

**REGULAR MEETING
CITY OF CALIFORNIA CITY
CITY COUNCIL
Tuesday April 21, 2009
Council Chambers, 21000 Hacienda Blvd.
MINUTES**

CALL TO ORDER

Mayor Pro Tem Edmiston called the meeting to order at 6:00 p.m.

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

PRESENT: Councilmembers Smith, Strong, Lessenevitch, Edmiston

ABSENT: Mayor Adams

Motion by Councilmember Lessenevitch, second by Councilmember Smith to excuse Mayor Adams. Motion carried.

ADOPTION OF AGENDA

Motion by Councilmember Lessenevitch, second by Councilmember Smith to adopt the agenda. Motion carried.

PRESENTATIONS

City Manager Lunsford and Mayor Pro Tem Edmiston recognized Officer Jack Craig as Employee of the Year.

Service Rock Products: Garlock Pit / Service Rock Mine requesting letter of support from City and Council (handout)

Cecile Campbell, California City Beautification Commission; City Employee recognition letters; Status report (handout)

STAFF ANNOUNCEMENTS/REPORTS

Public Works Director outlined a proposed plan for the "Hamburger Hill / Waterfall Project" at Central Park

CIVIC / COMMUNITY ORGANIZATION ANNOUNCEMENTS

Cecile Campbell, Calif. City Arts Commission; "Visions of the Southwest" May 2-3 @ Community Center. City Beautification and Desert Rose

Garden Club Tour May 16th 9-3 \$3

Chuck McGuire, Citizens Advisory; Thursday 4/23, 6pm @ City Hall

Mary Ann LeBlanc, EDC; 5th Thursday Dinner 4/30 6pm @ Community Center, \$15

Lou Peralta, EDC; Social 5/16 7pm @ 9636 Lewis Ave

Rev. Moore, Nat'l Day of Prayer, noon @ Little League Field

PUBLIC BUSINESS FROM THE FLOOR

Public comments were received from Wally Melendez, Pat Bohannon, Kim Collins, Mary Ann LeBlanc, Rhonda Vasquez, Brandi Sellers, Lou Peralta and Ed Waldheim.

CONSENT CALENDAR / PUBLIC COMMENT

CC 1. City Council check registers dated through 4/15/09

CC 2. Approve proclamation for "National Crime Victims' Rights Week April 26 - May 2, 2009

CC 3. Approve council meeting minutes dated 3/3/09 and 3/17/09

CC 4. Approve Bingo Permit for the Senior Citizen Association of California City

CC 5. Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AUTHORIZING THE FINANCE MANAGER TO EXECUTE THE FEDERAL TRANSPORTATION ACT (FTA) SECTION 5311 OPERATING EXPENSE ASSISTANCE GRANT"

CC6. Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AUTHORIZING THE FINANCE MANAGER TO EXECUTE A GRANT APPLICATION FOR THE ASSISTANCE UNDER THE TRANSPORTATION DEVELOPMENT ACT"

CC7. Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AUTHORIZING THE FINANCE MANAGER TO EXECUTE GRANT APPLICATIONS FOR ASSISTANCE UNDER THE TRANSPORTATION DEVELOPMENT ACT"

CC8. Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ENCOURAGING THE PASSAGE OF SB 615"

Public received clarification on Ck # 79502; \$10,237.02 payable to Mojave Sanitation.

Public received clarification on CC8.

Motion by Councilmember Lessenevitch, second by Councilmember Strong to approve the consent calendar. Roll call vote as follows:

AYES: Smith, Strong, Lessenevitch, Edmiston

NAYS: None

ABSTAIN: Smith Ck # 79468 payable to City Hardware

ABSENT: Adams

NEW BUSINESS

NB 1. Acceptance of Dedication of a Right of Way

Public Works Director Bevins reported that the City is anticipated to receive about \$276,000 in Federal Economic Stimulus money. These monies will be used to help fund the construction of a traffic signal and other intersection improvements at Cal City Blvd. and Randsburg-Mojave

Rd. A small triangular piece of right-of-way is necessary to complete the proposed signal improvements. It is also necessary for the City to formally accept 55 feet of land for ingress, egress, and road purposes which was originally recorded back in 1981.

Motion by Councilmember Lessenevitch, second by Councilmember Strong to adopt “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ACCEPTING A GRANT OF EASEMENT AND IRREVOCABLE OFFER OF DEDICATION FROM GREAT WESTERN CITIES, INC” and adopt “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY APPROVING AN IRREVOCABLE OFFER OF DEDICATION FROM LADY SARAH, LLC (225-010-25)” Motion carried. 4-0-1

NB 2. Letter Agreement between Rosamond CSD and California City and U.S. Borax, Inc.

Public Works Director Bevins explained that US Borax faces the prospect of a critical shortage of water for its operations. The purpose of this letter agreement is to outline the terms upon which the City, along with Rosamond, are willing to assist US Borax to secure a supply of water for 2009, in consideration of which Borax will reimburse the Agencies for certain expenses and joint water conservation and management programs. He emphasized that there will be no impact on the City’s water situation this year to transfer this over.

No questions were asked by council.
Public questions were addressed.

Motion by Councilmember Strong, second by Councilmember Lessenevitch to approve the agreement. Motion carried 4-0-1

NB 3. Municipal Code Review

City Attorney Lemieux reported that council had recently adopted an ordinance requiring staff to present a report each time a recommendation is made to institute a new program. The same ordinance requires the attorney to prepare reports on each provision in the existing Code. He is presenting to council tonight a report on Title 1 to begin the review of the Code so that the Council can evaluate its continued need. He stated that over time the entire Code will be reviewed.

Mr. Lemieux reviewed his report with the Council. At the end of the process he will bring one ordinance back to the council to adopt for the entire Code.

Consensus of the council to approve process as outlined by City Attorney Lemieux.

COUNCIL AGENDA

Councilmember Smith - Inquiries if medical services are required for motorcycle race held on privately owned track; water leak at Par 3
Mayor Pro Tem Edmiston - Report on Community Pageants recently held; congratulations to Jack Craig, Employee of the Year

CLOSED SESSION

CS 1. Per Gov't Code Section 54956.9: Confer with Legal Counsel - Existing Litigation; Medtrans vs California City

CS 2. Per Gov't Code Section 54956.9: Confer with Legal Counsel - Existing Litigation; Guy vs California City

CLOSED SESSION ACTION

CS 2. Pulled per legal counsel, nothing to report

City Attorney Lemieux reported that council received information and discussed mediation in the existing MedTrans case. No action was taken. At this time City Attorney Lemieux recommended that the council authorize legal counsel to file a cross complaint against MedTrans for Breach of Contract.

Motion by Councilmember Lessenevitch, second by Councilmember Smith to authorize filing of cross complaint against MedTrans. Roll call vote as follows:

AYES: Smith, Strong, Lessenevitch, Edmiston

NAYS: None

ABSTAIN: None

ABSENT: Adams

ADJOURNMENT:

Motion by Councilmember Lessenevitch, second by Councilmember Smith to adjourn at 8:09 pm. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk

APPROVED BY CITY COUNCIL ON _____