

**REGULAR MEETING
CALIFORNIA CITY CITY COUNCIL
TUESDAY, November 6, 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 city clerk called the roll:

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

ABSENT: None

ADOPTION OF AGENDA:

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

MAYOR'S COMMENTS:

Thanks to all who participated in Community Clean up day.
Congratulations to the Police Dept on their successful arrest record

PRESENTATIONS:

California City employee Cindy Beckwith was presented a plaque for her assistance to a citizen whose home was on fire.

STAFF ANNOUNCEMENTS/REPORTS:

City Manager Way reported that the old city sports arena will be demolished next week.

CIVIC/COMMUNITY ORGANIZATION ANNOUNCEMENTS:

200 participants in the Cancer Walk held on October 27, raising \$5600.

EDC Breakfast 20 Nov.

To date \$2000 has been raised for the police department K9

Veteran's Day events Nov 11 & 12

PUBLIC BUSINESS FROM THE FLOOR:

Lou Peralta - voiced his concerns about the need for the City to work closely with the County in regards to trash and illegal dumping.

Kim Collins - thank you to council and city staff for taking part in the Community Clean up.

Wayne Nosala and Ed Waldheim- voiced concerns again in regards to fencing on Conklin.

Nancy Hensly - She is a foster home for "American Brittany Rescue" and is asking council for an exemption to the code pertaining to the number of

animals one can have in a residential area, Mayor Evans explained the procedure for the changing of the code. He also encouraged her to go through the procedure for appealing code enforcement citations.

CONSENT CALENDAR/PUBLIC COMMENT:

CC 1. Approve check register dated 10/31/07

CC 2. Approve minutes of 6/19/07; 07/03/07; 07/17/07; 08/07/07

CC 3. Council give Second Reading, with Further reading waived and Adopt **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING THE CALIFORNIA CITY MUNICIPAL CODE AS IT RELATES TO CODE MAINTENANCE”**

CC 4. Professional Services Agreement – Lemieux & O’Neill

CC 5. Adopt a **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY TO GRANT ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT”**

CC 6. Approve joint RDA and Council meetings beginning January 2008

CC 7. Check register dated 11/1/07 (**addendum**)

Councilmember Edmiston requested that CC 6 be pulled and put on the next agenda as business item. Consensus was to do so.

Motion by Councilmember Schafer, second by Councilmember Edmiston to remove CC 6 and approve the Consent Calendar with the addendum. Roll call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch, Evans

NAYS: None

ABSTAIN: None

ABSENT: None

PUBLIC HEARING 1:

Council consider proposed project for CDBG Funds, F/Y 08/09, select eligible project

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

Public Works Director Bevins provided the staff report. He commented that estimates on projects that were looked into came back extremely high. Therefore it was necessary to look into doing phases of the projects instead. Staff is attempting to not let the available monies just sit in a pool for use in future years.

No project recommendations were brought forward from the public.

Council’s questions were answered.

City Clerk Hilliker reported that no communications were received.

Pubic comments were received.

Motion by Mayor Pro Tem Lessenevitch to close public hearing

Consensus of the council to continue further action until the next meeting and to direct staff to bring back more clarification on projects being considered.

NEW BUSINESS 1:

Administrative Appeals Ordinance

City Manager Way explained that there are several locations though out the municipal code that refers to appeal processes for administrative actions which has some degree of detail to them. With the assistance of legal counsel we have altered several sections of the code to simple refer back to Title 1 Chapter 4 of the code which outlines the appeal process. Therefore everything remains consistent through out the code on all appeal processes.

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 AMENDING THE CALIFORNIA CITY MUNICIPAL CODE AS IT RELATES TO ADMINISTRATIVE APPEALS” Roll call vote as follows:

AYES: Edmiston, Schafer, Strong, Lessenevitch, Evans

NAYS: None

ABSTAIN: None

ABSENT: None

NEW BUSINESS 2:

Proposal of Evaluation of existing Wastewater Treatment Plant

City Engineer Helt provided the staff report on this item.

It was the request of staff that this item be removed from the agenda.

Consensus of council to do so.

NEW BUSINESS 3:

Consultant Agreement for Administrative Hearings

Mr. Way explained that with two code enforcement offices we have increased the number of citations being issued. This has therefore

increased the number of appeals. He feels that it is necessary to appoint a hearing officer that is strictly independent from the city. City Attorney Lemieux has drafted a proposed agreement with Steven Patillo. He has the credentials for being a qualified hearing officer under the code and has substantial knowledge of the municipal code.

Public comments and questions were taken.

Funding for the hearing officer would come from the \$300 fee charged for citation appeals.

Motion by Councilmember Edmiston, second by Councilmember Schafer to approve consultant agreement, with discussed revisions, with Steven Patillo. Roll call vote as follows:

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

CONTINUED BUSINESS 1:
Waste Management Ordinance

Councilmember Edmiston stated that he felt this ordinance was as well tuned as it was going to get. He requested that the Mayor ask for public comment on this revised ordinance, adding minor adjustments could still be completed if necessary.

Public comments and suggestions were received with agreed changes made accordingly.

Motion by Councilmember Edmiston, second by Councilmember Strong to give First reading, by Title only, with further reading waive of “**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY AMENDING THE CALIFORNIA CITY MUNICIPAL CODE AS IT RELATES TO WASTE MANAGEMENT**” Roll call vote as follows:

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

CONTINUED BUSINESS 2:
USDA Waterline Project

City Engineer Helt reminded the council that this item was before them previously. Council at that time had issues of concerns which were taken

back to the contractor for review. Those issues were reviewed and addressed and the staff confirms the project is complete at this time. Staff recommends that the City review the Notice of Acceptance, accepts the work performed under the contract by Sierra Cascade Construction and authorizes payment of the retention money thirty days after the Notice of Completion has been recorded.

Councilmembers voiced their continued concerns that parts of roads that were affected by the project were not replaced. Public Works Director Bevin explained that roads which were original desert-mix base can not be replaced with such material. He also stated that there is a stretch of desert-mix roads in the project area that are scheduled for complete resurface, possibly next fiscal year. He further added that there is no suitable repair for a road made up of desert-mix. The Mayor added his frustrations on the fact that roads torn up by this project were not repaired satisfactorily. Mr. Bevin also informed the council that we will fall out of the funding cycle for Phase II if we do not close out Phase I.

City Manager Way requested that this item be continued due to relevant points brought forward by the council.

Public comment was received.

Motion by Mayor Pro Tem Lessenevitch, second by Councilmember Schafer to authorize close out of the USDA Waterline Improvements Project Phase I. Roll call vote as follows:

AYES: Edmiston, Schafer, Strong

NAYS: Lessenevitch, Evans

ABSTAIN: None

ABSENT: None

COUNCIL AGENDA:

Councilmember Strong - congratulations to the police department on the arrest on the burglary at Subway. Request to have a presentation regarding Neighborhood Watch at the 12/18/07 meeting. Mayor concurs on request.

Councilmember Schafer - voiced concerns on vicious dog attack at citizen's home and ongoing water bill issues.

Councilmember Edmiston - thanks to those who participated in the community clean up and the police department for their ongoing hard work.

Mayor Pro Tem Lessenevitch - still need to get going on impact fees as well as OHV permitting fees. Also reminded staff the desperate need to send someone to the monthly policy meetings in an attempt to get transportation funding from the state.

Mayor Evans - reiterated the need for decorum during our council meetings. Compliments to the fire, public works and police departments efforts

CLOSED SESSION:

- CS 1.** Per Gov't Code Section 54956.9; confer with legal counsel regarding existing litigation, Guy vs California City
- CS 2.** Per Gov't Code Section 54956.9; confer with legal counsel regarding potential litigation
- CS 3.** Per Gov't Code Section 54956.9; confer with legal counsel regarding existing litigation; MedTrans vs California City
- CS 4.** Per Gov't Code Section 54956.9; confer with legal counsel regarding existing litigation; Grey vs California City

City Attorney Lemieux reported that council received a report on the Guy vs Cal City case, with no action taken. New claims received by Sherry Guy and Richard Hall were discussed with recommendation to deny.

Motion by Councilmember Edmiston, second by Councilmember Schafer to deny both claims. Motion carried.

He reported that clarification was given with regards to our settlement authority in Grey vs Cal City. Counsel was also authority to begin preparing the Petition for Hearing in the Medtrans vs Cal City case.

ADJOURNMENT:

Motion by Councilmember Schafer second by Councilmember Edmiston to adjourn. Motion carried.

Respectfully submitted by,

Denise Hilliker, City Clerk