

**REGULAR MEETING
CITY OF CALIFORNIA CITY
CITY COUNCIL
Tuesday November 3, 2009
Council Chambers, 21000 Hacienda Blvd.
MINUTES**

CALL TO ORDER

Mayor Adams called the meeting to order at 5:52pm

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

PRESENT: Councilmembers Smith, Strong, Lessenevitch, Edmiston
Mayor Adams

ABSENT: None

ADOPTION OF AGENDA

Motion by Councilmember Lessenevitch, second by Councilmember Smith to adopt the agenda. Motion carried 5-0

PRESENTATIONS

The office of Roy Ashburn presented the city a certificate in recognition of the 50th Anniversary of the California City Fire Department

STAFF ANNOUNCEMENTS/REPORTS

Fire Captain Mylander provided an update on the fire department activities and the importance of maintaining smoke detectors
Police Chief Colerick provided an update on Code Enforcement activities.

CIVIC / COMMUNITY ORGANIZATION ANNOUNCEMENTS

David Stafford - Chamber: Cost break down on city clean up
Shirley Heathman - EKHCD: great response to Cancer Walk held on 10/24
Pastor Pope: 11/12 deadline for Angel Food Ministries orders
MaryAnn LeBlanc - Optimist Club: Swap Meet 8-3 pm 11/7

PUBLIC BUSINESS FROM THE FLOOR

Public comment was received from Lou Peralta (handout), Wally Melendez, and Don Trummel

CONSENT CALENDAR / PUBLIC COMMENT

CC 1. City check registers dated through 10/29/09

Motion by Councilmember Strong, second by Councilmember Lessenevitch to approve the consent calendar. Roll call vote as follows:

AYES: Smith, Strong, Lessenevitch, Edmiston, Adams
NAYS: None
ABSTAIN: None
ABSENT: None

CONTINUED BUSINESS

CB 1. California City Sidewalk Improvement Project Change Order

Public Works Director Bevins reported that the original contractor awarded this project was approached to extend the work up Conklin Blvd. This would be consistent with the City's policy to the tune of the 25% extension. The existing unit prices would be used for material and labor. The project was extended approximately 410 ft. and has been completed with the knowledge of the council.

Council comments were received and clarification as to why the sidewalk was not taken to the end. Staff will be completing the project in house.

Motion by Mayor Pro Tem Edmiston, second by Councilmember Smith to approve the change order. Roll call vote as follows:

AYES: Smith, Edmiston, Adams
NAYS: None
ABSTAIN: Strong, Lessenevitch (due to conflict of interest)
ABSENT: None

CB 2. Module Units Foundation Agreement

City Manager Weil reported that it was previously discussed that bids were going to be taken for the foundations for the modular previously approved for purchase. The agreement is now being brought forth for approval. There were 5 bids received.

Councilmember Smith received clarification on quotes previously presented by staff.

Motion by Councilmember Lessenevitch, second by Councilmember Smith to approve the Agreement with High Desert Development, Inc./Superior Concrete. Roll call vote as follows:

AYES: Smith, Strong, Lessenevitch, Edmiston, Adams
NAYS: None
ABSTAIN: None

ABSENT: None

CB 3. Well #14

Public Works Director Bevins reminded the council they had previously approved a change order pertaining to the Well #14 project. It is being brought back tonight, per the request of the city attorney, as a new construction contract. The cost remains the same. It was noted that there was only one initial bid received for this project.

Motion by Mayor Pro Tem Edmiston, second by Councilmember Strong to make the finding that it is not practical to bid this project and to approve the new contract with Layne Christensen Co. Roll call vote as follows:

AYES: Smith, Strong, Lessenevitch, Edmiston, Adams

NAYS: None

ABSTAIN: None

ABSENT: None

NEW BUSINESS

NB 1. Proposition 1A Securitization Program

City Manager Weil gave the history on Proposition 1A and reported that an emergency suspension of these revenues was passed by the Legislation and signed by the Governor as part of the 2009-10 budget package on July 28th, 09. Under the provision the State will borrow up to 8% of the amount of property tax revenue appropriated to cities. The state will be required to repay those obligations plus interest by June 30, 2013. He also reported that the legislature had also recently adopted a clean-up bill which provides a few critical changes, including but not limited to the revision to the hardship mechanism. Mr. Weil further explained the Proposition 1A Securitization Program which enables local agencies to sell their respective Prop 1A Receivables to California Communities. They in turn would issue bonds and provide each local agency with the cash proceeds in two equal installments. There are no fees incurred by the City, nor are we responsible if the bonds were to fail.

Council questions were addressed. No public input noted.

Motion by Mayor Pro Tem Edmiston, second by Councilmember Lessenevitch to adopt **“A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALES AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER’S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND**

AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH Roll call vote as follows:

AYES: Smith, Strong, Lessenevitch, Edmiston, Adams
NAYS: None
ABSTAIN: None
ABSENT: None

NB 2. Parks & Recreation Commission Goals

Mayor Pro Tem Edmiston reported that he attended the first meeting of the newly formed Parks and Recreation Commission. The Commission asked if the Council had any direction or goals they should be following or working on. He took the lead and has comprised a list of recommendations. He reviewed the three main goals for the Commission.

Councilmember Lessenevitch added that he would like them to work on other recreational facilities as well. It was agreed to add that suggestion under Item 1 pertaining to developing a 5 and 10 year master plan.

Consensus of the council to approve outlined recommendations for the Parks and Recreation Commission.

NB 3. Urgency Ordinance: Moratorium on issuance of Medical Marijuana Clinic Permits

City Attorney Lemieux reported that since the Federal Government has announced it is not going to be too active in enforcing federal laws against marijuana use in states that permit medical marijuana clinics. Presently the city has no provisions in the Municipal Code dealing with the subject. He is recommending that the Council adopt this Urgency Ordinance tonight establishing a 6 month moratorium on any permits until such time that community meetings can be held to seriously go through the process of crafting a medical marijuana clinic permit process. Staff will get together to bring back a final ordinance on the subject within 6 months.

Public input supporting the moratorium and the possible ban on future permits was noted.

Motion by Mayor Pro Tem Edmiston, second by Councilmember Smith to give First and Only Reading, by Title only and adopt “AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY IMPOSING A MORATORIUM ON THE ESTABLISHMENT OF MEDICAL MARIJUANA CLINICS PENDING THE ADOPTION OF COMPREHENSIVE REGULATIONS” Roll call vote as follows:

AYES: Smith, Strong, Lessenevitch, Edmiston, Adams

NAYS: None

ABSTAIN: None

ABSENT: None

COUNCIL AGENDA

Councilmember Smith - Thanks to staff

Mayor Adams - Public complaints on sound and picture quality on Channel 20. Request for City Manager Weil to contact Charter to make necessary repairs and adjustments.

CLOSED SESSION

CS 1. Per Gov't Code Section 54956.9; confer with Legal Counsel - Existing Litigation, Medtrans vs California City

CLOSED SESSION ACTION

City Attorney Lemieux reported that the court has ruled in favor of the City over MedTrans and that the next phase of the trial is where counsel will make the argument about the recouping of attorney fees.

ADJOURNMENT:

Motion by Councilmember Lessenevitch, second by Councilmember Smith to adjourn at 7:08 pm. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk

APPROVED BY CITY COUNCIL ON _____