

**REGULAR MEETING
CALIFORNIA CITY CITY COUNCIL
TUESDAY, September 19, 2006, 6:00 p.m.
Council Chambers, 21000 Hacienda Blvd.
MINUTES**

OPENING CEREMONIES: Mayor Adams opened the meeting at 6:12 p.m. Following the Pledge of Allegiance, and the invocation the clerk called the roll:

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

ABSENT: Councilman Edmiston

Also Present:

City Manager William Way; City Attorney Wayne Lemieux; Finance Director Terry Hicks; Acting Fire Chief Chris Hayes; Public Works Director Dan Allen

ADOPTION OF AGENDA:

Motion to adopt agenda by Councilman Lessenevitch, second by Councilman Schafer; carried

PRESENTATIONS:

Mayor Adams presented employee Howard Credeur with a plaque, recognizing his years of dedicated service for the city.

Public Works Director Allen gave a powerpoint presentation on the Ives Court project as well as an update on other projects going on in the city.

STAFF ANNOUNCEMENTS:

Mr. Way announced that Eclempus would be placing a plaque at the Mojave / Randsburg and 20 Mule Team intersection on October 14, 06.

CIVIC/COMMUNITY ORGANIZATION ANNOUNCEMENTS:

David Campbell - The Special Tax Committee for Measure "J" will be meeting every Monday at 6pm, in the Council Chambers.

Cheryl Hoffman - The Cal City Chamber of Commerce is again being represented at this years Kern County Fair.

Michelle Hornback - Heritage Days / Art Show is this weekend.

Ed Walheim - CORVA moving their jamboree to Jawbone. Next concert in the park will be on Oct 8th, 2-5pm.

PUBLIC BUSINESS FROM THE FLOOR: None

PUBLIC HEARING 1:

Council consider Amendment of Kern County Community Development Block Grant - City Manager

Mayor Adams declared the hearing opened at 6:56 pm.

Public Works Director explained that with the rising costs of materials the original project length for the Calif. City street improvements (Randsburg-Mojave Road) has been scaled back. With the original funding staff was only able to get ¼ of the way down Randsburg-Mojave Rd. Staff is recommending that two projects be combined so that resurfacing, etc. can continue down to Mendinburu.

Councilman Schafer inquired if the drainage issue at the Lakeview mobile home village had been mitigated. Mr. Allen explained that the allocated monies for that project (approx. \$164,000) is not enough to correct the problems.

There was much discussion regarding unallocated special tax monies and the possibility of using those funds instead of canceling the mobile home park project. Also brought up was the fact that this street project was first approved nearly 3 years ago and has been held up due to environmental issues. Council directed staff to bring back a list of all projects that are currently being planned, along with source of funding available, so they can decide on a priority basis on what to do or not do. The public hearing will be continued until the October 3rd meeting.

PUBLIC HEARING 2:

Council consider request to vacate an easement for Parcel A of Lot Line Adjustment 06-02; Lloyd Mason - City Manager

Mayor Adams declared the hearing opened at 7:10 pm.

City Engineer Helt explained that after review of this easement it was acknowledged that it could be abandoned since it no longer serves as legal access to the parcel behind it.

Public testimony was heard in favor of the abandonment by Wayne Nosala, local resident whose property is within 300ft said easement. He also provided pictures to the council.

Lloyd Mason also gave history of the easement and spoke to the fact that there is legal access to the property behind him by way of Yano Street. He will complete fencing when said easement is abandoned.

Ed Walheim strongly urged the council to approve.

Kim Collins inquired as to how long the legal process for accomplishing this abandonment would take. City Attorney advised a few weeks.

No additional communications were received by the City Clerk.

Motion by Councilman Lessenevitch, second by Councilman Schafer to close the public hearing at 7:17 pm. 4-0-1

Motion by Councilman Schafer, second by Councilman Lessenevitch to make a quitclaim deed from the City to referred property owner. Roll call vote as follows:

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

CONTINUED BUSINESS 1:
Final Tract Map 5722 - City Manager

City Attorney Lemieux publicly noted that Councilman Lessenevitch has no conflict of interest in CB1 due to it not having a material affect on his financial interest.

Mr. Way gave history on this map and reported that both the city attorney and city engineer have done considerable research. Council received a letter of analysis from the city attorney recommending that this tract map be denied and that a new tract map should be submitted to the Planning Commission. Mr. Way announced that arrangements will be made so that this item will be ready to go before the commission at their next meeting and subsequently return for council approval at the 10/03 meeting.

City Attorney Lemieux reiterated that per the Map Act, the tentative tract map actually expired Nov. 1995. No record of extensions were found, which would have had to occur in the first two years. He also stated that it would not be in anyone's best interest to proceed illegally.

Motion by Councilman Schafer, second by Councilman Lessenevitch to refer item back to Planning Commission for new tract map and to waive all fees. Roll call vote as follows:

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

NEW BUSINESS 1:

Final Tract Map 6388 - City Manager

Mr. Way explained previous history of map and staff gave recommendation to approve.

Motion by Councilman Lessenevitch, second by Vice Mayor Dempsey to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY APPROVING THE FINAL MAP FOR TRACT 6388 "THE LEGENDS" LOCATED AT RANDSBURG-MOJAVE ROAD AND NORTH LOOP BOULEVARD AND AUTHORIZING THE CITY CLERK TO EXECUTE THE FINAL MAP AND THE CITY ENGINEER TO FILE THE MAP WITH THE COUNTY CLERK."Roll call vote as follows:

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

NEW BUSINESS 2:

Claim for \$1000. Graffiti reward - City Manager

Mr. Way explained that a local citizen had submitted a claim for the reward after witnessing an individual doing graffiti. After follow up by police, the individual confessed to the crime.

Motion by Vice Mayor Dempsey, second by Councilman Lessenevitch to approve payment of claim; Roll call vote as follows:

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

NEW BUSINESS 3:

Property Exchange Agreement with Eagle International, Inc - City Manager

Mr. Way reminded council of previous discussions on this item. Councilman Dempsey inquired if a background check had been completed. Mr. Way answered that it had been started, but not yet completed. Also, the city would not be providing monetary assistance. It was decided that there are a few minor details to the agreement that will be corrected in the final print.

Motion by Councilman Schafer, second by Councilman Lessenevitch to approve agreement, with corrections, upon completion of background check. Roll call vote as follows:

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

NEW BUSINESS 4:

Acceptance of Right-of-Ways, North of Mendiburu Rd., East of Rusche Blvd. - City Engineer

Mr. Helt explained that these right-of-ways are needed for a staging area during construction. The ultimate plan in the future, when the city wants to widen Mendiburu, the right-of-ways would be needed at that time. The Council thanked the property owners for their coroporation.

Motion by Councilman Lessenevitch, second by Councilman Schafer to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY APPROVING IRREVOCABLE OFFERS OF DEDICATION FROM Gus & Toula Pass (APN 229-020-24), Nicholas P. McKee (APN 229-020-33), John F. & Judy M. Silverman (APN 229-020-27), Inez Itzhaki, General Partner, Rontel Development, LP. (APN 229-020-31), Alan B. Cherko and Milton R. Torin (APN 229-020-12), Allen J. & Debbie Minas, Samuel J. & Geraldine M. Minas (APN 229-020-37) and, Penny (Penelope) Bartis, Elaine Auer & Irene Salomone (APN 229-020-03); Roll call vote as follows:

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

NEW BUSINESS 5:

Council consider land option extension with Great California Developer One, regarding 11.35 contiguous acres, Tract No. 5634 - City Manager

Staff recommended that the council deny the extension. The terms and conditions of the existing agreement do not meet with the best intentions of the city and therefore will be directed to the redevelopment agency for consideration.

Motion by Councilman Schafer, second by Vice Mayor Dempsey to deny extension; Roll call vote as follows:

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

COUNCIL AGENDA:

Councilman Lessenevitch - Would like update on being able to do pod cast of council meetings.

Councilman Schafer - None

Vice Mayor Dempsey - Thanks to staff for replacing down stop sign.

Mayor Adams - Update on League of Cities Convention. AVEK will be conducting a public hearing on the issue of raising water rates on 10/24/06.

CONSENT CALENDAR/PUBLIC COMMENT:

CC 1. Check Register dated 9/11/06

CC 2. Approve minutes of Special Joint Meeting of the Council and Planning Commission on 08/29/06

Motion by Councilman Lessenevitch, second by Councilman Schafer to approve Consent Calendar. Roll Call vote as follows:

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

CLOSED SESSION:

CS 1.Pursuant to Gov't Code Sec. 54957.6, confer with Labor Negotiator William Way regarding C.C. Firefighters Assoc.and CCPOA

CS 2.Pursuant to Gov't Code Section 54956.9, confer with Legal Counsel regarding claim of Frederick Richman

CS 3. Per Govt. Code Sec. 54956.9, confer with Legal Counsel regarding potential litigation concerning Final Tract Map 5722

Council recessed at 8:08 pm for closed session. Upon return at 8:13 pm City Attorney Lemieux recommended on the record that council vote to approve the Richman claim. No action was taken on items CS 1 and CS 3.

Motion by Mayor Adams, second by Councilman Lessenevitch to approve claim. Roll Call vote as follows:

AYES: Lessenevitch, Dempsey, Adams

NAYS: Schafer

ABSENT: Edmiston

ABSTAIN: None

ADDITIONAL PUBLIC COMMENT: None

ADJOURNMENT:

Motion by Councilman Lessenevitch second by Councilman Schafer, to adjourn at 8:15 pm. Carried.

Respectfully submitted by:

Denise Hilliker, City Clerk