

**REGULAR MEETING
CALIFORNIA CITY CITY COUNCIL
TUESDAY, June 6, 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 Fuller provided the invocation. The clerk called the roll:

PRESENT: Council members Edmiston, Lessenevitch, Schafer, Dempsey, Adams.

ABSENT: None

Also Present:

City Manager William Way; City Attorney Wayne Lemieux; Finance Director Terry Hicks; Acting Fire Chief Chris Hayes; Police Chief Linda Lunsford; Public Works Director Dan Allen; City Clerk Denise Hilliker

ADOPTION OF AGENDA:

Motion to adopt agenda by Councilman Edmiston, second by Councilman Lessenevitch; carried.

PRESENTATIONS:

Larry Phelps, School District Superintendent, thanked the City for the opportunity to give update on the schools. Things are moving along as fast they can. We are in the final stages, and it looks like the project will go out to bid latter part of the summer, early fall. OPSC is the last part that is submitted. Unfortunately an updated appraisal has to be done on the high school property, since they are only good for 6 months for OPSC. Hacienda school project is almost complete thru OPSC. The schools will be bid out in pieces, starting with a base school. The high school's base piece will be the classrooms already being stored here in the City. The gymnasium will be a "piece", etc. The reason behind piecing out the bids is due to the uncertainty of what the bids will come in at. It is no secret that the cost of the construction has increased dramatically, and that that has affected us. Plans will be made for a groundbreaking ceremony as soon as a bid date is set and things are going forward. He understands the public's frustration at how long this has been taking.

Mayor Adams presented a plaque to Tom Weil in recognition of his service as Airport Manager.

STAFF ANNOUNCEMENTS:

(1) Mr. Way provided a 7-year analysis, prepared by the finance department, of the AVEK charges. The way they have increased over the past 7 years with projections into the next 7-years.

(2) Mr. Way provided a report on the Sports Center proposal for review. Plans are to have the agreement, for the transfer of property and construction of this project, on the June 20th agenda. City attorney is currently working on the agreement.

CIVIC/COMMUNITY ORGANIZATION ANNOUNCEMENTS: None

PUBLIC BUSINESS FROM THE FLOOR:

Linda Evans voiced concerns about the “hodge-podge” way she sees some buildings/trailers going in. She provided pictures to the council of a trailer that was moved in behind her home. She feels these are a poor excuse for new construction. It has no redeeming architectural qualities. She has found out that the owner does not plan on occupying it, but plan to sell to make their profit and moving on. Stricter standards should be adopted by the City, yesterday, five years ago. She stated that we have all manner of builders now in the City and many are hardly licensed contractors, nor actually owner builders. She questioned if the City takes due diligence to check on their licenses or to see how many permits one person has taken out. She explained that “the word is out” that anything goes in California City. She expressed concern that no other incorporated city allows trailers to be put where stick built homes are. She hears that the City is looking into impact fees and wonders where they are. No matter what the cause, the City’s response is that there is no money. She is thankful for the local builders that desire and have earned our respect. She also provided pictures of a trailer, where people are living, at 8307 Heather. There are a bunch of junk cars in front of it. Some of her issues are code enforcement. She feels the City knew we would grow and did little to ensure that all construction was done by reputable builders.

Linda Wilson concurred with Ms. Evans in regards to the appearance of these trailers. She questioned where our code enforcement officer is. She sees that the streets in her neighborhood look like a garbage dump.

Don Jones thanked the Chief for the visibility of more cops in his neighborhood, but he has noticed patrol cars parked on both ends of CCB. He feels this doesn’t address the graffiti issue. He also thanked the Mayor for cleaning up the graffiti on the duplex. Vice Mayor Dempsey added that there is a chance the police got a call about a crime and it would make sense to park at the two exits out of town. The Mayor reiterated that it is

so hard to get the courts to prosecute these types of criminals.

PUBLIC HEARING:

Council consider approving Engineers report as submitted, ordering the Levy and Collection of Assessments for the Aspen Mall Landscaping and Lighting District for F/Y 2006-2007- City Manager

Mayor Adams declared the hearing opened at 6:24 pm.

Finance Director Terry Hicks noted this is the annual compliance with the requirements of the 1972 Act Assessment District, to adopt final resolutions to approve the Engineers Report and to order the levy and collections of assessments.

No communications were received by the City Clerk.

No public testimony.

Motion by Councilman Schafer, second by Councilman Edmiston to close the public hearing at 6:25 pm. 4-0-1

Councilman Edmiston asked if a single motion could pass both resolutions; City Attorney Lemieux said yes. Motion by Councilman Edmiston, second by Councilman Dempsey to adopt the following:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING AND/OR APPROVING THE ENGINEER'S REPORT FOR THE ASPEN MALL LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2006-2007"

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE ASPEN MALL LANDSCAPING AND LIGHTING DISTRICT, FISCAL YEAR 2006-2007"

Roll call vote as follows:

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

NEW BUSINESS 1:

Discussion with Citizen's Advisory Committee regarding Special Tax paving monies - Public Works Director

Mr. Allen explained that on June 1, 06 he met, along with the City Manager, with the Citizen's Advisory Committee to discuss limitations and possible uses of the special tax monies. We discussed, with the escalating

material costs, doing a program of slurry sealing some of the roads throughout the city. Our recommendation for slurry seal of CCB, from Hwy 14 to intersection of Mojave Randsburg, CCB South to City limits, North Loop, from CCB to Mojave Randsburg; South Loop from CCB to CCB South. Our reasoning on this recommendation is that these roads are the main traffic roads through the City, they would give us the most visibility for production and it would help our streets in those areas. Also discussed with CAC about doing a "pilot" project with a local contractor using his paving machine on Forest, from Airway to Hacienda, in house. Hot asphalt right now is running about \$47 to \$50 a ton; to get it laid it is about \$80 a ton. We requested from the committee for us to utilize some of the special tax monies to do this project. Council recommendations are welcome. Councilman Edmiston inquired as to when this could start. Mr. Allen explained that once he is given the authorization, he would go out to bid. A company is already coming in tomorrow in order to get some hard numbers. He noted the 15.5 miles of road shown on the map in red will cost about \$350,000. He would be talking again with the contractor about the fee to rent his equipment. \$85,000. is the cost for the asphalt for that area. We already have the base material crushed, stored at the yard. Mayor Adams asked if there was a representative for the CAC. Bob Smith, Chairman of the CAC, explained to the council that the committee was unanimous in supporting Mr. Allen's proposal. Mr. Allen assured Councilman Edmiston that the large cracks will be sealed by our street department.

Roland Wilson, Secretary of the CAC, added that Mr. Allen presented to the committee a couple of options of re-paving, paving and slurry seal to choose from. The cost to do the streets that were originally selected is astronomical. The committee felt Mr. Allen's proposal made a lot of sense. Mayor Adams thanked the committee for their input.

Councilman Lessenevitch asked how the slurry seal differed from the process of sealing the grind. Mr. Allen explained that our equipment that seals the grind could only handle the oil itself, not the sand. It was also noted by Mr. Allen that we have 8,000 gallons of reclaimite available to restart sealing grind roads, which would cover about 5-10 miles. One tank, or 8,000 gallons costs about \$12,000. Councilman Lessenevitch suspects that as we evaluate our grind streets that they are going to require more constant maintenance, especially since the last time they were coated was 4 years ago. He would like to see more sealing of the grind roads done more frequently. Mr. Allen suggested that we re-allocate money to purchase more reclaimite. The City Attorney was asked if there is any kind of conflict with the renting of equipment for a public works job. Renting equipment is not subject to bidding requirements. The City is required to go through the bidding process when a public works project is over \$5000. and not done by City employees.

Councilman Schafer feels since he has received numerous comments concerning the use of special tax monies and the underlying theme seems

to be if they are paying a special tax, they want to see it used in front of my house. He would rather see doing streets perhaps within the whole south sector. Since the north side is getting some new water lines than we ought to see what can be done on the south side. He feels if people can see work done directly in front of their home, then they are more apt to support the special tax. He believes we could slurry seal the entire 152 existing miles of roadway for the \$300,000.

Mayor Adams agreed that it would be a good idea to be able to do roads right in front of people's house, but the most deteriorated road that we have is CCB to the 14. He also feels that the recommendation that the CAC brings forward is the one we should go with.

Councilman Edmiston doesn't think it is possible to hit all the streets in town to make everyone happy.

Mayor Adams suggested that when Mr. Allen meets with the company coming in tomorrow they give him figures to cover everything they are considering. This could be possible because we did not spend the allocation last year.

Bud Burnette believes that putting slurry down on roads that have no base is a waste of money. Councilman Schafer reiterated that he is referring to the 152 miles of paved roads.

Linda Wilson asked what do we currently expect from contractors that are building for putting in for infrastructure. Mayor Adams replied, nothing and that the subject of impact fees is on the agenda later this evening.

Mr. Allen stated we have additional monies in the fund now and asked council to direct him to look at adding other streets, etc. He also stated that the reclamite program will hopefully be back up and running on a regular basis.

Motion by Councilman Lessenevitch, second by Councilman Edmiston to approve slurry seal project for \$800,000; \$84,000. for the "pilot" program; and approximately \$32,000. for reclamite (4 tanks @ \$4,000.); Roll call vote as follows:

AYES: Edmiston, Schafer, Lessenevitch, Dempsey, Adams

NAYS: None

ABSENT: None

ABSTAIN: None

NEW BUSINESS 2:

Special Tax Proposal - David Campbell, Special Tax Committee

Mr. Campbell presented an in depth powerpoint presentation describing the committee's proposal. (see attached Exhibit A)

The committee feels they have come up with a proposal that will come up with the revenue that is needed to cover the critical needs the City has, and that has a good chance of passing.

Mayor Adams commended Mr. Campbell on the presentation and all the work the committee has done. Councilman Edmiston verified that it will take 67% voter approval to pass the tax.

Councilman Schafer voiced his appreciation to Mr. Campbell and all the committee members and hoped that the people of the City realize how hard they have worked and that this is really a small amount of money to pay in order to have these services.

Councilman Lessenevitch gave his thanks and added that the special tax is a referendum on the business of the City of California City. It will be a reflection of how the voters feel about how we, as the council, are doing our job, how management is doing theirs, and how the city employees deliver the service that we expect.

NEW BUSINESS 3:

Council set schedule for budget workshops - City Manager

Mr. Way explained that it had been his intention to deliver a copy of the proposed budget tonight, but due to technical difficulties that will not be happening. We would like to set workshop dates up with ample time for council to review. After discussing the availability of different dates it was the consensus of the group to set Sat. June 10 @ 8am, Mon. June 12 @ 6pm and Weds. June 14 @ 6pm. The proposed budget is expected to be ready no later than Friday.

NEW BUSINESS 4:

Council discussion of existing Ordinance pertaining to animals - City Manager

Mr. Way reminded the council that at their last meeting it was requested that this ordinance be put on as an agenda item. He believes the intention was to focus in on specific breeds of animals, especially dogs, that we might want to add to the ordinance.

Vice Mayor Dempsey asked if this ordinance covered the number of dogs someone is able to have. 3 animals total is what an ordinance in a different location states. Also is there a section that deals with excessive barking dogs? Chief Lunsford explained that a section of the penal code is used that covers excessive noise. Contact is made with the owner. It takes someone willing to file a complaint and willing to go to court. If the DA chooses to file, then it would go before a judge. Per the DA the neighbors have to sign a petition, stating that this dog is disturbing the peace. This petition will then be used to file a complaint, and then the DA will have to file it with the court. This process does not happen often. Councilman Edmiston would like to have this process somehow explained to the public, perhaps on our website.

Councilman Schafer read several sections of the ordinance. He has received numerous emails concerning dogs that are being used in a

threatening manner towards others. Chief Lunsford explained that there is a process that has to be followed where it is the judge that has to deem if the dog is "vicious". If the dog is properly contained, and therefore cannot bite someone, she is unsure what we are able to do. City Attorney Lemieux feels the police department has the right to use their judgment in sighting someone because they feel that a dog is "vicious". He doesn't believe that an actual bite has to occur before they can deem that a dog is "vicious". Councilman Schafer does not think the existing ordinance is tough enough. Attorney Lemieux feels that the Police Chief has more discretion than perhaps she thought. He would like to see if that initial discretion will be enough to address the issues. If that turns out to be insufficient than we can start drafting a change in the ordinance.

NEW BUSINESS 5:

Council consider additional 90-day for 2 year Golden Handshake retirement incentive - City Manager

Mr. Way explained that two employees expressed an interest in this offer when it was offered in Feb. 06" Unfortunately they did not meet the age requirement until now.

Motion by Councilman Edmiston, second by Councilman Schafer to accept cost and agree to adopt resolution at the June 20th meeting opening a 90-day window period; Roll call vote as follows:

AYES: Edmiston, Schafer, Lessenevitch, Dempsey, Adams

NAYS: None

ABSENT: None

ABSTAIN: None

NEW BUSINESS 6:

Graffiti Reward - City Manager

Mr. Way explained offering a reward of \$1000. would assist in our fight against graffiti. It was further explained by Chief Lunsford that tips will be fully investigated and those witnesses would have to testify under oath. The City will attempt to ask for restitution from the court.

Don Jones agreed that this was a good idea, but questioned whether there will be funding for signage to let the public know that this reward exists. Chief Lunsford stated that one way to get the word out is to publish on the City's website, as well as putting a notice in the paper. She agreed that signs are a good idea.

Motion by Councilman Edmiston, second by Vice Mayor Dempsey to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

CALIFORNIA CITY ESTABLISHING A REWARD FOR THE CONVICTION OF PERSONS ARRESTED FOR DEFACEMENT OF PROPERTY BY GRAFFITI"; Roll call vote as follows:

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

NEW BUSINESS 7:

STRATA Project Specific Plan - City Manager

Mr. Way reminded the Council that we have previously had this on the agenda and that this was another sub-consultant agreement for the project. He reported that as of this date the City has received \$272,000 from the proponent and have only expended \$12,000. As these sub consultants start to submit their bills, they will be paid out of that fund.

Motion by Councilman Edmiston, second by Councilman Lessenevitch to approve consultant proposal for roadway and utilities improvements and direct staff to sign contract for services; Roll call vote as follows:

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

NEW BUSINESS 8:

Water, Sewer, Road and Drainage Impact fees - City Engineer

City Engineer Jerry Helt was asked to present the initial findings and summary for impact fees that he has been working on for the past 5 months. Mr. Way encouraged the council, over the next couple of weeks, to contact his office with any questions.

Mr. Helt explained that the information being provided from a series of information that is required to assemble an impact fee. There are requirements that show the need, the type of improvement, and then a logic on how to distribute those fees, so that it is fair. (see attached Exhibit B). The summary shows, or a method of charging, per acre fee, based on square footage, based on the type of use.

Councilman Schafer inquired if this methodology was a standard practice procedure. Mr. Helt explained that there is not a textbook policy that you can use. Each method, each strategy stands for itself. All the information together is used to create this method. These same formulas would be used in other cities to show the x's between the need and how to address the cost.

Councilman Lessenevitch ask what the quality of the master plan reports were. Mr. Helt explained that these reports were current, having been done in the last 2-4 years. Projects identified are those projects that the Public Works Director is targeting as needed. He also inquired if these plans could be modified with our growing development. Mr. Helt stated we always have the option to modify. Councilman Lessenevitch asked for explanation about what was being proposed that the fee would provide for. In regards to sewers and this development fee, as the area develops, the lots that are remaining to be built out, there will be a need to furnish infrastructure to those lots. ie:trunk lines, sizing, manholes, etc. The same would pertain to water, same for drainage. The fees, as calculated, show a 100% cost of those construction projects identified as of this time. Connection fees are totally separate. Those fees go into requirements to actually connect for the improvements at the plant. These are strictly impacts for the delivery system.

Mr. Helt went on further to explain that one of the advantages of using the per acre fee as proposed. Commercial projects would be much larger equivalent dwelling units within the commercial, as opposed too residential. Councilman Lessenevitch is concerned with what he feels is "penalizing" those who are sprawling.

City Attorney Lemieux explained that the law that controls this, the fees that you collect couldn't exceed the reasonable cost of the service. If you want to increase the fees, you need evidence of additional costs. He suggested you review this after one year.

Mr. Helt reminded the council that this is being presented for input and discussion. There are a lot of possibilities. Mr. Lemieux added that if you pay one fee for a development on your property and you subdivide, you pay another impact fee for a second development. The City Engineer and Attorney have decided to get together and discuss this aspect in further detail.

Michael Sellard wants to gather the community builder's input before imposing these fees. (He was under the impression that the information provided to the council is not for public knowledge. City Clerk provided a copy of the agenda and advised him that copies are always available in the lobby prior to the meetings) He figured that if a builder has 1,000 lots, that developer is paying out, besides the land costs, \$22 million for streets, sewer, water and drainage. That works out to be \$22,000 per lot. As a builder he doesn't mind some impact fee, but he would like some input. He wants to see something happen right in front of the house as a result of the impact fee.

Mr. Way added that it is important to recognize that impact fees have been around for decades and have been tested in the courts repeatedly. Impact fees cannot just be established by agreement within a community. The courts have stipulated that specific engineering and design studies be conducted to determine the cost of additional infrastructure that is needed to support additional construction. Those costs have to be based on the

needed additional infrastructure that is created by the additional construction that is going on, not the existing infrastructure nor the desires of elected officials or city managers. There has to be a rational nexus between the development and the cost of the impact to the community for additional resources and in the absence of that, anyone who chooses to challenge an impact fee in court will lose. The work that Mr. Helt has gone to to create these fees is essential, that is why it has taken so long to put this analysis together.

Mr. Way reminded the council to please bring their questions to his attention.

Councilman Lessenevitch agreed with Mr. Sellard that this is something that we should not rush into and that we should allow the contractors a chance to put in their input.

Linda Evans added that the more time we take the building will have been done and the opportunity to collect fees will have passed.

Maria Canadas asked questions regarding leech lines.

It was also brought up that there are contractors that are putting in septic tanks when they are within 100 ft of sewer. Mayor Adams asked for people to report this if they see it, since we do have an ordinance against it.

David Campbell related that we as a City have huge needs; Impact fees are not going to take care of things right away. He inquired if we have considered Bond issues and what is needed to be done concerning bond issues. The Mayor explained that yes we have looked into it and that it is a very slow process. There has to be happy medium concerning these fees.

COUNCIL AGENDA:

Councilman Edmiston - None

Councilman Lessenevitch - None

Councilman Schafer - He would like to know at the next meeting how the planning department is ensuring compliance with the processes. Mr. Way commented the "yes" we are complying with the ordinances through the building inspectors. He would still like the processes broken down.

Vice Mayor Dempsey - None

Mayor Adams - He wanted to thank the VFW and American Legion for the memorial service. He also reported that he has successfully raised enough money to get the bridge fixed. He thanked Steve Cosby, Pepper Williams, Jim Quiggle, Mike Strong, Al Gagnon and Mr. Collins for their contributions to that project. He also noted that our local garden club won a Wyman Award for our new signs and medium project.

CONSENT CALENDAR/PUBLIC COMMENT:

CC 1. Check Register dated 5/30/06

CC 2. Minutes of May 16, 2006, regular meeting

CC 3. Minutes of May 16, 2006, Special Joint Meeting of City Council and California City Finance Authority

CC 4. Council adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY SUPPORTING PROPOSITION 81; CALIFORNIA LIBRARY CONSTRUCTION BOND ACT OF 2006"

CC 5. Council adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY APPROVING ADOPTION OF A COUNTY TRANSPORTATION EXPENDITURE PLAN"

Motion by Councilman Lessenevitch, second by Councilman Edmiston to approve Consent Calendar. 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. 54957.6, confer with Labor Negotiator William Way regarding Misc. Employees Union, C.C. Firefighters Assoc., CCPOA

CS 2.Pursuant to Government Code Section 54956.9, confer with legal counsel regarding potential claim of Martin Olsen

CS. 3 Pursuant to Government Code Section 54956.9, confer with legal counsel regarding Neilson vs City of California City

Council recessed at 8:43 pm for closed session. Upon return at 9:59 pm, City Attorney Lemieux reported that in closed session the Council instructed the labor negotiator in matters appearing on the agenda, and took no action on the potential claim or litigation.

ADDITIONAL PUBLIC COMMENT:

ADJOURNMENT:

Motion by Councilman Schafer second by Councilman Edmiston, to adjourn at 10:00 p.m. Carried.

Respectfully submitted by:

Denise Hilliker, City Clerk

