

**REGULAR MEETING
CALIFORNIA CITY CITY COUNCIL
TUESDAY, May 1, 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 Mayor Pro Tem Lessenevitch, second by Councilmember Edmiston to adopt the agenda and add Mayor Comments under 8a. Motion carried.

PRESENTATIONS:

Former Planning Commissioners, Bill Dennis and Bill Smith, were recognized for their many years of service to the betterment of the city.

STAFF ANNOUNCEMENTS/REPORTS:

City Manager Way - Update on flag memorial at Central Park.

CIVIC/COMMUNITY ORGANIZATION ANNOUNCEMENTS:

Buford Land - Chamber luncheon on Thursday, May 10th at 12:00 pm.

Bob Smith - Desert Tortoise Days Weekend, May 5-6.

David Stafford - Chamber of Commerce/EDC. Saturday, June 9th will be Bi-Annual Trash Day.

Michelle - Fishing Derby on Sunday, May 6th at 6:30 am. Tortoise Days Art Show.

MAYOR COMMENTS

State Populations Statistics. California City population has grown to 13,123 as of 1/07.

Crime Net meeting was a success. Council is pursuing crime reduction, code enforcement, and trash cleanup.

Recognition of Chase Sprague for sending one of his employees to cleanup the vacant lot next to Aspen Mall.
Congratulations to Suzie Zang - Miss California City, Jessica Rockwell - Junior Miss California City, Alana Howard - Little Miss California City.

PUBLIC BUSINESS FROM THE FLOOR:

Harry Warden - Concerns with his property and Code Enforcement.
Rhonda Vasquez - Thanked Staff and Council.
David Stafford - Money from fines regarding Code Penalties should be used to cleanup the city.
Pat Bohannon - Is the prison population contributing to the City's growth in population? Trash within the city because of Benz, Benz is updating there trucks to help with the problem. Why was Bill Smith not asked back onto Planning Commission?
Eric Dodge Concert on the May 19th. US Fish and Wildlife Service is releasing information on Raven problems. Cover dumpsters in order to prevent the Ravens from eating.

NEW BUSINESS 1:

Mayor appoint two members to the California City Planning Commission. - Mayor Evans

Roger Terneuzen and Ed Collins were sworn in by the city clerk.

NEW BUSINESS 2:

Council adopt resolutions necessary for the annual notice of upcoming Aspen Mall Landscaping and Lighting District assessments - Assistant City Manager/Finance Director

Mr. Hicks requested that the Council adopts the Resolution which initiates proceedings for the levying and collection of the assessments, preliminary approval of the engineer's report, a Resolution that declares intent to levy and collect assessments for upcoming fiscal year and that you setting a public hearing date for June 5th, 2007.

Mayor Evans, Mayor Pro Tem Lessenevitch and Councilmember Strong will abstain due to conflict of interest. In order to have a quorum, Mayor Pro tem Lessenevitch will partake in discussion and vote by lottery.

Motion by Councilmember Edmiston, second by Councilmember Schafer to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR ASPEN MALL LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2007/08, PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE" and "A RESOLUTION

OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA FOR PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT REGARDING THE PROPOSED LEVY AND COLLECTION OF ASSESSMENTS FOR THE ASPEN MALL LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2007/08" and **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA DECLARING IT'S INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE ASPEN MALL LANDSCAPING AND LIGHTING DISTRICT FOR FISCAL YEAR 2007/08."** Roll call vote as follows:

AYES: Edmiston, Schafer, Lessenevitch

NAYS: None

ABSTAIN: Evans, Strong

ABSENT: None

NEW BUSINESS 3:

Storm & Storm Construction Appeal - City Manager

Storm & Storm Construction was building a home on Conklin. The Municipal Code requires connection to sewer if home is within 200 feet of existing line. According to the contractor it is a substantial financial burden and they feel the city should take some kind of responsibility for the fact an out of date map previously referred to showed no existing sewer. After much decision it was the consensus of the council that they have no desire at this time to start the process to change the current code pertaining to sewer connection requirements. The City Attorney concurred that if the council wished to waive Strom's requirement to connect to sewer the code would have to be amended. The only other option is to set up a plan for them to pay for it over time.

NEW BUSINESS 4:

Beautification Committee Ordinance - City Manager

Mr. Way stated that staff previously submitted an ordinance to the council which would establish a civic beautification commission for the city. The purpose of the commission would be to administer several programs which we have ongoing in the city now as well as provide guidance for the development of trees on property in the city that is being developed. Staff believes that the existence of this commission would benefit the long term beautification of the city in several ways, including the city being classified as a Tree City USA. Staff recommends that council approve.

Motion by Councilmember Strong, second by Councilmember Schafer to give first reading by title only. Roll Call votes as follows:

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

City Attorney Lemieux requested that the question asked be turned into two things since the motion failed.

Motion by Mayor Pro Tem Lessenevitch, second by Councilmember Schafer to waive first reading in full. Roll call vote as follows:

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

Motion by Councilmember Edmiston, second by Councilmember Schafer to give first reading by title only and to place on the 15 May 07 agenda as a continued business item. Roll call vote as follows:

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

COUNCIL AGENDA:

Councilmember Schafer - request for updates on Randsburg-Mojave project, elementary and high schools, and leasing of property to MX Park.
Councilmember Edmiston - Thanks to the police department for their presentation at the CrimeNet meeting
Mayor Pro Tem Lessenevitch - City needs to have a representative for the TETAC Committee
Mayor Evan - Thanks for the attendance at the CrimeNet meeting

CONSENT CALENDAR/PUBLIC COMMENT:

- CC 1.** Check register dated 04/20/07
- CC 2.** Council give Second Reading by Title Only, With Further Reading Waived, and adopt of **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AUTHORIZING AN AMENDMENT OF THE CONTRACT BETWEEN THE CITY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM”**
- CC 3.** Approve Massengill claim
- CC 4.** Approve change to Personnel Manual
- CC 5.** Ratify City Manager’s Employment Contract

Councilmember Edmiston asked to have CC3. discussed in closed session. So moved. Mayor Evans asked to pull Ck # 74810 for discussion. So moved.

Mayor Evans is concerned with the quality of the job that Sierra Cascade is performing on the USDA water main project. He asked if there is a process before the city approves progress payments, or the final payment. Mr. Way explained that they can deny the payment of this check and direct staff to confer with the contractor about the city's concerns.

Motion by Councilmember Schafer, second by Mayor Pro Tem Lessenevitch to remove and discuss CC3 in closed session, remove Ck # 74810 to Sierra Cascade from the check register. and to approve all other items on the Consent Calendar Roll call vote as follows:

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

Mayor Evans explained that if it is proper to address concerns with the quality of work being performed at the end of the contract than he has no problems paying this item. This is based on the fact of the 10% being retained until after completion. Mr. Way informed the council that staff will discuss the concerns with the contractor which has been contacted previously on these same concerns. The council was also informed that there are two additional progress payments left in the contract.

Motion by Councilmember Schafer, to approve Ck # 74810 with the stipulation that staff articulates the concerns of the council and that future payments will be contingent on the remedy of the situation. No second

Motion by Mayor Evans, second by Councilmember Schafer to deny payment of check pending a proper outcome with the quality of the work that is here to for been performed that it is corrected. Roll call vote as follows:

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

Since there is no motion to approve this item, it will not be paid.

CLOSED SESSION:

- CS 1.** Per Govt. Code Section 54957.6, confer with Labor Negotiator William Way regarding California City Firefighters Association, CCPOA, and Misc. Employee Union
- CS 2.** Per Gov't Code Section 54956.9; confer with Legal Counsel regarding existing litigation; Guy vs California City
- CS 3.** Per Gov't Code Section 54956.9; confer with Legal Counsel regarding existing litigation; Med-Trans Corp. vs California City
- CS 4.** Per Gov't Code Section 54956.9; confer with Legal Counsel regarding potential litigation; Airport RV Tenants
- CS 5.** Per Gov't Code Section 54956.9; confer with Legal Counsel regarding existing litigation; Gray
- CS 6.** Per Gov't Code Section 54956.9; confer with Legal Counsel regarding existing litigation; Neilson

City Attorney Lemieux recommended action on CC#3, Massengill claim. Motion by Mayor Pro Tem Lessenevitch second by Councilmember Edmiston to approve the claim. Roll call vote as follows:

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

Mr. Lemieux reported that in closed session various negotiations were discussed, as well as the lawsuits referred to in the agenda. No action was taken.

ADJOURNMENT:

Motion by Mayor Pro Tem Lessenevitch, second by Councilmember Edmiston to adjourn at 9:10 pm. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk