

**REGULAR MEETING
CALIFORNIA CITY CITY COUNCIL
TUESDAY, September 18, 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 deputy city clerk called the roll:

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

ABSENT: None

ADOPTION OF AGENDA:

Note of Addendum adding additional closed session item.

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

MAYOR'S COMMENTS:

Mayor Evans mentioned trash concerns of citizen Kim Collins, who was unable to attend tonight's meeting.

Fire Chief Mylander congratulated on his address to the Chamber of Commerce. Also brought to his attention by the Kern County Sheriff's was their observation of how well our police officers handle themselves in court. The Desert Rose Garden Club was also commended on their various projects around the city.

PRESENTATIONS: None

STAFF ANNOUNCEMENTS/REPORTS:

Finance Director Terry Hicks provided a status report on the year end budget.

CIVIC/COMMUNITY ORGANIZATION ANNOUNCEMENTS:

Concert Series in the park
Renaissance Fair October 21-22
Cancer Walk October 27

PUBLIC BUSINESS FROM THE FLOOR:

Rhonda Vazquez thanked everyone who participated in the new flag pole project.

Wayne Nosala voiced concerns that property owned by BLM, on Conklin Blvd. has had a fence erected on it. BLM states that they did not authorize

this easement to be closed.

Several citizens voiced their concerns regarding trash issues.

CONSENT CALENDAR/PUBLIC COMMENT:

CC 1. Approve check register dated 9/11/07

CC 2. Declaration of Surplus Property

Motion by Councilmember Edmiston, second by Councilmember Strong to approve the Consent Calendar. Roll call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch, Evans

NAYS: None

ABSTAIN: None

ABSENT: None

NEW BUSINESS 1 & CONTINUED BUSINESS 1:

Appointment of Planning Commission / Beautification Commission

Deputy City Clerk Sprague administered the Oath of Office to Michelle Chebatah as Planning Commissioner and Linda Wilson as Director on the Beautification Commission.

Mayor Evans congratulated them on their appointments.

NEW BUSINESS 2:

Discussion of check signing authority

Mayor Evans gave the history concerning this item. He explained that the City had a contract with Sierra Cascade to put in water lines. During the construction phases Council determined that adequate work had not been done at restoring some of the cut throughs that were made. Council had also received numerous complaints from citizens. When a progress payment to the company, in the amount of \$700,000, was on a check register for council to approve, the Mayor asked that that item be pulled for discussion. Ultimately the entire council voted to withhold the payment until staff had a chance to communicate with the company concerning these concerns. Shortly following this decision staff informed the Council that this check had already been released to the company. This action caused the council to feel concerned since they are the ones held accountable for the funds the city receives. If the Council is to be held accountable then the council must have some control over when funds are released. Out of this came the need for a resolution stating that no checks get sent out until after the approval of the council. (Exceptions would be checks relating to payroll, utilities and dire emergencies)

Mayor Evans reviewed what the state statues are in the State of California. This states the Mayor only signs the checks after the approval of the

council. It also states that the legislative body may provide by ordinance that checks be signed by someone other than the Mayor. The council has not issued such an ordinance. He also reviewed the section pertaining to the method by which payment should be made. Ultimately it is the council who decides who should sign and countersign checks. Also reviewed was the statute regarding the duties of the Treasurer, which states that they in turn do not personally sign checks.

Mayor Evans recommended to the Council and staff the following; The Finance Dept. should assemble the invoices and PO's and determines that we have a legal obligation to pay. Terry Hicks, as Finance Director, should counter sign that, giving his concurrence that the debt is owed. That approved register then goes to council for final approval. Once that occurs the Mayor counter signs the checks and they are released. In the absence of the Mayor, all duties are assumed by the Mayor Pro Tem. In the absence of the Finance Director, the duties all to the City Clerk, under the statute. As a catch all, the Chief Financial Officer of the city, the City Manager, should be the fifth and final signature when only necessary. With that explanations the order that the checks should be signed are as follows: The Finance Director, in his absence the City Clerk.

The Mayor (following council approval), in his absence the Mayor Pro Tem

If necessary the Chief Financial Officer

Opposing public comments regarding the mistrust of the council were received.

Motion by Councilmember Schafer, second by Councilmember Edmiston to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY ESTABLISHING CHECK SIGNING AUTHORITY" and adding the City Clerk and the City Manager as authorized to countersign. Roll call vote as follows:

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

NEW BUSINESS 3:
Zone Change 180

City Manager way gave the staff report regarding this item and that it had been brought before and previously approved by the Planning Commission. At the time of approval it was thought that Fish & Game had not provided us with certain information in a timely manner. Subsequently it was learned that they had indeed been timely, therefore the resolution before the Council does include their concerns. The Attorney has also

been reviewing this and explained his need to make a "big picture" presentation. When this was first brought to council it was presented as a tentative map, zone change and general plan amendment. What you see tonight is different. He explained that when the materials came to him the first time it appeared that the request was being made to prepare a conditional map or a conditional zone change. He felt it was unadvisable to adopt a conditional zone change due to a lot of technical reasons. The council is not required to review tentative maps, unless someone is appealing, but is required to review zone changes. While review of the zone change you don't want to make it conditional and you have environmental concerns, the appropriate approach is to adopt a mitigation plan. Therefore tonight staff is bringing forth a resolution asking for approval of a mitigation plan designed to insure neither the tentative map, if it ever becomes finalized, nor the zone change, will be accompanied by unmitigated environmental impacts. Second document is the zone change, having taken care of the conditions in the mitigation plan, it is a standard zone change often seen by the council.

Council received clarification from staff on questions relating to this item.

Citizens questions were heard and responded to. Many disagreed with Fish and Game's requirements and urged the city to fight their requests.

The proponents argued that the council should adopt the resolution adopted previously by the Planning Commission. Legal counsel disagrees.

Staff recommended that council bring back the proposed resolution after further information/options are looked into.

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 ADOPTING ZONE CHANGE 180" and call for a public hearing to be held at the October 2, 07 meeting. Roll call vote as follows:

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

NEW BUSINESS 4:

Proposal to modify fire apparatus agreement

Fire Chief Mylander gave the staff report regarding the departments 2001 Spartan/Laverne Fire Rescue Pumper. Due to unpredictable maintenance / repair issues this vehicle has been out of service a considerable amount of time. It is staff recommendation that this vehicle be released from city service and authorize an independent firm to sale it on a consignment basis. It is further recommended that the council authorize the purchase of a 2006 Pierce Contender Fire Engine on a "turn in lease" program.

Council questions and concerns were addressed.
Public comments and questions were received.

Motion by Councilmember Schafer, second by Councilmember Edmiston to approve the modification of the fire apparatus agreement and move forward with acquiring new fire engine Roll call vote as follows:

AYES: Edmiston, Schafer, Strong, Evans

NAYS: Lessenevitch

ABSTAIN: None

ABSENT: None

CONTINUED BUSINESS 2:

Waste Management Ordinance

Consensus of the council to table item until the meeting of 10/2/07

CONTINUED BUSINESS 3:

Joint Land Use Study

Councilmember Edmiston provided a powerpoint presentation / report on the item.

Motion by Councilmember Edmiston second by Councilmember Strong to approve the proposed matrix in concept and authorize the Mayor to sign a letter stating so. Roll call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch, Evans

NAYS: None

ABSTAIN: None

ABSENT: None

COUNCIL AGENDA:

Councilmember Strong – Reported on Neighborhood Watch Programs

Councilmember Schafer – Further comment regarding Zone Change 180

Councilmember Edmiston – Reported on League of Cities Conference Mayor Evans - He, along with Councilmember Edmiston are working on a Residential Unit Inspection Program and would like some community input prior to it coming before council. Request staff to notify realtors and business owners, once meeting date is set.

Also request council to notify him if they are interested in working on semi trucking parking issues.

CLOSED SESSION:

CS 1. Per Govt. Code Section 54957.6, confer with Labor Negotiator regarding Misc. Union, CCPOA, CCFA

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

City Attorney Lemieux reported that the labor negotiator updated the council on matters concerning the misc. union. It is now appropriate for the council to take action.

Motion by Councilmember Schafer, second by Councilmember Edmiston to authorize the labor negotiator to execute an MOU with the misc. union.

Motion carried.

A report was also given to council by counsel regarding the Guy case. No formal action taken.

ADJOURNMENT:

Motion by Mayor Evans second by Councilmember Schafer to adjourn at 9:59 pm. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk

ADDITIONAL PUBLIC COMMENT: None

CLOSED SESSION: None

ADJOURNMENT:

Motion by Councilmember Schafer second by Councilmember Edmiston to adjourn at 9:58 pm. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk