

**REGULAR MEETING  
CITY OF CALIFORNIA CITY  
CITY COUNCIL / REDEVELOPMENT AGENCY  
Tuesday May 6, 2008  
Council Chambers, 21000 Hacienda Blvd.  
MINUTES**

**CALL TO ORDER**

Mayor / Chairman Evans opened the meeting at 5:30 p.m.

**PUBLIC COMMENTS** None

**WORKSHOPS** None

**CLOSED SESSION**

**COUNCIL**

**CS 1.** Per Gov't Code Section 54956.9; confer with Legal Counsel regarding existing litigation, Conlee vs Calif. City

**CS 2.** Per Gov't Code Section 54956.9; confer with Legal Counsel regarding existing litigation, Guy vs Calif. City

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

**PRESENT:** Councilmembers / Directors Edmiston, Schafer, Strong, Lessenevitch, Mayor / Chairman Evans

**ABSENT:** None

**ADOPTION OF AGENDA**

Motion by Mayor / Chairman Evans, second by Councilmember / Director Schafer to adopt the agenda, moving NB 1 prior to CB 1. Motion carried.

**CLOSED SESSION ACTION**

City Attorney Nave reported that the council discussed one case of potential litigation, Conlee vs California City. The council gave legal counsel specific direction in regards to this case. Legal counsel updated city council on the status of the Guy vs California City case. No action was taken, no other items were discussed.

**CHAIRMAN'S / MAYOR'S COMMENTS**

Reported on his productive meeting with Senator Roy Ashburn. Also, on May 1 the State Department of Finance reported that California City is the third fastest growing city in the state

## **PRESENTATIONS**

California City Community Queens introduced themselves to the council and the community

## **STAFF ANNOUNCEMENTS / REPORTS**

Finance Manager Bailey reported on the activities of the Finance Department

City Manager Lunsford offered several dates to the council for a budget workshop with staff. She also reported that repairs to the pool and facilities are near completion.

## **CIVIC / COMMUNITY ORGANIZATION ANNOUNCEMENTS**

Chamber of Commerce no-host luncheon Thursday @ noon, Pizza Factory

## **PUBLIC BUSINESS FROM THE FLOOR**

Chuck McGuire - Thanks to the fire and police departments; noted violations of vendors selling knives at Desert Tortoise Days

Kim Collins - Question regarding flags flown at the Chamber building.

Buford Land informed the public that new flags have been ordered

Tom Ross - Issues with dirt from high school site now being stored at several locations

Wally Melendez - Question regarding ownership of Prius vehicle that is in the city hall parking lot. Staff answered that the vehicle is used by the code enforcement department.

Craig ? - Concern with dirt bike riders on North Loop Blvd.

## **CONSENT CALENDAR / PUBLIC COMMENT**

**CC 1.** City Council check registers dated 4/11, 4/22, 4/29 and 4/30/08

**CC 2.** RDA check register dated 4/30/08

**CC 3.** Authorize Mayor to sign agreement with GSolutionz for additional phone equipment at City yard

**CC 4.** Approve minutes of the following meetings:

COUNCIL: 16 Oct 07 & 6 Nov 07

**CC 5.** Council adopt **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AUTHORIZING THE SUBMITTAL OF A KERN COUNTY AIR POLLUTION CONTROL DISTRICT (KCAPCD) MOTOR VEHICLE EMISSION REDUCTION PROJECT (MVERP) APPLICATION FOR A FORD ESCAPE HYBRID AND RESCINDING RESOLUTION NO. 2-08-2292**

Councilmember Schafer requested that item CC3 and CC5 be pulled for discussion.

Public received clarification on ck # 77397, 77435, and 77314

Motion by Councilmember / Director Lessenevitch, second by Councilmember / Director Edmiston to approve items CC1, CC2 and CC4 on the Consent Calendar. Roll call vote as follows:

**AYES:** Edmiston, Schafer, Strong, Lessenevitch, Evans

**NAYS:** None

**ABSTAIN:** Strong on CC ck #77435 and RDA ck #7324

**ABSENT:** None

**Item CC 3.**

Councilmember Schafer voiced his concern that the quote given on the contract will be null and void since the date stipulated has already come and gone. Staff responded that they are very confident that the quote will stay the same as stated in the contract. Mayor Pro Tem received justification on the need for the additional equipment from Mr. Bevins.

**Item CC 5.**

Councilmember Schafer received clarification on where the matching funds were allocated in the budget for this grant.

Public comments and concerns were also addressed.

Motion by Councilmember / Director Lessenevitch, second by Councilmember / Director Schafer to approve items CC3 and CC5 on the Consent Calendar. Roll call vote as follows:

**AYES:** Edmiston, Schafer, Strong, Lessenevitch, Evans

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**NEW BUSINESS COUNCIL**

**NB 1. Appointment of Planning Commissioners**

Mayor Evans first recognized Marv Sass, outgoing Planning Commissioner on his years of service to the City.

Mayor Evans announced that following the interview process, which included himself along with Councilmembers Edmiston and Schafer, the following reappointments and appointment were made:

Al Greer  
Michele Chebahtah  
Diana Ballestero

The City Clerk administered the Oath of Office.

**CONTINUED BUSINESS COUNCIL**

**CB 1. Records Retention and Destruction Policy Ordinance**

City Attorney Nave informed the council that this resolution has been updated to include comments made at their previous meeting. His recommendation is to approve as revised.

Council received further clarification on several items including retention of audio tapes.

Public comments were received on this item.

Russell Michael approached the podium and requested to stop all destruction of documents for the time being. He stated he planned on bringing a lawsuit against the city under the business and professions code, section 17200, unfair competitions law of California. Or the private Attorney General's Act in accordance with Prop 64. He also cited Article 18, 1512 B 2 of the Gov't Code, which may concern the destruction of documents when a lawsuit is pending or threatened. He wished to inform the council again that he is in the process of bringing a lawsuit against the City of California City.

Motion by Councilmember Edmiston, second by Councilmember Strong to give First reading, by Title only, with Further reading waived of "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AS IT RELATES TO RECORDS RETENTION AND DESTRUCTION POLICY" Roll call vote as follows:

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

**NEW BUSINESS COUNCIL**

**NB 2. Municipal Airport Runway 6-24 Widening Project**

Public Works Director Bevins reported that staff recommends that the City accepts the completed work by Granite Construction and authorize the necessary documents be completed.

No council or public comments were received.

Motion by Councilmember Schafer, second by Councilmember Lessenevitch to accept the completed work by Granite Construction, and

authorize payment of retention monies 30 days following the recording of Notice of Completion by the City Engineer. Roll call vote as follows:

**AYES:** Edmiston, Schafer, Strong, Lessenevitch, Evans

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**NB 3. Aspen Mall Landscape and Lighting District Tax Roll Compliance**

Finance Manager Bailey provided the staff report.

Councilmember Strong and Mayor Pro Tem Lessenevitch were disqualified from discussion and vote due to conflict of interest and stepped down from the dais.

Motion by Mayor Evans, second by Councilmember Edmiston 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 2008/09, PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE”** and adopt **“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 2008/09”** and adopt **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY, CALIFORNIA DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE ASPEN MALL LANDSCAPING AND LIGHTING DISTRICT FOR FISCAL YEAR 2008/09”**

Councilmember Edmiston requested to petition the attorney to see about what the city can do to resurrect the committee of the Aspen Mall to look into this. He stated the funding is not adequate to take care of the mall any longer. There are no controls in place and he feels the city should out what legal options it has. The council concurred.

Mayor Evans asked legal counsel for their input. Mr. Nave replied that this subject has been discussed before due to litigation. The council really has two options; it can back out, dissolve the district and let the owners take the lead and responsibility or council could put it to a vote to increase the assessment, in an amount sufficient to maintain the mall. Mr. Nave also explained the election process if the council opted to increase the assessment. Mr. Nave will forward more information to staff.

No public comments were noted.

Roll call vote as follows:

**AYES:** Edmiston, Schafer, Evans  
**NAYS:** None  
**ABSTAIN:** None  
**ABSENT:** None

**NB 4. Tierra Del Sol Golf Course Contract**

Councilmember Strong disqualified herself from the discussion and vote due to conflict of interest.

City Manager Lunsford provided the staff report. She further explained that Mr. Dacey has in past years received advance payments on his contract due to hardships.

Councilmembers received answers and clarification on several items of concern from Mr. Dacey. Public questions and comments were addressed.

Motion by Councilmember Schafer, second by Mayor Pro Tem Lessenevitch to approve advance on contract payment to Robert Dacey in the amount of \$40,000. Roll call vote as follows:

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

**NEW BUSINESS RDA**

**NB 1. Low/Mod Housing Fund**

Executive Director Lunsford provided the staff report which explained that the Redevelopment Agency has requirements for the money it receives and that it must set aside a certain percentage for affordable housing or take the chance of losing those funds to the state. Staff is recommending that the board give direction to proceed with developing a proposal for a senior housing tract.

Public comments were received.

Director Lessenevitch voiced his concerns in regards to the fact the city will never be able to meet the total number of affordable housing that the state is requiring us to have.

Executive Director Lunsford reiterated that this is only necessary to earmark the funds for a future project, not what the project will be.

Further discussion among the board is noted. Also explained was the role of the RDA as the appropriator of the funding, while the Housing Corporation is the operational aspect.

Motion by Director Schafer, second by Director Edmiston to approve allocation of money for a senior housing project. Roll call vote as follows:

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

**COUNCIL AGENDA:**

Councilmember / Director Strong - Thanks for the police department response to an incident in her neighborhood.

Councilmember / Director Schafer - Thanks to the efforts of the city employees on the crack seal team

Councilmember / Director Edmiston - Thanks to staff for their efforts at Desert Tortoise Days; review of Prop 98 and 99

Councilmember / Director Lessenevitch - Request for status on Section 8 encroachment program; concerns on vehicles parked on medians, between road and frontage. Pavement Management Plan information was provided by Mr. Bevins

Mayor / Chairman Evans - Concerns with speeders on Calhoun

**ADJOURNMENT:**

Motion by Mayor / Chairman Evans, second by Councilmember / Director Edmiston to adjourn. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk

**APPROVED BY CITY COUNCIL / RDA BOARD ON \_\_\_\_\_**

**SPECIAL MEETING  
CALIFORNIA CITY CITY COUNCIL  
WEDNESDAY May 14, 2008, 6:00 p.m.  
Council Chambers, 21000 Hacienda Blvd.  
MINUTES**

**OPENING CEREMONIES:**

Mayor Evans opened the meeting at 6:00 p.m. The city clerk called the roll:

**PRESENT:** Councilmembers, Edmiston, Schafer, Strong, Mayor Pro Tem  
Lessenevitch, Mayor Evans

**ABSENT:** None

**ADOPTION OF AGENDA:**

Motion by Councilmember Edmiston, second by Councilmember Schafer to adopt the agenda. Motion carried.

**CONTINUED BUSINESS:**

**CB 1** California City Youth Sports Center Project

Mayor Evans recapped the past events involving the Sports Center Project. Public Works Director Bevins added that both the two bids received for the completion of the project came back higher than the engineer's estimate and budgeted monies. Many items were brought to light affecting the scope of this project. Available funding for this project includes insurance proceeds, a grant and monies donated for naming rights and totals approximately \$335,000. The lowest qualified bidder came in at \$485, 031.77. Staff is recommending at this time to go out for re bid on a scaled back version, dropping the cost of the project to about \$344,000. The only other option would be for council to approve the current qualified bid.

Council received particulars on what the scaled down version of the project would truly in tell.

Mayor Evans voiced his frustrations in regards to this project and urged the council to drive to the point of what it is going to take to get the kids into the building regardless if it is pretty or not.

Mr. Bevins explained that they are attempting to build a facility that would be a show piece facility, not the best possible, but a good solid facility. The main fact here is that the size of the new facility alone is substantially larger than the previous one, thus a greater cost to complete. Mr. Bevins also explained that there is park and recreation fund balance availability to complete this building at the current bid rate. He also added that he along with the engineer feel that the bid received was about \$70,000. high.

Many different options of narrowing the scope of the project were discussed.

Public input was received.

City Manager Lunsford advised the council that it is staffs desire to get this building up and functioning. She feels going back out to bid would not impact the timeline of the project.

Motion by Mayor Pro Tem Lessenevitch, second by Councilmember Edmiston to reject bids received for the Youth Sports Center project. Roll call vote as follows:

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

Mayor Pro Tem Lessenevitch voiced his opinion that he feels staff needs to bring back a written proposal including the fund balance availability before the council can act on it. Councilmember Schafer inquired if the bid summary provided included everything necessary to complete the project. Yes, that was confirmed, with the exception of the \$20,000 needed to purchase the equipment. City Manager inquired if council was given the written documentation of where the available funds are could staff proceed with going out to bid. Finance Manager Bailey provided explanation of the available funding in park and recreation. Mayor Evans added that we have to be very sensitive of the city's fund balances going forward in the new year. Mayor Pro Tem Lessenevitch and Councilmember Edmiston requested that a complete proposal, including the individual line item discussed tonight in the proposal be brought before the council prior to staff going back out to bid.

City Manager Lunsford recommended that we recess for 5-10 minutes to allow staff to put together the requested budget information so that a decision can be reached tonight.

Motion by Mayor Evans, second Councilmember Schafer to recess at 7:19 pm. Motion carried.

Council reconvened at 7:34 pm.

Staff provided a budget worksheet (see attached) itemizing the available funds (minus the insurance proceeds of \$262,000.) and outlining the compete project costs.

Council and staff proceeded to go over line by line item of bid summary in detail.

Further concerns were discussed and addressed.

Consensus of the council for staff to go forward with specification sheet, as priced out, go out for re bid , and bring back to council for approval of contract.

**WORKSHOP**

Proposed Budget FY 08/09; Revenue & Fund Balances

City Manager requested that this workshop be continued.  
Mayor Evans briefly outlined how he would like the budget process take place

**ADJOURNMENT:**

Motion by Mayor Evans, second by Councilmember Edmiston to adjourn at 8:47pm. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk

**MINUTES APPROVED BY COUNCIL / RDA ON \_\_\_\_\_**

**REGULAR MEETING  
CITY OF CALIFORNIA CITY  
CITY COUNCIL / REDEVELOPMENT AGENCY  
Tuesday May 20, 2008  
Council Chambers, 21000 Hacienda Blvd.  
MINUTES**

**CALL TO ORDER**

Mayor / Chairman Evans opened the meeting at 5:30 p.m.

**PUBLIC COMMENTS** None

**WORKSHOPS** None

**CLOSED SESSION** None

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

**PRESENT:** Councilmembers / Directors Edmiston, Schafer, Strong,  
Lessenevitch, Mayor / Chairman Evans

**ABSENT:** None

### **ADOPTION OF AGENDA**

Motion by Councilmember / Director Strong, second by Councilmember / Director Edmiston to adopt the agenda. Motion carried.

### **MAYOR'S / CHAIRMAN'S COMMENTS** None

It was the consensus of the council to delay presentations until all participants have arrived.

### **STAFF ANNOUNCEMENTS/REPORTS**

Public Works Director Bevins informed the council that the road pavement management plan is expected to be ready by their next meeting. Consensus was given by council to place this on the next agenda as an action item.

City Manager Lunsford informed the council that staff wishes to hold a budget workshop as a special meeting, Thursday May 22. Council to confirm their attendance with staff by the next business morning.

### **CIVIC / COMMUNITY ORGANIZATION ANNOUNCEMENTS**

Pastor Pope - Home study and work club (at Solid Rock) beginning in June through the next school year.

Kathy Sellard - EDC, hosting their 5<sup>th</sup> Thursday dinner on May 29<sup>th</sup>

Optimist Club, Casino Night on June 14<sup>th</sup> at the Community Center

Vella Meyers - American Legion, Poppy Week. Memorial Day Service at the Cemetery at 11 am.

### **PUBLIC BUSINESS FROM THE FLOOR**

Rhonda Vasquez - Recognition to Don and Rose Cook for the donation of the POW Flag and new American Flag for Freedom Park

Kim Collins - reminding everyone to get out and vote on June 3<sup>rd</sup>

Wally Melendez - Concern about the condition of Mendiburu Rd.

Larry Grimshaw - Concern about the 20 Mule Team wagons at Borax Bill Park needing to be covered.

### **CONSENT CALENDAR / PUBLIC COMMENT**

**CC 1.** City check register dated 5/6, 5/7 and 5/14/08

**CC 2.** RDA check registers 5/14/08

**CC 3.** 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 AS IT RELATES TO RECORDS RETENTION AND DESTRUCTION POLICY”**

**CC 4.** Approve minutes of meetings dated 12/31/07 and 3/18/08

No council questions were asked.  
Pubic received clarification on ck # 77538.

Motion by Councilmember / Director Edmiston, second by Councilmember / Director Schafer to approve the Consent Calendar as presented. Roll call vote as follows:

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

### **PRESENTATIONS**

Mayor Evans presented Marv Sass with a plaque for his years of dedication while serving on the Planning Commission. Mr. and Mrs. Sass were also recognized for being married 56 years. Ed Waldheim was recognized for his many years of dedicated service to the California Off Road Vehicle Association. Joseph and Jean Johnson were also recognized on their 56<sup>th</sup> anniversary.

### **PUBLIC HEARING**

Countywide Siting Element Amendment

Mayor Evans read the item and declared the public hearing open.

Katrina Slayton, Kern County Waste Management Department provided the staff report.

Council received responses to their questions and concerns.

City Clerk reported that no communications were received.

No public testimony was received.

Motion by Councilmember Schafer to close the public hearing. Motion carried.

Motion by Councilmember Schafer, second by Mayor Pro Tem Lessenevitch to adopt “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY REGARDING THE H.M. HOLLOWAY LANDFILL” Motion carried 4-1, with Mayor Evans opposing.

### **CONTINUED BUSINESS COUNCIL**

**CB 1 USDA Wastewater System Update**

Public Works Director Bevins reported that a proposed assessment district to repay USDA Sewer loan for an estimated \$5, 733,708.70 to establish a gravity fed sewer system for 693 lots will require 50+% affirmative votes from all property owners. The next general election is Nov 4, 08. This loan from USDA is scheduled to be ready for acceptance about June 10, 08. Staff determined that the council must decide to either accept the loan as a general obligation of the City before the assessment district vote is taken or reject the loan until the district is formed.

Council and staff discussed the proposed payments of the assessment. Council received clarification from the City Attorney in regards to the forming of proposed assessment district.

Public comment was received and clarification was given to questions asked.

Motion by Mayor Evans, second by Councilmember Edmiston to reject the USDA loan. Motion carried 4-1, with Councilmember Schafer opposing.

Council consensus that staff prepare their recommendation for the implementation of a district of whatever form, prepare critical timeline upon which council can appropriately form the district , have the vote and secure financing to begin project. Council requests recommendation to be brought back prior to year end.

### **NEW BUSINESS COUNCIL**

#### **NB 1 Appointment procedure of Mayor Pro Tem**

Mayor Evans provided an oral report on this item. He explained that this ordinance provides a clear procedure for the choosing of the Mayor Pro Tem each time a Mayor is seated.

No questions received from the public or council regarding this item.

Motion by Councilmember Edmiston, second by Councilmember Schafer to give First reading, by Title only, with further reading waived of “**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING THE CALIFORNIA CITY MUNICIPAL CODE AS IT RELATES TO THE ROLE OF MAYOR AND MAYOR PRO TEMPORE**”

Roll call vote as follows:

**AYES:** Edmiston, Schafer, Strong, Lessenevitch, Evans

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**COUNCIL / BOARD AGENDA:** None

**ADJOURNMENT:**

Motion by Councilmember / Director Strong, second by Councilmember / Director Edmiston to adjourn at 6:37 pm. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk

**APPROVED BY CITY COUNCIL / RDA BOARD ON \_\_\_\_\_**

**SPECIAL MEETING  
CALIFORNIA CITY CITY COUNCIL  
THURSDAY May 22, 2008, 5:30 p.m.  
Council Chambers, 21000 Hacienda Blvd.  
MINUTES**

**OPENING CEREMONIES:**

Mayor Evans opened the meeting at 5:30 p.m. The city clerk called the roll:

**PRESENT:** Councilmembers, Edmiston, Schafer, Mayor Pro Tem  
Lessenevitch, Mayor Evans

**ABSENT:** Strong (excused)

**ADOPTION OF AGENDA:**

Motion by Mayor Pro Tem Lessenevitch, second by Councilmember Edmiston to adopt the agenda. Motion carried.

**WORKSHOP**

Proposed Budget FY 08/09; Revenue & Fund Balances

See attached back up documentation for items staff discussed and reviewed with council during an informal roundtable forum.

Staff was given direction by council to prepare report on the actual delivery cost of water is.

**ADJOURNMENT:**

Motion by Councilmember Edmiston, second by Mayor Pro Tem Lessenevitch to adjourn at 7:20 pm. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk

**MINUTES APPROVED BY COUNCIL / RDA ON \_\_\_\_\_**

**REGULAR MEETING  
CITY OF CALIFORNIA CITY  
CITY COUNCIL / REDEVELOPMENT AGENCY  
Tuesday June 3, 2008  
Council Chambers, 21000 Hacienda Blvd.  
MINUTES**

**CALL TO ORDER**

Mayor / Chairman Evans opened the meeting at 5:30 p.m.

**PUBLIC COMMENTS** None

**WORKSHOPS**

Project 152, rescheduled

**CLOSED SESSION**

***COUNCIL***

**CS 1.** Per Gov't Code Section 54957; Performance Evaluation: Wayne Lemieux

***RDA***

**CS 1.** Per Gov't Code Section 54956.8; confer with Real Property Negotiator regarding Parcel 4-C of Tract 5634

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

**PRESENT:** Councilmembers / Directors Edmiston, Schafer, Strong, Lessenevitch, Mayor / Chairman Evans

**ABSENT:** None

## **ADOPTION OF AGENDA**

Motion by Mayor Pro Tem / Director Lessenevitch, second by Councilmember / Director Strong to adopt the agenda with addendum NB 3 and NB 4. Motion carried.

## **CLOSED SESSION ACTION**

Council / Board gave City Attorney Lemieux an evaluation of his performance; a possible land transfer was discussed with the Real Property Negotiator; Executive Director Lunsford, no formal action taken.

**MAYOR'S / CHAIRMAN'S COMMENTS** None

**PRESENTATIONS** None

## **STAFF ANNOUNCEMENTS/REPORTS**

Police Chief Steve Colerick provided an update on the OHV permits fees received and the status of the program.

## **CIVIC / COMMUNITY ORGANIZATION ANNOUNCEMENTS**

Car Show, June 7<sup>th</sup> 6pm @ Cal City Business Park  
Optimist Club - June 14<sup>th</sup>, Casino Night at Community Center, proceeds to the youth of the City.

## **PUBLIC BUSINESS FROM THE FLOOR**

Linda Wilson - Thanks for work completed at the City pool  
Lou Peralta - OHV Proposal  
Mike Sellard - request for change in code regarding "smoke shop" zoning; request to cover 20 Mule Team Wagons at Borax Bill Park  
Wally Melendez - Questions regarding Desert Jade and Section 8  
Eleanor Owens - questions regarding Dr. Thorbus homicide investigation  
Rhonda Vasquez - request for change in code regarding "smoke shop" zoning  
Larry Grimshaw - Thanks for work completed at City pool; zoning ideas for "smoke shops"; thanks to police department on a recent burglary incident  
Pat Bohannon - questions in regards to time of council/rda meetings

## **CONSENT CALENDAR / PUBLIC COMMENT**

**CC 1.** City check register dated 5/28/08

**CC 2.** RDA check registers 5/28/08

**CC 3.** 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 AS IT RELATES TO THE ROLE OF MAYOR AND MAYOR PRO TEM"**

**CC 4.** Approve minutes of meetings dated 11/20/07 and 12/4/07

**CC 5.** Adopt **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY**

**OF CALIFORNIA CITY APPROVING COOPERATION  
AGREEMENT WITH THE COUNTY OF KERN (CDBG FUNDING  
FOR FY 2009-10 THROUGH 2011-12**

Motion by Councilmember / Director Edmiston, second by Mayor Pro Tem / Director Lessenevitch to approve the Consent Calendar as presented.

Roll call vote as follows:

**AYES:** Edmiston, Schafer, Strong, Lessenevitch, Evans

**NAYS:** None

**ABSTAIN:** Strong RDA ck # 7344

**ABSENT:** None

**NEW BUSINESS COUNCIL**

**NB 1. Road Pavement Management Plan**

Public Works Director provided the council with an overview of the City's proposed road pavement management plan. (see attached documents)

Council questions and concerns were addressed.

Public comments were received.

No formal action taken.

**NB 2. Fire Department Vehicles**

Fire Chief Mylander provided staff reports regarding three fire department vehicles.

Vehicle # 507, 1984 Ford Superior has been in service for the last 24 years. This vehicle has long reached the point where adequate performance levels, including functionality and reliability are not present. It now sits out of service and is unable to run without the intervention of a diesel mechanic. With the arrival of the new Pierce, the equipment has been utilized on the new engine. His recommendation is to officially retire this vehicle from service and to donate it to a Volunteer Fire Department or sell at a City sponsored event.

Vehicle #521, 1978 Water Tender, purchased by Hyundai as part of agreement to augment the water supply at the test facility. Vehicle is currently maintained and in the possession of the City. With its current minimum usage, eventual replacement and potential financial impact for maintenance, it is his recommendation that it be transferred back to Hyundai and relocated to the test facility.

2001 Spartan/ La Verne fire engine was replaced the first part of 2008. Fire Trucks Plus sold this engine on our behalf and the existing loan on the engine was paid in full. Normal commission for the sale of an engine is about 10%. Fire Trucks Plus also has had possession of our 1981 American LaFrance fire engine since 2005. Post sale of the Spartan, the LaFrance was sold. It is his recommendation that the sell of the American LaFrance be used as net commission for both vehicles.

Council questions were answered.  
No public comments were

Motion by Councilmember Schafer, second by Councilmember Edmiston to accept the recommendations of Fire Chief Mylander on all points.

Motion carried, 5-0.

### **NEW BUSINESS / RDA**

#### **NB 1. Builder Qualifications for Senior Housing Project**

Executive Director Lunsford reported that the council had previously approved allocation of funds for a senior housing project. This project is very similar to the current Desert Jade facility which is at full capacity. Fourstar Construction was the contractor for Desert jade II and III. Fourstar and Viento Inc. desires to assist the agency in the development and designing process to build an 80 unit senior rental project. Viento, Inc. requests an exclusive right to negotiate to assist the Agency in packaging a proposal to CalHFA for development and financing of Desert Jade IV, a 40 unit Senior Housing Project. They propose to assist the Agency as follows:

- Prepare project description including site plan, design build, using plans from Desert Jade II and III, which they have priority interest.
- Prepare CalHFA Financing Application
- Prepare Financial Projections, Cash Flow and pro forma
- Prepare Construction Cost Estimates and Flow Chart

Upon approval of financing, Viento proposes to construct the first 40 units on a cost plus basis. This project will be a public-private concept which will create 40 senior rental units with the Agency as owner and the California City Housing Corp. as managing authority.

Both Councilmember Strong and Mayor Pro Tem disqualified themselves from discussion and vote due to conflict of interest and were excused from the dais.

Councilmember Schafer received clarification on what would transpire within the 90 day period.

Public raised concerns with the RDA having the ability to go into an exclusive right to negotiate with a company in lieu of going through a formal bid process. The City Attorney explained that this proposal involves more than construction. It involves the development of the project, dealing with government agencies to acquire financing, designing and building the facility. City Manager added that there are two options for the Agency to consider. One, grant an exclusive right to negotiate, or a "Design-Build" approach, requiring contractors to arraign financing for the project and design plans within specifications for a turn-key build out.

The exclusive right to negotiate was explained further in detail to those in attendance who expressed their disapproval with the board having an option other than going out to formal bid.

James Quiggle, one of the proponents requesting the exclusive right, gave the history of this potential project; including the fact that they had originally brought this to the attention of the City over 3+ years ago. At that time the City wanted then to build it, own it and run it. The numbers did not end up by penciling out. They have invested their time and money on the leg work for this proposal and reminded the public that the property in mind for this project has been sitting there for anyone else to bid on and they have been the only ones to pursue it. Therefore they feel it is the right thing to expect an exclusive right to negotiate from the board.

Motion by Director Edmiston, second by Chairman Evans to grant the exclusive right to negotiate to Viento, Inc and Fourstar Construction.

Staff, council and the City Attorney further discussed at length the pros and cons of going with exclusive right vs having to start from scratch with the design specification process and all that would follow in sending this project out to formal bid.

Mayor called for the verbal vote on the motion. Motion carried 3-0

## **ADDENDUM**

### **NEW BUSINESS / COUNCIL**

#### **NB 3. Production Urban Water Management Plan Agreement**

Public Works Director Bevins explained that in 1984 California enacted Assembly Bill 797, which is known as the Urban Water Management Planning Act. This Act requires the City to prepare an Urban Water Management Plan whose primary objective is to plan the conservation and efficient use of the water. This plan must be reviewed and adopted every 5 years. The City's last Plan was done in 2000 and therefore we are out of compliance. Stetson Engineers is one of the premiere companies in this

area with a large understanding of our water aquifers and their proposal is before the council tonight.

Council questions were answered. Mr. Bevins informed the council that previously budgeted funding for equipment will now be deferred to pay for this proposal.

Mayor Evans shared his concern with the fact that City's spend their money doing these things mandated from the State with no actual benefit to the City.

Public comment was received.

Motion by Councilmember Edmiston second by Councilmember Schafer to approve the agreement with Stetson Engineers. Roll call vote as follows:

**AYES:** Strong, Schafer, Edmiston

**NAYS:** None

**ABSTAIN:** Lessenevitch, Evans

**ABSENT:** None

Mayor Evans stated that the City Attorney had recommended that he appoint an ADHOC committee for water resource issues. Councilmembers Schafer and Edmiston volunteered and were appointed.

#### **NB 4. Northcutt & Associates Time and Materials Agreement**

Public Works Director Bevins reported that Northcutt & Associates provides environmental review and planning on a number of projects for the city. They had a previous contract with us in regards to the General Plan only. Over the last few years with the addition of these others projects we have not had a Time and Materials consulting agreement. They are requesting for the city to put into place such agreement, which is typically for consultants of this mature. Rate schedule is provided.

Clarification was given that when the time arises for us to use Northcutt & Associates services this agreement is necessary to insure payment of their services.

Council concerns were addressed and questions answered.

Public comments were received.

Motion by Councilmember Edmiston, second by Mayor Pro Tem Lessenevitch to approve Northcutt & Associates Time and Material Agreement for projects with approved budgets. Roll call vote as follows:

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

**COUNCIL / BOARD AGENDA:**

Councilmember / Director Edmiston - KEDC recognizing our City Manager and Building department. Beacon Solar public hearing

**ADJOURNMENT:**

Motion by Mayor / Chairman Evans, second by Councilmember / Director Edmiston to adjourn at 9:40 pm. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk

**APPROVED BY CITY COUNCIL / RDA BOARD ON \_\_\_\_\_**