

**REGULAR MEETING
CALIFORNIA CITY CITY COUNCIL
TUESDAY, December 5 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 Frank Bachara, Desert Song Foursquare, provided the invocation. The clerk called the roll:

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

ABSENT: None

Also Present:

City Manager William Way; City Attorney Wayne Lemieux; Police Chief Lunsford; Lieutenant Colerick, City Clerk Hilliker

ADOPTION OF AGENDA:

Motion to adopt agenda, with item NB 6 being continued until next meeting, by Councilman Edmiston, second by Councilman Schafer; carried.5-0

NEW BUSINESS 1:

Council declare election results - City Clerk

Ms. Hilliker reported the results of the November 7th election as received from the county as follows:

Mayor - David Evans

Councilmember - Mike Edmiston

Councilmember - Cathy Strong

Motion by Councilman Lessenevitch, second by Councilman Schafer to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY RECITING THE FACT OF THE MUNICIPAL ELECTION HELD ON NOVEMBER 7, 2006, DECLARING THE RESULTS THEREOF AND SUCH OTHER MATTERS AS PROVIDED BY LAW"; carried.5-0

PRESENTATIONS:

City Manager Way presented both Bill Dempsey and Larry Adams with plaques from the City, honoring them for their years of dedication. Mr. Way also acknowledged their wives, Mary and Oleta, thanking them for their support.

TAKING OF THE OATH OF OFFICE:

City Clerk Denise Hilliker administered the oath of office to Mayor Evans, Councilmember Mike Edmiston, Councilmember Cathy Strong and Treasurer Sharon Williams.

SECOND ROLL CALL AND SEATING OF THE NEW COUNCIL:

PRESENT: Council members Edmiston, Lessenevitch, Schafer, Strong, Mayor Evans

ABSENT: None

STAFF ANNOUNCEMENTS: None

CIVIC/COMMUNITY ORGANIZATION ANNOUNCEMENTS:

Ed Walheim - EDC meeting to be held on Thursday, the 7th at 8am. Events Committee meeting to follow at 9am. California City Special Tax Committee will be held on Dec.13th & 18th; Jan. 15th & 29th; Feb. 5th & 19th and March 5th. All at 7pm.

Mike Edmiston - Community Club, thanked those involved in the Xmas tree lighting ceremony last Sat.

Michelle Hornback, Toys for Tots, Wheels & Wings this Sat, the 9th at the airport. Starts at 10am.

Toni Evans - Cal City Republican Women Federated, meet 4th Thursday of each month at the Pizza Factory.

PUBLIC BUSINESS FROM THE FLOOR:

John Fischer requested that his attempted lease agreement at the airport with the City be put on as an agenda item. Consensus by the Council to do so.

Judy Smith voiced her concerns about the leaving of numerous department heads as well as the condition of our current website and the inability to find our City on the web.

Kim Collins would like to see more simple clarification when presenting an item on the agenda.

Ed Walheim encouraged everyone to take part in keeping our city clean.

CONTINUED BUSINESS 1:

Agreement for Collection Services: Administrative Citations - City Manager

Mr. Way reminded the council that this item was up for consideration at the previous meeting. The original text of the agreement has since had changes made per the city attorney. This revised agreement has been forwarded to Revenue Experts for their comments; none have been received as of this time. It was re-explained that this company would serve

as the collector for those fees being assessed by citations; i.e. code enforcement citations.

Councilman Schafer voiced concern on not receiving background information on this company. Code Enforcement Officer Sprague reported that this company is currently doing the same service for Kern County, along with 5 other cities in California.

Councilman Edmiston was given clarification on the fees being charged and the dollar amount of the citations we are issuing.

Mr. Way explained that we are just now starting to write citations; therefore an average can not be determined at this time. Mr. Sprague currently has 160 open cases.

Mayor Evans expressed his desire to give code enforcement the tools it needs to properly do its job, therefore being in favor of going into this agreement.

Councilman Schafer would like to see the created revenue put back into the department from which the citation was written, not into the general fund. Mr. Way replied that the distribution of the proposed revenue stream should be an issued discussed during the budget process.

Motion by Councilmember Schafer, second by Councilmember Edmiston to approve agreement with Revenue Experts, Inc with the revenue stream being discussed during budget process.

Public opinion was received with concerns relating to "quotas", consistency in the citation process and having existing staff doing the collections.

Roll call vote as follows:

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

PUBLIC HEARING 1:

Council consider adopting a resolution calling a Special Municipal Election for the purpose of enacting a special tax for March 6, 2007, setting the amount and term of the special tax - City Manager

Mayor Evans declared the public hearing open at 6:58 pm

Mr. Way reviewed the resolution that the Council needs to adopt in order to place the Special Tax on the ballot for the March 6, 2007 election.

Ed Walheim, Chairman of the Special Tax Committee, reported on what the committee has been discussing during its last meetings. After much discussion and with the knowledge of the ramifications if the tax does not pass, the committee unanimously decided to recommend to the council

that the special tax be for 5 years at \$100. annually. They have no desire to change the makeup of how the monies are to be divided. The committee will stand behind whatever decisions the council makes. He also stressed the fact that the council should vote unanimously to approve. There was also discussion in regards to whether it would be too late to access the tax if we waited until June.

Councilman Edmiston inquired as to the price of the special election. It was explained that the estimated cost of \$30,000. would be for either the March or the June election, depending if any other cities wished to consolidate.

There was discussion from the public in regards to somehow hiring professionals to find out what exactly the citizens wants and needs are. Also the wording explaining the measure on the ballot and how we can rephrase it so that the citizens have a clearer understanding of it.

No communications were received by the City Clerk.

Motion by Councilmember Edmiston, second by Councilmember Lessenevitch to close the public hearing. Carried at 7:37 pm.

Councilman Edmiston brought up the point that the current \$75 tax does not cover everything we need. With inflation by next year we will need to cut services anyway.

Councilman Schafer urged the public to spend the .28 cents a day. Also agrees that \$75 will no longer do the job and gives the committee his full support.

Councilman Lessenevitch wanted to address the particulars of the agenda item. Such as amount, term, etc. He also has issues with special tax monies being used for water. He will give his full support for the amount of \$100. for 5 years. He would rather see the council go for the June election, giving the public time to see that the new leadership is making a difference.

Mr. Lemieux informed Mayor Evans that the resolution must describe the purposes for which the special tax will be expended.

Mayor Evans expressed his support of the special tax as recommended by the committee. His only concern was if there was adequate time between now and March 6th and adequate man power to run the campaign.

Especially since absentee ballots will be going out the first part of February.

Councilman Schafer explained that he feels that it would be doing the public and the employees an injustice by not moving forward.

After much discussion the council made a consensus to take the 10% of the tax allocated for water and divide it equally among the fire and police departments.

Mr. Lemieux reviewed with the council the changes we would be making to the draft resolution tonight. This will include the purpose for which the special tax will be expended, as earlier agreed upon in principal.

Motion by Councilmember Schafer, second by Councilmember Strong to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY CALLING A SPECIAL MUNICIPAL ELECTION TO CONSIDER A SPECIAL TAX AND ORDERING THE CONSOLIDATION OF THE ELECTION" Roll call vote as follows:

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

NEW BUSINESS 2:

CDBG Project for fiscal year 2007-08 - City Manager

Mr. Way reminded the council that they had previously approved in concept at a public hearing that \$78,000. would be set aside for the Randsburg-Mojave road project. This resolution ratifies that decision.

Motion by Councilmember Edmiston, second by Councilmember Schafer to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY TO ESTABLISH A NEW PROJECT ENTITLED "RANDSBURG-MOJAVE ROAD RECONSTRUCTION PROJECT" AND SUBMIT AN APPLIFICATION FOR \$78,000 IN KERN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR FISCAL YEAR 2007-08" Roll call vote as follows:

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

NEW BUSINESS 3:

Council consider Mobile Home Park Resolution - City Attorney

Mr. Lemieux explained that Mr. Vasquez of the Calif. Dept.of Housing and Comm. Develop. requested that the City adopt a resolution repealing Reso. No. 04-73-570. After review he finds that the original resolution is obsolete.

Motion by Councilmember Lessenevitch, second by Councilmember Edmiston to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY REPEALING RESOLUTION NO. 04-73-570"

RELATED TO ADMINISTRATION OF MOBILE HOME PARK REGULATIONS Carried, 5-0

NEW BUSINESS 4:

Municipal Code: SDI Amendments - City Attorney

Mr. Lemieux explained that this resolution takes care of some verbiage in the code that was found to be redundant.

Motion by Councilmember Edmiston, second by Councilmember Lessenevitch 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 MUNICIPLE CODE AS IT RELATES TO CODE MAINTENANCE" Carried, 5-0

NEW BUSINESS 5:

Final Parcel Map No. 11610 - City Engineer

Mr. Helt explained that this map was previously reviewed and approved with stipulations by the Planning Commission. The property owners are requesting this parcel map to subdivide their two 2 ½ acre contiguous parcels into four 1 ¼ acre parcels. The final map, with all conditions met, is before the council for approval.

Motion by Councilmember Edmiston, second by Councilmember Lessenevitch to adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY APPROVING FINAL PARCEL MAP 11610 AND AUTHORIZING THE CITY CLERK TO EXECUTE THE FINAL MAP AND THE CITY ENGINEER TO FILE THE MAP WITH THE COUNTY CLERK" Carried, 5-0

NEW BUSINESS 6:

California City Prison Project Final Subsequent Environmental Impact Report Approved to continue until City Council meeting on 12/19/06

COUNCIL AGENDA:

Councilmember Edmiston - Wished to thank everyone who supported him in this last campaign.

Councilmember Schafer - Inquired with Police Lunsford in regards to the report of two pit bulls running loose at the school. Inquiry also into the traffic count for those off roaders coming in for the Thanksgiving week. Chief reported that there was a count of 63,000. Update also given on the new web-casting equipment that was ordered. Also asked that the hiring process for a Fire Chief be revisited at a future meeting. Consensus was given by the council to do so.

The lateness of receiving the water bills was also discussed. Consensus by council to put this on as an agenda item at a future meeting.
Mayor Evans - Thanked staff for orientation and their professionalism.

CONSENT CALENDAR/PUBLIC COMMENT:

CC 1. Check register dated 11/28/06

CC 2. Approve minutes of Regular Meeting held on 10/17/06

CC 3. Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY RELATED TO THE CITY'S SUBSTANCE ABUSE POLICY"

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

AYES: Edmiston, Lessenevitch, Schafer, Strong, Evans

NAYS: None

ABSTAIN: None

ABSENT: None

CLOSED SESSION:

CS 1. Per Govt. Code Section 54957.6, confer with Labor Negotiator William Way regarding California City Firefighters Association and CCPOA.

CS 2. Per Gov't Code Section 54956.9; confer with Legal Counsel regarding Ortalli claim

CS 3. Per Gov't Code Section 54956.9; confer with Legal Counsel regarding Gordon/Farmers Insurance claim.

CS 4. Per Gov't Code Section 54956.9; confer with Legal Counsel regarding Verizon claim

CS 5. Per Gov't Code Section 54956.9; confer with Legal Counsel regarding existing litigation; McMihelk vs City of California City

CS 6. Per Gov't Code Section 54957; confer with Legal Counsel regarding Public Employee Discipline

Council recessed at 8:38 pm for closed session. Upon return at 9:09 pm City Attorney Lemieux reported that the labor negotiator was given authority to negotiate on CS 1, CS 2, CS 4, and CS 5.

He stated that it is necessary to take public action on item CS 3 and recommended that the council vote to deny.

Item CS 6 was listed in error.

Motion by Councilmember Edmiston, second by Councilmember Schafer to reject the Gordon/Farmers claim. Roll call vote as follows:

AYES: Edmiston, Lessenevitch, Schafer, Strong, Evans

NAYS: None

ABSTAIN: None

ABSENT: None

ADJOURNMENT:

Motion by Councilmember Schafer, second by Councilmember
Lessenevitch to adjourn at 9:13 pm. Carried.

Respectfully submitted by:

Denise Hilliker, City Clerk