

**CITY OF SANTA CLARITA  
CITY COUNCIL  
MINUTES OF SPECIAL MEETING  
5:30 P.M.  
MINUTES OF REGULAR MEETING  
6:00 P.M.  
FEBRUARY 26, 2008**

**CALL TO ORDER**

Mayor Kellar called to order the special meeting of the City Council at 5:30 p.m.

**ROLL CALL**

All Councilmembers were present, with the exception of Councilmember Weste.

**PUBLIC PARTICIPATION**

There was none.

**CLOSED SESSION**

Sharon Dawson, City Clerk, 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:** Anne Ronali De Silva v. City of Santa Clarita and Timothy Downey  
Los Angeles Superior Court Case No. PC 042044

**CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**

Government Code Section 54956.9(c) – two matters

**RECESS AND RECONVENE**

Mayor Kellar recessed the meeting to Closed Session at 5:31 p.m. and reconvened the meeting at 6:00 p.m.

**CITY ATTORNEY ANNOUNCEMENT**

Carl Newton, City Attorney, announced that in Closed Session by unanimous vote, the Council authorized the City Attorney and Burke, Williams and Sorensen to defend the interests of the City in Anne Ronali De Silva v. City of Santa Clarita and Timothy Downey, LA Superior Court Case No. PC 042044. This case involves a rear-end collision by a City vehicle.

**ADJOURN**

Mayor Kellar adjourned the meeting at 6:01 p.m.

**INVOCATION**

Councilmember Weste gave the invocation.

**CALL TO ORDER**

Mayor Kellar called to order the regular meeting of the City Council at 6:05 p.m.

**ROLL CALL**

All Councilmembers were present.

**FLAG SALUTE**

Councilmember Weste led the flag salute.

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

There were none.

**PRESENTATIONS TO THE CITY**

Mayor Kellar and Councilmembers acknowledged receipt of the Government Finance Officers Association Award for the City's Comprehensive Annual Financial Report and congratulated Darren Hernández, Director of Administrative Services, Carmen Magana, Finance Manager, and Finance Division Staff for their efforts.

The State of the Utility System presentation on behalf of Southern California Edison will be rescheduled.

**PUBLIC PARTICIPATION**

Addressing the Council at this time regarding the Skate Park was Scott Ebeling, Tom Pacheco, Tyler Pacheco, Brendan McCann, Davon Whitmore, Craig Glover, Nicholas Staves, Logan Ouellette, Mike Riederer, Diana Atlas, Ingrid Rixey, Dan Bernardino, Sterling King and Alisa Hahn. Two written comment cards were submitted with regard to the Skate Park.

**STAFF/COUNCIL COMMENTS**

Ken Pulskamp, City Manager, thanked the speakers for coming to the Council meeting and outlined the \$15 million Phase 4 of the Sports Complex expansion and the construction sequence and path for the proposed improvements. If the current plans are changed, an estimated additional \$750 thousand and a delay of up to 10-12 months could be expected. The City is committed to enhancing the Sports Complex for its citizens and downtime will be kept to a minimum; also, the Skate Park will not be closed while school is out.

**Motion by Boydston, second by McLean, to direct staff to bring back a report on the March 25, 2008 Council agenda regarding the construction cost, sequencing and phasing for the Skate Park.**

**On roll call vote:**

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

**Noes: Kellar**

**Absent: None**

**Motion carried.**

**RECESS AND RECONVENE**

Mayor Kellar called a recess at 7:15 p.m. and reconvened the meeting at 7:24 p.m.

**PUBLIC PARTICIPATION**

Addressing the Council at this time regarding the proposed Burrtec Materials Recovery Facility (MRF) was Markie Leonard, Alan Ferdman representing the Canyon Country Advisory Committee, Kathy Thompson, Brandon Maddux, Sandra Cattell, Traci Reilly, LeeAnn Bell, Mike Ruffner, Rachel Todd and Teresa Todd.

Also addressing the Council at this time was Cam Noltemeyer representing SCOPE regarding 2 County developments and their impacts to the City; Bruce McFarland regarding financial disclosure as required by the State for possible conflicts of interests; Tom Surak regarding various issues that are causing deterioration in the City including illegal immigrants.

**STAFF COMMENTS**

Ken Pulskamp, City Manager, advised that the MRF project is in very preliminary stages, will require an environmental impact report and will provide opportunities to learn more about the project and view similar facilities; and noted that as per Council direction that the code of ethics issue will be brought back to Council after the April election.

Carl Newton, City Attorney, commented that the City Clerk had performed her duties as the filing official properly and that he is researching ambiguities in the requirements for reporting income and will be preparing a report.

**COMMITTEE REPORTS/COUNCILMEMBER COMMENTS**

Councilmember Boydston congratulated staff on a well-run Amgen tour; noted that the MRF is part of the City's overall recycling efforts and that we are just at the beginning of the process; acknowledged that redevelopment is hard but the efforts to bring back downtown Newhall are working; questioned if a report was coming from the City Attorney on those documents currently in place regarding ethics; noted that the Celebrity Waiter Dinner was a great event; distributed an article from ABC15.com news regarding a Big League Dreams park in Phoenix; and requested a report on billboards before he leaves the Council.

Councilmember Weste congratulated staff and the community on another successful Amgen bike tour.

Mayor Pro Tem Ferry acknowledged that former Mayor Jan Heidt also attended the Celebrity Waiter dinner and told him of her son, Matt Heidt, receiving the bronze star in Iraq for his efforts as a Navy seal and thanked him for representing the country and former Mayor Heidt for representing the City on the Vector Control Board.

Councilmember McLean advised that she takes the comments regarding the MRF seriously and urged Burrtec to add bus tours to different MRFs at the beginning of the process to educate people on what is being proposed; acknowledged the efforts by many to make the Celebrity Waiter event happen; advised that the Taste of the Town would be held on Sunday, May 4 to benefit the Child and Family Center; and urged all those interested to complete a survey on what

they would like to see as part of the new library facility in Downtown Newhall and suggested that a virtual tour of the Cerritos Library be included in the community meeting to be held at Hart Park on March 20.

Mayor Kellar provided highlights of the Celebrity Waiter Dinner to benefit the Senior Center and expressed thanks to all; noted that thousands of visitors came to the City for the Amgen tour but that there was no sound bite on the news about the event; and provided information on the Human Relations Forum essay and poster contest for a Season of Diversity and acknowledged the winning posters displayed in the Council Chamber which would also be displayed at the Valencia Library in March.

### **EXECUTIVE MEETING**

This time has been set aside for Councilmembers to review the agenda and obtain any further information that may be added.

### **APPROVAL OF AGENDA**

**Motion by Weste, second by Boydston, to approve the agenda, removing Items 2 and 6 from the Consent Calendar.**

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

### **APPROVAL OF MINUTES**

**Motion by Weste, second by McLean, to approve the minutes of the February 12, 2008 regular City Council meeting as submitted.**

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

### **ITEM 1**

#### **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 2**

#### **CONSENT CALENDAR**

##### **PROFESSIONAL SERVICES CONTRACT: RED GATE COMMUNICATIONS**

It is anticipated that Representative Howard P. "Buck" McKeon (R-CA-25) will soon be introducing legislation in the United States Congress for purposes of resolving the dispute between the City of Santa Clarita and CEMEX regarding the proposed Soledad Canyon Mine. Red Gate would provide a significant part of the legislative advocacy effort which will involve a public advocacy component. The public advocacy element will be critical to securing support for the proposed measure and will likely include preparation of media materials, public outreach, development of printed and electronic advocacy materials, and communications with opinion leaders and elected officials. Authorize City Manager or designee to enter into a professional

services contract with Red Gate Communications for the period March 1, 2008, through June 30, 2008, for an additional \$45,000. This action is an extension of an existing contract authorized under the City Manager's contract authority for January 1, 2008 through February 29, 2008. The maximum amount of the cumulative contract shall not exceed \$65,000.

Addressing the Council on this item was Bruce McFarland and Robert Leeman.

In response to inquiry, Ken Pulskamp, City Manager, provided additional information on Red Gate Communications and legislative advocacy efforts in this matter.

### **ITEM 3**

#### **CONSENT CALENDAR**

**AWARD CONTRACTS FOR PLAN REVIEW, BUILDING INSPECTION, AND PERMIT-RELATED PROFESSIONAL SERVICES; AUTHORIZE EXPENDITURE AUTHORITY FOR CONTRACTUAL SERVICES FOR SERVICE CONTRACTS; APPROPRIATE FUNDS FOR PREVIOUSLY AWARDED CONTRACTS FOR THE DEPARTMENT OF PUBLIC WORKS**

The Public Works Department is tasked with a variety of projects throughout the year. Some of these projects require contracts with outside consultants. Contracts are used when staff requires specialized expertise that is unavailable in-house, when outside assistance is needed to help expedite projects, or when a third party is needed to perform review. City Council approval is needed at this time to enter into contracts, increase existing contracts and obtain proper expenditure authority, and to appropriate the funds needed to pay for these contracts. Award contracts to California Code Check, Interwest Consulting Group, JAS Pacific, Inc., and West Coast Code Consultants, Inc. for plan review, building inspection, and permit-related professional services for the Building & Safety Division, in an amount not to exceed \$150,000 each, plus Consumer Price Index (CPI) adjustments, contingent upon the appropriation of funds by the City Council in the annual budget for such Fiscal Year; and authorize the City Manager or designee to execute all contracts and associated documents, or modify the awards in the event that issues of impossibility of performance arise, and execute renewals, in accordance with the terms provided herein, subject to City Attorney approval; authorize an increase to each of the contracts with the following contracted geotechnical/soils consultants, Fugro West, GeoDynamics, Allan Seward Engineering Geology, and R.T. Frankian & Associates, in an amount not to exceed \$75,000, and authorize expenditure authority of up to \$75,000 per contract as needed through the end of Fiscal Year 2007/08; and appropriate funds from Unappropriated Fund Balance from Fund 356 in the amount of \$33,000 to Expenditure Account 14600-5161.002 for Fiscal Year 2007/08 for the payment of previously awarded contracts to California Watershed Engineering (CWE) and AEI-CASC Engineering for review of Urban Stormwater Mitigation Plans and Stormwater Pollution Prevention Plans.

### **ITEM 4**

#### **CONSENT CALENDAR**

**ANNUAL OVERLAY AND SLURRY SEAL PROGRAM, PROJECTS M0046, M0049, AND M0052 - PROJECT ACCEPTANCE**

The Annual Overlay and Slurry Seal projects are an integral part of the City's pavement management program and adds pavement and slurry seal asphalt maintenance treatments to selected City streets. Accept the completion of the Annual Overlay and Slurry Seal Program,

Projects M0046, M0049, and M0052; direct the City Clerk to file the Notices of Completion; direct staff to release the remaining retention 35 days after the Notices of Completion are recorded, provided no stop notices as provided by law have been filed; and authorize the City Manager or designee to execute all documents, subject to City Attorney approval.

**ITEM 5**

**CONSENT CALENDAR**

**RUBBERIZED ASPHALT CONCRETE GRANT PROGRAM FOR FISCAL YEAR 2007-08**

The Rubberized Asphalt Concrete Grant Program is administered through the California Integrated Waste Management Board. Cities will compete for approximately \$3,020,583 to fund portions of projects up to a \$250,000 maximum per project. Adopt **Resolution No. 08-19** authorizing the City's Rubberized Asphalt Concrete Grant application each year, for the next five years, as part of the Annual Overlay and Slurry Seal Program; direct staff to submit the completed grant application to the California Integrated Waste Management Board; authorize the City Manager or designee to execute all documents, subject to City Attorney approval.

**ITEM 6**

**CONSENT CALENDAR**

**SANTA CLARITA REGIONAL COMMUTER TRAIL SEGMENT I, PROJECT T0017 - AWARD CONSTRUCTION CONTRACT**

The Santa Clarita Regional Commuter Trail Segment I consists of the construction of 1.0 mile of asphalt paved Class I bike path and pedestrian walkway from Interstate 5 near The Old Road/Rye Canyon Road junction to the terminus of Anza Drive in the Industrial area. Approve the plans and specifications and award the construction contract for the Santa Clarita Regional Commuter Trail Segment I, Project T0017, to R.C. Becker & Son, Inc. in the amount of \$1,023,716, and authorize a 20 percent contingency in the amount of \$204,743; award various construction support contracts totaling \$223,000; and authorize the City Manager or designee to execute all documents, subject to City Attorney approval.

In response to inquiry from Councilmember McLean, Curtis Nay, Assistant City Engineer provided additional information on the coating process and material to be used on the bridge.

**ITEM 7**

**CONSENT CALENDAR**

**TAX-SHARING RESOLUTION FOR SANITATION DISTRICT ANNEXATION 1035**

The Santa Clarita Valley Sanitation District provides wastewater treatment services within the District's service area. To provide wastewater treatment service to property located outside of the District's service area, the boundary must be expanded through the annexation process. Adopt the Sanitation District's **Resolution No. 08-20** approving and accepting the negotiated exchange of property tax revenues resulting from Sanitation District Annexation 1035.

**ITEM 8**

**CONSENT CALENDAR**

**LICENSE AGREEMENT BETWEEN THE LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY AND THE CITY OF SANTA CLARITA FOR THE**

**CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN 8-INCH UNDERGROUND SEWER LINE (SOLEDAD CANYON ROAD AT PENLON COURT) - APPROVAL OF AGREEMENT**

Approval of License Agreement (“Agreement”) for the construction, operation, and maintenance of an 8-inch underground sewer line between the Los Angeles County Metropolitan Transportation Authority (a public agency) and the City of Santa Clarita (a General Law City and Municipal Corporation). Approve the License Agreement (Agreement) for the construction, operation, and maintenance of an 8-inch underground sewer line, and authorize the Director of Public Works or designee to execute the Agreement, subject to City Attorney approval.

**ITEM 9**

**CONSENT CALENDAR**

**RESOLUTION TO SUBMIT AN APPLICATION TO THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR AN URBAN FORESTRY INVENTORY GRANT FUNDED THROUGH PROPOSITIONS 40 AND 84**

The Urban Forestry Division is responding to the preliminary approval of \$63,000 in grant funds from the California Department of Forestry and Fire Protection. The funds will aid in the purchase of an urban forestry inventory program and the collection of necessary data to populate the program. Adopt **Resolution No. 08-21** of intent authorizing the City Manager to submit an application to the California Department of Forestry and Fire Protection for a 50 percent reimbursement grant under Propositions 40 and 84 Urban Forestry Inventory Grant Program; increase estimated revenues in Account 259-4431.001 by \$63,000, and appropriate \$63,000 to expenditure Account 14508-5161.00; and direct the City Manager, subject to City Attorney approval, to execute all documents and enter into necessary agreements with the California Department of Forestry and Fire Protection to participate in and receive funds from the Urban Forestry Inventory Grant Program.

**ITEM 10**

**CONSENT CALENDAR**

**CONTRACT AMENDMENT FOR UNITED PACIFIC SERVICES FOR EMERGENCY TREE TRIMMING SERVICES**

Expenses totaling \$72,454 were incurred by the City's tree trimming contractor, United Pacific Services, who assisted in clearing the public right-of-way of fallen limbs and trees caused by the Buckweed Fire of October 2007. This amendment will increase the contract amount to recover the additional costs related to this event. Approve the second amendment to the United Pacific Services Contract 06-00355 for emergency tree trimming services in the amount of \$72,454, plus a ten percent contingency. The new total contract amount will not exceed \$629,700, and is subject to City Attorney approval. Funds were appropriated as part of the 2007-2008 midyear budget adjustment process in Account 14507-5161.001; and authorize the City Manager or designee to execute all documents, including subsequent annual renewals in accordance with the terms of the contract, subject to City Attorney approval.

**ITEM 11**

**CONSENT CALENDAR**

**AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH PCR SERVICES CORPORATION TO PREPARE AN ENVIRONMENTAL IMPACT**

**REPORT FOR SAND CANYON PLAZA SHOPPING CENTER AND THE ASSOCIATED RESIDENTIAL DEVELOPMENT**

City staff is recommending PCR Services Corporation to prepare an EIR for the proposed Sand Canyon Plaza shopping center and the associated residential development that will be constructed immediately north of the retail and office buildings. Authorize the City Manager or designee to enter into a professional services agreement between the City and PCR Services Corporation to prepare an Environmental Impact Report (EIR) for the Sand Canyon Plaza shopping center and the associated residential development, for a total contract amount not to exceed \$560,000, subject to City Attorney approval. EIR preparation costs will be borne by the applicant: Sand Canyon Plaza LLC.

**ITEM 12**

**CONSENT CALENDAR**

CHECK REGISTER NOS. 6 & 7

Approval of the Check Registers. Approve and ratify for payment the demands presented in Check Register Nos. 6 & 7.

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

**On roll call vote:**

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

**Noes: None**

**Absent: None**

**Motion carried.**

**ITEM 13**

**PUBLIC HEARING**

**UNIFIED DEVELOPMENT CODE AMENDMENT TO PROHIBIT THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES CITYWIDE**

Mayor Kellar opened the public hearing.

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

Patrick Leclair, Associate Planner, advised that this item is for modifications to the Unified Development Code (UDC) to prohibit the establishment of facilities that sell, distribute, give, or otherwise transmit marijuana for medicinal purposes, or medical marijuana dispensaries, and outlined the City's efforts to date.

Addressing the Council on this item was Stephanie Weiss.

In response to Mayor Pro Tem Ferry's request, Chief La Berge of the Sheriff's Department, provided information on dispensary locations in the rest of the County.

Mayor Kellar closed the public hearing.

**Motion by Boydston, second by Weste, to introduce and pass to second reading an ordinance entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CLARITA, CALIFORNIA, APPROVING MASTER CASE 07-016, UNIFIED DEVELOPMENT CODE AMENDMENT 07-001, AMENDING CHAPTERS 12 AND 13 OF TITLE 17, OF THE SANTA CLARITA MUNICIPAL CODE TO PROHIBIT MEDICAL MARIJUANA DISPENSARIES CITYWIDE AND ADOPTING A NEGATIVE DECLARATION".**

**On roll call vote:**

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

**Noes: None**

**Absent: None**

**Motion carried.**

**ADJOURNMENT**

Mayor Kellar adjourned the meeting at 8:46 p.m.

**FUTURE MEETINGS**

A City Council Study Session will be held Tuesday, March 4, 2008, 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, March 11, 2008, 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**