

**REGULAR MEETING  
CALIFORNIA CITY CITY COUNCIL  
TUESDAY, December 19 2006, 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, Pastor Frank Bachara, Desert Song Foursquare, provided the invocation. The clerk called the roll:

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

**ABSENT:** None

**Also Present:**

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

**ADOPTION OF AGENDA:**

Mayor Evans asked that due to his illness, the order of business items on tonight's agenda be changed around.

Motion by Councilman Lessenevitch, second by Councilman Schafer to adopt the agenda; Motion carried.5-0

**PRESENTATIONS:**

City Manager Way informed the council that staff has found it necessary to go with a new company for replacement of the video equipment. Lt. Colerick reported that after red flags and delays were experienced and it was determined it would not be in the best interest of the City to continue with the previous company. Original purchase order was cancelled and an agreement with a vendor out of the Antelope Valley was entered into, with a net savings of \$8000. A new deadline of the end of the first week in January is anticipated.

Larry Phelps, Mojave Unified School District, briefed the council on the status of the new high school and elementary school. Distributed at this time was a current aerial picture of the high school site. Mr. Phelps explained that the portable buildings are currently being moved to the site. In January the some foundations will be poured and buildings placed on those foundations. As buildings are worked, more foundations will be poured and buildings placed. Completion date is set for mid August 07'. At this time it is undecided which group of students will start in September

He thanked the citizens, as well as the City, for all their support.  
Ron Brumment of Kern Cog gave a presentation on what their staff found in researching the assessment of impact fees.  
Becky Napier of Kern Cog gave a presentation on the blueprint visioning process. Their view is think globally, plan regionally, but act locally.

### **STAFF ANNOUNCEMENTS/REPORTS:**

Lt. Colerick reported on the funding for the D.I.R.T. Team. As of a month ago there was zero funding for this team. After coordinated efforts of city staff, CORVA, and Friends of Jawbone, the team is ranked 12<sup>th</sup> in the state, with a preliminary award of \$150,000 for next year. It was reiterated that these funds only pay for officers while they are on shift for the team out in the desert.

City Manager Way reminded everyone that there will be a Public Finance Forum on January 11<sup>th</sup>, 7pm, at the middle school. Also there was a meeting of the East Kern Educational Research Network, which gathered local officials and representatives from Calif. City, as well as neighboring cities, to discuss advancing the prospects of educational opportunities in East Kern County. Everyone attending was very favorable to the idea of a university coming to our region. The group will hold a second meeting on January 4<sup>th</sup>. He also announced that following the authorization to negotiate on the claim of Sherrie McMihelk, at the last council meeting,

### **CIVIC/COMMUNITY ORGANIZATION ANNOUNCEMENTS:**

Jim Quiggle, EDC, reminded everyone that their breakfast meeting is Thurs. at 7:30am.

Ed Walheim reminded those coming to the breakfast to please bring an unwrapped toy to be given to local children for Christmas. Calcityforward.org is moving ahead and working towards getting the special tax passed in March.

### **PUBLIC BUSINESS FROM THE FLOOR:**

Walter Smith expressed complaints about the fire and police departments. He recommended that there be layoffs city wide.

Cliff Souza explained that he was going to use how ever much of his own monies to work against the passage of the special tax.

Several residents of the mobile home park, located at the airport, expressed their concerns about receiving notice to vacate the premises by the 1<sup>st</sup> of January. Wants more communication as to why the City is closing the park. Mr. Way replied that this is indeed a RV Park, that normally has is a limited stay to them. This is something that should have been taken care of a long time ago. Council agrees to work with staff on this issue to the best of their abilities.

### **NEW BUSINESS 3:**

Council consider Customer Service Survey - City Manager

Mr. Way explained that the purpose of this is to access the public's views and concerns relative to the operations of the city. To his knowledge a professional public survey has never been completed before. Staff feels that with the growth in the population, with a lot of new residents, that the opinions are not being widely broadcasted. A professional, scientific survey, done by a qualified firm, would be able to provide the city with some valuable information. Staff is proposing that an amount, not to exceed \$7000, be approved as an expenditure for such a survey. The line items from which funding would come from includes the City Manager's budget (\$3,000.), building maintenance (\$3,000.), and street maintenance (\$1,000.)

George Passentino was introduced and explained how the different changes that the city was experiencing changes the face of the city in terms of what prevailing public attitudes are. Over the past few years good governments demands transparency and two communications between the government and its people. Customer satisfaction survey is one commonly used approach to understand the concerns of the citizens. A survey can help distill those sentiments into usable pieces of information that can steer the city on its efforts to improve customer satisfaction. This survey would measure voter attitudes about services provided by the city. Identify those things that are doing well, as well as those that need improvements. It would also measure those issues that are most important to the community.

Mr. Way added that the results would be available to share with the community at the Finance forum on 1/11.

Councilman Schafer inquired as to how the questions would be formulated. Mr. Way replied that he would be working directly with Mr. Passentino on the questions. The survey will cover a broad range of questions, including citizen's views on the special tax.

Councilmember Strong asked for some background information on this company. Mr. Passentino replied that TMG Communications is a public affairs firm that has been doing business for 17+ years. They have worked with special districts, cities and counties up and down the state of CA doing a wide range of activities associated with improving the link between governments and its constituents. He also explained to Councilmember Strong that a company is hired to conduct the surveys while TMG will craft the results. That company is looking at a sample size of 200 which would be statistically significant and offer credible guidance to the city. They could call up to 900 households, but would end up with 200 randomly picked surveys.

Councilman Edmiston asked if the overall population of the community is looked at or just the registered voters. Mr. Passentino confirmed that it would be the registered voters.

Mayor Evans was told that this company has done dozens of these surveys and that they recommend, with the change of dynamics in the community, that one be considered on an annual basis.

Public comment was positive in support of the survey.  
Councilmember Lessenevitch voiced that he believes that the quality of service should be improved first before measuring how we are doing.  
Mayor Evans feels that this is a tool to help us, the city, do a better job for the community.

Motion by Councilmember Edmiston, second by Councilmember Schafer to approve TMG Communication, Inc. to conduct and prepare a customer service survey. Roll Call vote as follows:

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

**NEW BUSINESS 7:**

Collection Services; Administrative Citations - City Manager

Mr. Way reminded the council that at their last meeting an agreement with Revenue Experts was considered. At that time there were questions asked relevant to the agreement which staff was waiting for the company to report back to the city attorney. Staff recommends that the approval be given to enter into this agreement so that we can move forward on the collection of citations.

Code Enforcement Sprague reported on the fee structure and the services that Expert's would provide. Also that other departments could use this service in getting their citations fees collected. Counsel Lemieux went over the changes to the agreement. There was also discussion in regards to where the monies collected would be reflected in the budget. Chief Lunsford stated that the community needs to understand that there will be no "quotas" on this. There might be a month where no citations are written. Citations are only written when all other options have been exhausted. Public sentiment was to give the tools necessary for the code enforcement officer to do his job.

Councilmember Schafer stated that he had talked with the company's owner. They are a nationwide company and serve communities all around us. 65%-85% is their success rate on collections.

Councilmember Lessenevitch voiced concerns about the length of the contract and if due diligence had been done to find the best services for the city. Staff reported that several companies had been looked at. Mayor Evans conveyed that he was the one who asked that this item be brought back before council. He felt this is a necessary tool for code enforcement to have in order to do his job effectively.

Motion by Councilmember Schafer, second by Councilmember Strong to approve agreement with Revenue Experts, Inc. Roll Call vote as follows:

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

**PUBLIC HEARING 1.**

Council consider approving Initial Study, Negative Declaration, Zone Change 178 and General Plan Amendment 2006-04

Mayor Evans declared the public hearing open at 8:14 pm.

Mr. Way explained that this was a request by IMC to rezone a portion of their property which is currently C-2 to a C-5. This would accommodate business interest that they have in that area. It has gone through the necessary environmental and staff reviews and comes to the council with a recommended of approval by the Planning Commission. Councilmember Schafer needed clarification on the map provided.

No communications were received by the City Clerk.

Public comment was in favor of the rezoning.

Motion by Councilmember Edmiston, second by Councilmember Schafer to closed the public hearing. Motion carried at 8:17 pm.

Councilmember Lessenevitch wished to abstain on this item due to owning property within 300 feet of affected property, possible conflict of interest.

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 178". Roll call vote as follows:

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

**CONTINUED BUSINESS 1:**

California City Prison Project Final Subsequent Environmental Impact Report - City Manager

Mr. Way reported that several months ago the state indicated its interest in providing for additional prison facilities within the state. With that in mind CCA expressed an interest in the states proposal with a 550 bed facility be constructed in California City on property adjacent to their existing prison. CCA has gone through the entire approval process with the Planning Commission and comes before the council with a final subsequent EIR. Staff recommends that council adopt a Resolution of Findings and Statement of Overriding Consideration for this project. Ms. Brenda Ellis, of CH2M HILL reported that a lot of work has gone into these environmental documents. She believes that all of the city's concerns have been addressed in terms of evaluating impacts and providing appropriate mitigation measures.

Motion by Councilmember Edmiston, second by Councilmember Schafer to certify the Final Subsequent EIR, approve the Mitigation Monitoring Plan and adopt a Resolution of Findings and Statement of Overriding Considerations for the CCA Prison Project. Roll call vote as follows:

**AYES:** Edmiston, Lessenevitch, Schafer, Strong, Evans

**NAYS:** None

**ABSTAIN:** None

**ABSENT:** None

**NEW BUSINESS 1:**

**Fire Chief hiring process - City Manager**

Mr. Way stated that at the last council meeting it was requested of staff to provide a report on the process of hiring a fire chief. An outline of that process was gone over.

Councilmember Schafer, who had made the request, stated that his intention was to bring back to the table the need to go forward and hire a Fire Chief. He made it clear it was in no way to show disrespect to the abilities of Chief Lunsford. He feels that we should not wait until the new special tax is passed since we still have monies for the Chief position as well as the Battalion Chief not being used in the current budget. It is his belief that stability needs to be restored in the fire department.

Councilmember Edmiston voiced his concerns about the ramifications of not having the special tax next fiscal year. He feels that the chances of finding a qualified person to take the position for 6 months with all the uncertainties possible July 1.

Ed Walheim feels that it is unfair to ask Chief Lunsford to continue being over both police and fire.

Judy Smith asked what will happen if a big corporation comes to town and we do not have an adequately staffed fire department.

Mr. Way replied that there are cities out there that have been successful in recruiting big companies while having a volunteer fire department only. Councilmember Lessenevitch stated that it was up to the council to direct staff to go forward or not with the hiring of a fire chief. There was also discussion if the employees should be asked how they feel about having a fire chief or not at this time. Mayor Evans agreed that it was up to council to give staff direction on this matter.

Mr. Way voiced his frustrations at the fact that this issue was raised due to the request to outline the process of the hiring of a fire chief. No other issue was raised. Now there means to be some other cause and that is whether or not we are in fact going to hire a fire chief.

It was the consensus of the council to go with the direction that staff has recommended this far.

## **NEW BUSINESS 2:**

### **Request for Council review of business transaction regarding John Fischer** - City Manager

Mr. Way reported that this request was brought forth by Mr. Fischer to be heard in open forum. He contends that there was a non-response by staff to some of his requests for business transactions at the airport. He referred to the report that was furnished to the council from the Assistant City Manager Hicks who has been working with Mr. Fischer and has requested information from Mr. Fischer, which has not been forthcoming. He also referred to the copy of the appeal process per the city municipal code. He stated that is staffs belief that what is necessary to occur is for Mr. Fischer to come forward with the specific information previously requested. Staff states there are no stall tactics on this transaction and recommends that the city follows the proper process in order for these types of decisions to be made.

Councilmember Edmiston agreed that the due process has to be followed. He also understood that the current lessee has not contacted the city stating that he wishes to let the lease go.

Mr. Fischer stated that it was back in June that he approached Mr. Hicks about the city's position on him assuming this lease. He was asked at that time to supply a letter outlining himself, which he did. He re-approached Mr. Hicks after a three week period went by with no communication back from the city. Mr. Hicks stated that he had not had time to look over the letter. After another three weeks he then approached Mr. Way, stating that he felt he was getting some resistance and since Mr. Way was Mr. Hick's boss, he would like to know something. A meeting of all three was held and Mr. Way requested a business plan to develop the property and to share the profits with him. He stated that he would not agree to profit sharing and that he would only assume the lease as is. He has invested in cleaning up the property. He doesn't feel Mr. Way is being reasonable.

Mr. Way wanted to clarify that there was never any discussion of profit sharing, personally or on behalf of the city.

Councilmember Edmiston asked if the current lease holder paid for him to clean up the property. Mr. Fischer stated no, he had been anticipating getting a lease. He also stated he has already been making the lease payments to the city on behalf of Mr. Buzwell since the buildings went into escrow. In order to get escrow to close there has to be a new lease agreement with the city. Mr. Fischer explained that he would have Mr. Buzwell call, if that is what it took to close this. Councilmember Edmiston informed Mr. Fischer that Mr. Hicks had been trying, unsuccessfully, to get Mr. Buzwell by phone.

Councilmember Lessenevitch asked if Mr. Buzwell comes forward and states he wants to assign the lease, is the council going to accept that or are we going to indicate that it needs to be re-negotiated.

Councilmember Edmiston stated he would like due process done under the current lease.

Mr. Fischer stated he was never informed of the process and that he didn't have to go through all of this three years ago in regards to other hangers he rented. He was informed that it was staff that handled it last time.

Councilmember Schafer expressed his concerns for the allegations dealing with profit sharing. He wants to know. Mayor Evans stated the importance of council relying on staff to get the job done and to make recommendations. He also feels that the council is bounded by rules and the appeal process should be followed if things do not work out or if someone is feeling they were treated unfairly.

Mr. Way explained that the council looks to staff to look out for the best interest of the city in terms of putting together financial deals that make sense and move the city forward. Airport enterprise fund is not operating at a surplus, the rates for the RV Park are inappropriate for this date and time, the rental of all these properties and these leases are inappropriate to the city's best interest for this date and time. Staff has made requests of individuals to come to the current day. It comes down to this; Mr. Fischer wants to lease this property at the same rate as it was before. He came forward with no viable business plan other than a pipe dream. Staff specifically asked him to supply an alternative business plan that would demonstrate that he would in fact he would be able to make the lease payments based on current rates. That was back in September, and as of this date Mr. Fischer has not brought that forward. Since that date and time he has not made any efforts to communicate with him. He was asked to produce something, that you as a council have asked staff to require, and he has not provided it.

Mr. Fischer stated that he did communicate with Mr. Hicks and also sent letters to members of the council informing them that he was only going to assume the current lease. Mr. Way explained to Mayor Evans that included within that leaser agreement it is implied that the city can require certain things of sub lessees.

At this time Wayne Lemieux requested that this lease agreement be sent to him for review. Mr. Way agreed that his input would be very valuable.

At this point during the meeting other residents of the RV Park at the airport were allowed to express their concern over the closing of the park.

**NEW BUSINESS 4:**

Tobacco Retailer Ordinance

**NEW BUSINESS 5:**

Food Grading Ordinance

**Counsel suggested that we defer these two items to the next meeting.  
Consensus of council to continue these items**

**NEW BUSINESS 6:**

Change orders on USDA Water Main Project - City Manager

Mr. Way referred this item to City Engineer Helt. Mr. Helt explained that this change order tonight addresses the USDA project that has been ongoing for a couple of weeks. The project originally had a budget of \$5 million; the contract was awarded for \$3.8 million. The project has gone through various phases and the change orders have been reviewed with the public works department. USDA has met with the city to review the work and these change orders. The finance director has reviewed the current budget for the project and has had conversations with USDA for the budget as shown tonight for approval. The contractor, USDA and the city in meetings agreed that with these change orders has assured the project would be completed within the budget for the original \$5 million amount. These change orders brings the project up to \$5 million. Councilmember Edmiston inquired that one of the change orders was due to desert mix being found under the road. Helt explained that there are several factors affecting the change orders. The scope of the project is large; projects that deal with rehabilitation in developed areas are always a high risk project, because of unknowns. Information is often not complete. The performance of the backfill material was such that it did not perform well for accepted backfill. Utilities have also been an obstacle. It is a challenge to quantify the unknowns. The plans were reviewed and compared with previous projects. Councilmember Schafer inquired if the hot asphalt job on North Loop will be repaired to an acceptable level and because of these change orders, does that mean we will have a loss of coverage of how far out this project was going to go out to. Helt responded that currently with the contractors input the feeling that with these change orders the project would still come in to the original scope of the project. It is possible though that other issues, such as house connections, might cause us to shorten the range.

Possibly by a street or two. As far as completing the asphalt on North Loop that portion would be completed, but doesn't know the limits of the project until we get the final numbers.

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

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

**NEW BUSINESS 8:**

Awarding of Bid for approved TEA Project - City Manager

City Engineer Helt stated that this item refers to the CCB sidewalk project. In reviewing the received bids it was noted that the cost came in under estimate. The qualifying low bidder was Samrod, Corp. out of Lancaster who has done a lot of work in the area. Staff recommends to award contract to Samrod.

Councilmember Schafer got conformation that the performance period was 30 business days in length.

Mayor Evans asked at what time city counsel reviews these contracts. He was informed that Attorney Lemieux had prepared a standard contract that the city engineer should be using.

Mr. Way reported that the matching funds for this project were coming from street maintenance fund.

Motion by Councilmember Edmiston, second by Councilmember Schafer to award contract to Samrod Corp. Roll call vote as follows:

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

**COUNCIL AGENDA:**

Councilmember Edmiston - wished everyone a Merry Christmas  
Councilmember Schafer - wanted an update on Sports Center. Mr. Way reported that design and construction of the building is under way. Foundation should be started by the second week in January.  
He also requested that an item relating to Ed Staffords concerns with building dept. fees be placed on the next meetings agenda. He was informed that it is already planned to be on the next agenda.  
Mayor Evans - Merry Christmas

**CONSENT CALENDAR/PUBLIC COMMENT:**

- CC 1. Check register dated 12/13/06
- CC 2. Approve minutes of Regular Meeting held on 11/07/06
- CC 3. Council give Second Reading by Title Only 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 COSE MAINTENANCE”**
- CC 4. Adopt **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALIFORNIA CITY APPOINTING A REPRESENTATIVE TO THE PUBLIC AGENCY RISK SHARING AUTHORITY OF CALIFORNIA (PARSAC)**
- CC 5. Approve Waiver of Potential Conflict of Interest

Motion by Councilman Lessenevitch, second by Councilman Edmiston 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 existing litigation, Guy vs City of California City
- CS 3. Per Gov't Code Section 54956.9; confer with Legal Counsel regarding potential litigation
- CS 4. Per Gov't Code Section 54956.9; confer with Legal Counsel regarding existing litigation, Fitzpatrick vs California City
- CS 5. Per Gov't Code Section 54956.9; confer with Legal Counsel regarding potential litigation

It was recommended by staff to continue these closed session items until the next meeting on 1/2/07. Consensus was given by the council.

**ADJOURNMENT:**

Motion by Councilmember Edmiston, second by Councilmember Lessenevitch to adjourn at 9:34 pm. Motion carried.

Respectfully submitted by:

Denise Hilliker, City Clerk

