL PUBLIC COMMENT:

Ed Waldheim would like to see people's names, those who receive citations concerning trash, placed in the newspaper.

CLOSED SESSION:

CS 1. Per Govt. Code Section 54957, Public Employee, City Manager

At 8:15 pm the Council entered into closed session.

Upon their return Mayor Evans reported that Mr. Lemieux and Mayor Pro Tem Lessenevitch had been excused during the closed session. He stated that the council had discussed the City Manager's goals and objectives. They will meet at a future date to discuss those with him. No action was taken.

ADJOURNMENT:

Motion by Councilmember Schafer, second by Councilmember Strong to adjourn. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk