

**CITY OF SANTA CLARITA  
CITY COUNCIL  
MINUTES OF SPECIAL MEETING  
5:15 P.M.  
MINUTES OF REGULAR MEETING  
6:00 P.M.  
MAY 22, 2007**

**CALL TO ORDER**

Mayor McLean called to order the special meeting of the City Council at 5:19 p.m.

**ROLL CALL**

All Councilmembers were present.

**PUBLIC PARTICIPATION**

There was none.

**CLOSED SESSION**

Carl Newton, City Attorney, advised of the need to conduct a Closed Session for the purpose of holding a:

**CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION**

Government Code Section 54956.9 (a)

**Case Name:** William Fessler, et al. v. City of Santa Clarita et al.

L A Superior Court Case No. PC 031788

Consolidated with Case Nos: PC 032396Y and PC 033571

**CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**

Government Code Section 54956.9 (b) – 2 cases

**CONFERENCE WITH LABOR NEGOTIATOR**

Government Code Section 54957.6

Agency Negotiator: City Manager or designee

Unrepresented Employees: All positions not represented by SEIU Local 721

Mr. Newton also announced that one of the Potential Litigation cases to be discussed is now a pending litigation item under Government Code Section 54956.9(a), D. R. Horton Los Angeles Holding Company Inc. v. City of Santa Clarita, LA Superior Court Case No. BC 371323.

**RECESS AND RECONVENE**

Mayor McLean recessed the meeting to Closed Session at 5:21 p.m. and reconvened the meeting at 6:14 p.m.

**CITY ATTORNEY ANNOUNCEMENT**

Carl Newton, City Attorney, announced that in the Closed Session just concluded the City Council, by a vote of 4 in favor, none opposed and Councilmember Boydston absent, authorized

the City Attorney and Burke, Williams and Sorenson to defend the City's interest in recently filed litigation, D. R. Horton Los Angeles Holding Company, Inc. v. City of Santa Clarita, LA Superior Court Case No. BC 371323. This is a lawsuit in which the plaintiff Horton is seeking to recover Bridge and Thoroughfare Fees it was required to pay to the City in connection with the Golden Valley Road Project.

**ADJOURN**

Mayor McLean adjourned the meeting at 6:15 p.m.

**CITY CLERK'S ANNOUNCEMENT**

Sharon Dawson, City Clerk, announced that anyone wishing to address an item on the agenda should complete a speaker's slip and submit it to the City Clerk before the item is announced by the Mayor.

**INVOCATION**

Councilmember Weste gave the invocation.

**CALL TO ORDER**

Mayor McLean called to order the regular meeting of the City Council at 6:19 p.m.

**ROLL CALL**

All Councilmembers were present.

**FLAG SALUTE**

Councilmember Weste led the flag salute.

**AWARDS/RECOGNITION TO MEMBERS OF THE COMMUNITY**

Mayor McLean and Councilmembers recognized the Visions In Progress Youth Advisory Committee Members for their leadership service.

Mayor McLean and Councilmembers presented certificates of congratulations to the AYSO Saugus Region 46 Girls Under 10 Allstar Soccer Team and their coaches for winning the California State Championship.

**PRESENTATIONS TO THE CITY**

Mayor McLean and Councilmembers presented the California Association for Public Information Officer's (CAPIO) Annual Excellence in Communications Awards to members of the City's Communication Division and Economic Development Division.

**PUBLIC PARTICIPATION**

Addressing the Council at this time was Roger Der M. D. in regard to the proposed expansion of Henry Mayo Newhall Memorial Hospital; Sandra Cattell in support of the proposed resolution for the Open Space Preservation District Oversight Committee and in support of reworking the hospital expansion plan; David Huffaker supporting annexation in the Castaic area; Mitchell Green representing the Hasley Hills HOA Annexation Committee and the Castaic Annexation Support Team in support of annexation of the Live Oak, Hasley Hills, and North Bluff neighborhoods of Castaic, announced that they have submitted to staff 70% of the signatures of

the residents within the 3 neighborhoods in support of annexation, and requested that this item be agendaized for Council consideration; Henry Schultz in support of annexation of the 3 neighborhoods of Castaic; Diane Trautman in support of the Castaic neighborhoods annexation; Jon Collard representing First Capital Consulting regarding Enterprise Zones (submitted material); Cam Noltemeyer regarding the proposed Open Space Preservation District and how the land will be kept; Gene Dorio M. D. expressing concern with understaffing at HMNMH; Julie Schantz regarding understaffing at HMNMH; and Rosary Castro-Olega regarding understaffing at HMNMH.

### **STAFF COMMENTS**

Ken Pulskamp, City Manager, advised that the hospital issue would be before the Council on June 12 and it would be most appropriate to discuss the topic when all parties are present; advised that an item would be placed on a future Council agenda for Council to give direction to staff regarding the annexation of the Hasley Hills, Live Oak and North Bluff areas; commented that Mr. Collard's firm would be contacted with regard to the Enterprise Zone effort; and commented that certain language must be used to be in compliance with State law with regard to the Open Space Preservation District.

In response to request of Councilmember Weste, Administrative Services Director Darren Hernandez provided information regarding the Engineer's Report for the Open Space Preservation District and how use of the land can be restricted.

### **COMMITTEE REPORTS/COUNCILMEMBER COMMENTS**

Councilmember Boydston thanked Councilmember Kellar for hosting a fundraising event to aid the victims of domestic violence; thanked the representatives of the hospital for their willingness to show flexibility with regard to the hospital modification; advised that he had met with Bob Haueter representing Congressman McKeon who would be taking a position with regard to ala carte cable service; expressed concern that no animals would be allowed at the upcoming Valley Fair; requested discussion of a new Council sub-committee on public safety be placed on a future agenda; and requested that the annexation of the neighborhoods in Castaic be placed on the next agenda for discussion.

Mayor Pro Tem Kellar supported the opportunity to discuss a sub-committee on public safety; commented on his attendance at a recent Contract Cities meeting; concurred with consideration of the annexation request on a future Council agenda; reminded of the event at Eternal Valley with the Veterans Memorial Committee on Monday; and acknowledged the attendance of Dena Maloney at this meeting and congratulated her on being named the Dean for the new East Side Campus of College of the Canyons.

Councilmember Weste commended the efforts of those leading the annexation request and concurred with it being placed on a future Council agenda; and commented on her experience in talking with people with regard to the proposed Open Space Preservation District.

Councilmember Ferry noted that many controversial decisions made today are valued in the future and commended staff for their foresight in widening Newhall Ranch Road; commented on the Arbor Day event; acknowledged the recent Whitaker Bermite settlement with Castaic Lake Water Agency; thanked staff for their efforts on the Youth Memorial Grove event; reminded of

the DADS program to be held tomorrow night at City Hall; and asked that the meeting be adjourned in memory of Stephen Colley.

Mayor McLean reported on discussion at the recent North Corridor Cities Meeting and changes in service; the Chamber of Commerce bus trip to Sacramento to discuss local needs with State legislators; her attendance at Special Olympics, Arbor Day, Senior Center health screening, Italian Feast, Prayer Angels candlelight vigil; congratulated Golden Valley High School and Arroyo Seco Junior High School on receiving the Distinguished School Award; and reminded of the Blue Star Mothers event on Sunday.

### **EXECUTIVE MEETING**

This time has been set aside for Councilmembers to review the agenda and obtain any further information that may be added. Carl Newton, City Attorney, advised of a change in the recommended action on Item 10.

### **APPROVAL OF AGENDA**

**Motion by Boydston, second by Kellar, to approve the agenda, pulling Item 11 from the Consent Calendar and noting a changed recommended action on Item 10.**

**Hearing no objections, it was so ordered.**

### **APPROVAL OF MINUTES**

**Motion by Kellar, second by Boydston, to approve the minutes of the May 8, 2007 special and regular City Council meetings as submitted.**

**Hearing no objections, it was so ordered.**

### **CONVENE SANTA CLARITA REDEVELOPMENT AGENCY CALL TO ORDER**

Mayor/Chair McLean called the meeting of the Redevelopment Agency to order at 7:35 p.m.

### **ROLL CALL**

All Agency Members were present.

### **PUBLIC PARTICIPATION**

There was none.

### **APPROVAL OF MINUTES**

**Motion by Kellar, second by Ferry, to approve the minutes of the April 10, 2007 meeting as submitted.**

**Hearing no objections, it was so ordered.**

### **ITEM 1**

#### **CONSENT CALENDAR**

**NOMINATION AND APPOINTMENT OF NEWHALL REDEVELOPMENT COMMITTEE MEMBER(S)**

The Santa Clarita Redevelopment Agency shall consider and appoint members to the Newhall Redevelopment Committee (NRC). Direct the Economic Development/Redevelopment Subcommittee to recommend appointments to serve on the Newhall Redevelopment Committee.

**Motion by Ferry, second by Weste, to approve the Consent Calendar.**

**On roll call vote:**

**Ayes: Ferry, Weste, Kellar, Boydston, McLean**

**Noes: None**

**Absent: None**

**Motion carried.**

## **ITEM 2**

### **JOINT PUBLIC HEARING**

**PROPOSED FISCAL YEAR 2007-2008 ANNUAL OPERATING BUDGET AND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM**

Mayor/Chair McLean opened the joint public hearing.

Sharon Dawson, City Clerk/Secretary, stated that all notices required have been provided.

Ken Pulskamp, City Manager/Executive Director, advised that this item is the joint public hearing of the City Council and Redevelopment Agency on the proposed Fiscal Year 2007-2008 Operating Budget, Redevelopment Agency Budget, and Five-Year Capital Improvement Program and outlined highlights of the proposal.

Addressing the Council/Agency on this item was Diane Brooks representing the tennis community in support of constructing tennis courts at Central Park; Cam Noltemeyer expressing concern with annexing just residential areas, money coming back out of redevelopment areas, and the cost of creating and maintaining parks.

Mayor/Chair McLean closed the joint public hearing.

**City Council and Redevelopment Agency: Motion by Weste, second by Kellar, to schedule the proposed Fiscal Year 2007-2008 Annual Operating budget and Five-Year Capital Improvement Program for adoption at the June 12, 2007 joint City Council and Redevelopment Agency meeting.**

**On roll call vote:**

**Ayes: Weste, Kellar, Ferry, McLean**

**Noes: None**

**Abstain: Boydston (due to not having enough time to read the material because the budget was delivered 1 day before the meeting)**

**Absent: None**

**Motion carried.**

**ITEM 3**

**JOINT UNFINISHED BUSINESS**

RESOLUTION DETERMINING THE DEMOLITION OF THE FORMER "MOORE'S SUB SHOP" BUILDING AT 24158 SAN FERNANDO ROAD IS OF BENEFIT TO THE DOWNTOWN NEWHALL REDEVELOPMENT PROJECT

Council/Agency consensus to waive the staff report.

In report Christopher Price, Assistant City Engineer, advised that this item is for the consideration of the findings required by Section 33445 of the California Redevelopment Law and determining that the demolition of the former "Moore's Sub Shop" is of benefit to the Downtown Newhall Redevelopment Project Area.

No requests to speak were submitted on this item.

**City Council and Redevelopment Agency: Motion by Weste, second by Boydston, to adopt Resolution Nos. 07-26 and RDA 07-2 making the findings that the Demolition Plan and Public Improvements pending construction under the Moore's Demolition Project are of benefit to the Downtown Newhall Project Redevelopment Area as required by Section 33445 of the California Redevelopment Law.**

**On roll call vote:**

**Ayes: Kellar, Boydston, Ferry, Weste, McLean**

**Noes: None**

**Absent: None**

**Motion carried.**

**ADJOURN SANTA CLARITA REDEVELOPMENT AGENCY**

Chair McLean adjourned the meeting at 8:40 p.m.

**RECESS AND RECONVENE CITY COUNCIL MEETING**

Mayor McLean called a recess at 8:40 p.m. and reconvened the City Council meeting at 8:55 p.m.

**ITEM 4**

**CONSENT CALENDAR**

READING OF ORDINANCE TITLES

Government Code Section 36934 requires that all ordinances be read in full prior to Council taking action on the ordinance. By listing the ordinance title on the Council meeting agenda, Council may determine that the title has been read. Determine that the titles to all ordinances which appear on this public agenda have been read and waive further reading.

**ITEM 5**

**CONSENT CALENDAR**

ANNUAL RATE ADJUSTMENT FOR COMMERCIAL AND RESIDENTIAL SOLID WASTE FRANCHISES

Based on the City's commercial and residential franchise agreements, the haulers are permitted to obtain an annual rate increase for their collection services. The increase is based on a specific

formula outlined in the franchise agreements taking into consideration the change in the Consumer Price Indices and Producer Price Indices for various aspects of their operations. Adopt **Resolution No. 07-27** for an amendment to the Agreement between the City of Santa Clarita and Burrtec Waste Industries, Inc. for Commercial Solid Waste Management Services allowing an increase in rates by 2.29 percent based on the formula outlined in their Franchise Agreement; and adopt **Resolution No. 07-28** for the second amendment to the Agreement between the City of Santa Clarita and USA Waste of California, Inc. (dba Blue Barrel Disposal) for Residential Solid Waste Management Services allowing an increase in their rates by 2.29 percent based on the formula outlined in their Franchise Agreement, subject to City Attorney approval.

**ITEM 6**

**CONSENT CALENDAR**

**2006-2007 ANNUAL OVERLAY AND SLURRY SEAL PROGRAM, PROJECT NO. M0052 - AWARD CONSTRUCTION CONTRACT**

The Annual Overlay and Slurry Seal project is an integral part of the City's pavement management program and adds pavement and slurry seal asphalt maintenance treatments to selected City streets. Approve the plans and specifications; and award the construction contract for the 2006-2007 Annual Overlay and Slurry Seal Program, Project No. M0052, to Excel Paving Company in the amount of \$5,252,637.00, and authorize a 10 percent contingency in the amount of \$525,264.00; approve the expenditure of \$85,883.00 from Account No. M0052001-8001 for construction management services; approve the transfer of \$500,000.00 from the 2005-2006 Overlay Program Account No. M0046001-8001 to the 2006-2007 Overlay Program Account No. M0052001-8001; and authorize the City Manager or designee to execute all documents, subject to City Attorney approval.

**ITEM 7**

**CONSENT CALENDAR**

**PARCEL MAP NO. 62957 (COMMERCIAL CONDOMINIUMS - RYE CANYON BUSINESS PARK) - APPROVAL OF FINAL MAP AND ACCEPTANCE OF OFFERS OF DEDICATION**  
Approval of Parcel Map No. 62957 consisting of approximately 20.7 acres, located on the easterly side of Constellation Road, 250 feet southerly of Hercules Street, and owned by Discovery Gateway Spectrum II, LLC, a California Limited Liability Company. Approve Parcel Map No. 62957; accept on behalf of the public the offers of dedication; make certain findings; instruct the City Treasurer to endorse the Special Assessment Certificate on the face of the Parcel Map; instruct the City Clerk to endorse the Certificate on the face of the Parcel Map; and instruct the City Engineer to endorse the Certificate on the face of the Parcel Map.

**ITEM 8**

**CONSENT CALENDAR**

**AWARD OF JANITORIAL SERVICES CONTRACT**

Consideration of award of janitorial services contract for Santa Clarita Aquatic Center and Activity Center buildings. Reject the bid received from CAM Services, award a contract to Bell Building Maintenance for janitorial services for the Santa Clarita Sports Complex buildings, and authorize City Manager to execute the contract and two future renewals in accordance with the terms of the contract; authorize City Manager or designee to modify the award in event other issues of impossibility of performance arise, subject to City Attorney approval, for an amount not

to exceed \$113,203, and a 15% contingency fee of \$16,980 for a total of \$130,183 from account # 7321-8001.

**ITEM 9**

**CONSENT CALENDAR**

**ANNEXATION OF TERRITORIES INTO LANDSCAPE MAINTENANCE DISTRICT NOS. 1, T-1, AND A-2 AND STREETLIGHT MAINTENANCE DISTRICT NO. 1**

Annexation of new development and parcels receiving benefit into the Streetlight Maintenance District and Landscape Maintenance Districts. Adopt **Resolution No. 07-29** to initiate the annexation and formation proceedings for nine parcels into the Streetlight Maintenance District No. 1. and **Resolution No. 07-30** to initiate the annexation and formation proceedings for two developments for the Landscape Maintenance District; approve the Engineer's Reports for the above, and call for and set the Public Hearings for July 10, 2007.

**ITEM 10**

**CONSENT CALENDAR**

**FIRST READING OF AMENDMENTS TO THE MOBILE HOME PARK CHANGE OF USE ORDINANCE**

A request to amend the Mobile Home Park Change of Use Ordinance. Continue consideration of this item to the August 28, 2007 meeting.

**ITEM 11**

**CONSENT CALENDAR**

**OPEN SPACE PRESERVATION DISTRICT FINANCIAL ACCOUNTABILITY AND AUDIT PANEL**

Consideration of adoption of a Resolution to establish a Citizens' Financial Accountability and Audit Panel for the proposed Open Space Preservation District. The role of the Financial Accountability and Audit Panel has been reviewed and is supported by the Council Ad-Hoc Committee and is modeled after the Santa Monica Mountains Citizens' Committee. Adopt **Resolution No. 07-31** to approve the establishment of a Citizens' Financial Accountability and Audit Panel to the proposed City of Santa Clarita Open Space Preservation District.

This item was removed from the Consent Calendar for discussion and public comment.

Addressing the Council at this time was James Farley representing the Santa Clarita Citizens Against the Open Space Assessment Tax; Cam Noltemeyer; and Larry King.

In response to inquiries from Councilmembers, staff provided additional information regarding deed restrictions, conservation easements, and bringing back proposed bylaws for the Panel if the assessment is approved.

**ITEM 12**

**CONSENT CALENDAR**

**CHECK REGISTER NOS. 18 AND 19**

Approval of the Check Registers. Approve and ratify for payment the demands presented in Check Register Nos. 18 and 19.

**Motion by Ferry, second by Weste, to approve the Consent Calendar.**

**On roll call vote:**

**Ayes: Boydston, Ferry, Weste, Kellar, McLean**

**Noes: None**

**Absent: None**

**Motion carried.**

**ITEM 13**

**PUBLIC HEARING**

**ISSUANCE OF BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR THE MASTERS COLLEGE**

Mayor McLean opened the public hearing.

Sharon Dawson, City Clerk, stated that all notices required have been provided.

Council consensus to waive the staff report.

In report Darren Hernández, Director of Administrative Services, advised that per the Internal Revenue Code, CSDA requires the City's approval for the issuance of tax-exempt bonds on behalf of the nonprofit, The Masters College. The City will not be under any obligation to repay the Bond Indebtedness nor does it constitute approval of the proposed Master Plan.

No requests to speak were submitted on this item.

Mayor McLean closed the public hearing.

**Motion by Ferry, second by Kellar, to adopt Resolution No. 07-32 approving the issuance of bonds by the California Statewide Communities Development Authority for The Masters College.**

**On roll call vote:**

**Ayes: Ferry, Weste, Kellar, Boydston, McLean**

**Noes: None**

**Absent: None**

**Motion carried.**

**ITEM 14**

**PUBLIC HEARING**

**INTERSTATE 5 AT MAGIC MOUNTAIN PARKWAY, PHASE II IMPROVEMENTS, PROJECT NO. S1003 - RESOLUTION OF NECESSITY, TEMPORARY CONSTRUCTION EASEMENT, NATIONAL CREDIT TENANT INVESTMENT LLC**

Mayor McLean opened the public hearing.

Sharon Dawson, City Clerk, stated that all notices required have been provided.

Council consensus to waive the staff report.

Carl Newton, City Attorney, noted that the Council would receive as evidence all information provided.

In report Curtis Nay, Assistant City Engineer, advised that this item is for the consideration of a resolution finding and determining that the public interest, convenience, and necessity require temporary acquisition of certain property for public purposes for the construction of the I-5 at Magic Mountain Parkway Phase II right-of way-improvements.

No requests to speak were submitted on this item.

Mayor McLean closed the public hearing.

**Motion by Kellar, second by Ferry, to adopt Resolution No. 07-33 authorizing the condemnation proceedings necessary for the temporary right-of-way acquisition for the right-of-way improvements associated with Magic Mountain Parkway/I-5 Intersection Improvements Phase II, Project No. S1003; authorize the deposit of \$4,650 from Account No. S1003304-8620 to the Los Angeles County Superior Court to initiate immediate taking proceedings; and authorize the City Manager or designee to execute all documents, subject to City Attorney approval.**

**On roll call vote:**

**Ayes: Weste, Kellar, Boydston, Ferry, McLean**

**Noes: None**

**Absent: None**

**Motion carried.**

## **ITEM 15**

### **NEW BUSINESS**

#### **HEALTHY SANTA CLARITA AWARD PROGRAM**

Mayor McLean advised that the City of Santa Clarita has been named as one of California's Healthy Cities; one of 100 communities in the nation that is great for kids (*America's Promise*); one of America's safest cities; and the top California City in which to live (*CNN/Money Magazine*), to name a few, recent prestigious designations. Santa Clarita regularly participates in several local and regional programs promoting a healthy lifestyle.

Addressing the Council on this item was Cam Noltemeyer.

**Motion by Ferry, second by McLean, to create a new Healthy Santa Clarita award program to begin at the 2007 State of the City Luncheon event on September 19, 2007 was withdrawn.**

The item was withdrawn by Mayor McLean with the understanding that she will ask staff to work on the program.

### **ADJOURNMENT**

Mayor McLean adjourned the meeting at 9:58 p.m. in memory of Stephen Colley.

**FUTURE MEETINGS**

A City Council Study Session will be held Tuesday, June 5, 2007 at 5:30 p.m. in the Century Room, 1st floor of City Hall, 23920 Valencia Blvd., Santa Clarita CA.

The next regular meeting of the City Council will be held Tuesday, June 12, 2007 at 6:00 p.m. in the Council Chamber, 1st floor of City Hall, 23920 Valencia Blvd., Santa Clarita, CA.

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**MAYOR**

**ATTEST:**

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**CITY CLERK**

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