

**CITY OF SANTA CLARITA
CITY COUNCIL
MINUTES OF SPECIAL MEETING
5:00 P.M.
MINUTES OF REGULAR MEETING
6:00 P.M.
MARCH 11, 2008**

CALL TO ORDER

Mayor Kellar called to order the special meeting of the City Council at 5:03 p.m.

ROLL CALL

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

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:

PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION

Government Code Section 54957

Position Title: City Manager

CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION

Government Code Section 54956.9(a)

Case Name: Teresa Braid v. City of Santa Clarita
L.A. County Superior Court Case No. PC 042172

RECESS AND RECONVENE

Mayor Kellar recessed the meeting to Closed Session at 5:04 p.m. and reconvened the meeting at 6:05 p.m.

CITY ATTORNEY ANNOUNCEMENT

Carl Newton, City Attorney, announced that in Closed Session by unanimous vote, the City Council authorized the City Attorney and Burke, Williams and Sorenson to defend the interests of the City in Teresa Braid v. City of Santa Clarita, LA Superior Court Case No. PC 042172. This is a trip and fall case.

ADJOURN

Mayor Kellar adjourned the meeting at 6:06 p.m.

INVOCATION

Mayor Pro Tem Ferry gave the invocation.

CALL TO ORDER

Mayor Kellar called to order the regular meeting of the City Council at 6:10 p.m.

ROLL CALL

All Councilmembers were present.

FLAG SALUTE

Mayor Pro Tem Ferry led the flag salute.

AWARDS/RECOGNITION TO MEMBERS OF THE COMMUNITY

The recognition for Linda Lambourne will be rescheduled.

PRESENTATIONS TO THE CITY

Christopher Coronel, Region Manager of Local Public Affairs representing Southern California Edison, reviewed the State of the Utility System.

PUBLIC SAFETY TOPIC OF THE MONTH

Police Chief Anthony La Berge introduced Deputy Travis Kelly who gave a presentation on traffic safety in the City.

PUBLIC PARTICIPATION

Addressing the Council at this time regarding the proposed Materials Recovery Facility (MRF) was James Quinn; Robert Armacher; Dean Martin; Mary Ann Lisam; Lee Bell; Joel Thompson; Pat Salter; Alan Ferdman representing the Canyon Country Advisory Committee; Kathy Thompson; Samuel Chandler; Bobbi Yost; Marcia McAdams; Marie Martin; Walter Ruczynski; Ronald Guglielmino; Russell Scrivner; John Hunt; Belinda Kupatz; Nadine Teter; Cindy Gise; Joan Oxman; Tom Haner; Al Porcellino; Lynda Cook; Marki Leonard; Ken Freeves; Rodney Powers; and Roger Horning. Eleven written comments were submitted on this topic.

STAFF COMMENTS

Ken Pulskamp, City Manager, noted that the project is not before the Council for consideration at this time and is important for the City to consider in light of the requirements of AB 939.

Carl Newton, City Attorney, pointed out that the property owner, Burrtec, has the right to pursue the application and the Council is obligated to review it.

PUBLIC PARTICIPATION

Also addressing the Council at this time was Ed Plevak regarding the concessions at Central Park and the Aquatics Center; Ralph Edson regarding the closure of Benz Road; Sandra Edson regarding the closure of Benz Road; Kathy Meyer regarding various issues with Benz Road; Duane Harte supporting Mayor Kellar; Jim Soliz regarding campaign signs (submitted material); Bruce McFarland regarding ethical issues; Cam Noltemeyer regarding the Open Space Preservation District and the Financial Accountability and Audit Panel; Bill Reynolds regarding an ethics program; Dennis Moore regarding the proposed MRF; Robert Leemon regarding privileged information from the City Attorney; Lynne Plambeck regarding statement of economic interests forms; and Allan Cameron regarding the March 19 hearing before the Los Angeles City Council on the Las Lomas project.

COUNCILMEMBER COMMENTS

Mayor Kellar provided information on his views with regard to filling out the Form 700, Statement of Economic Interests, his campaign signs and his real estate clients. He has contacted the California Association of Realtors and FPPC and following their response, will prepare a response.

STAFF COMMENTS

Ken Pulskamp, City Manager, advised that the City would not renege on any commitments with regard to Benz Road and noted that a survey was going out to explore options; advised that the Open Space District was done in accordance with State law; and stated that the Council directed staff to return after the April election with a proposed ethics policy.

RECESS AND RECONVENE

Mayor Kellar called a recess at 8:38 p.m. and reconvened the meeting at 8:59 p.m.

COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember McLean encouraged attendance at a public meeting on March 20 on the New Newhall public library and completion of a survey on what the public desires to be included in the new library; invited attendance at the Golden Valley Road Open Space dedication; and indicated that Propositions 98 and 99 for the June election would be on the next agenda for discussion.

Mayor Pro Tem Ferry commented on a recent tour of the Whitaker-Bermite property and the cleanup efforts in progress; gave accolades for the Santa Clarita Regional Theatre presentation of Man of La Mancha; commented on the recent Council sub-committee meeting on the budget; and requested the City Attorney comment on the City's temporary sign ordinance and political signs.

Carl Newton, City Attorney, advised that political signs are considered political speech and are protected by the Constitution. Cities have limited control on them as the signs are included under the First Amendment right of free speech.

Councilmember Weste made no comments.

Councilmember Boydston congratulated The Signal on their Newsmaker awards and expressed appreciation with having a local newspaper; commented on the Historic Preservation Outreach Program; requested that an item be placed on the next agenda for Council to consider releasing the City Attorney's memo regarding the filing of statements of economic interest (Form 700); and provided material from the Arizona Republic on a Big League Dreams park.

Mayor Kellar made no comments.

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 McLean, to approve the agenda, pulling Items 5 and 6 from the Consent Calendar.

Hearing no objections, it was so ordered.

APPROVAL OF MINUTES

The minutes of the February 26, 2008 special and regular City Council meetings will be placed on a subsequent agenda for approval.

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

HYDRAULICS AND FLOODWAY STUDY FOR THE BOUQUET CANYON CHANNEL CREEK, PROJECT P4009 - AWARD PROFESSIONAL SERVICES CONTRACT

This design contract is for the preparation of a Hydraulics and Floodway Study for the Bouquet Canyon Channel Creek in coordination with the City's Central Park Expansion Phase III project. Award a design contract to Willdan for civil engineering professional services for the Bouquet Canyon Channel Creek Hydraulics and Floodway Study, Project P4009, in the amount of \$69,330, with a 10 percent contingency in the amount of \$6,933; and authorize the City Manager or designee to execute all documents, subject to City Attorney approval.

ITEM 3

CONSENT CALENDAR

CITY HALL WATERPROOFING, PROJECT M1004 - PROJECT ACCEPTANCE

This project waterproofed the City Hall building. Approve and accept the City Hall Waterproofing, Project M1004; direct the City Clerk to file the Notice of Completion; and direct staff to release the 10 percent retention 35 days after the Notice of Completion is recorded, provided no stop notices have been filed, as provided by law.

ITEM 4

CONSENT CALENDAR

TAX-SHARING RESOLUTION FOR SANITATION DISTRICT ANNEXATIONS 1013, 1015, AND 1021

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. 08-22** approving and accepting the negotiated exchange of property tax revenues resulting from Sanitation District Annexation 1013; **Resolution No. 08-23** approving and accepting the negotiated exchange of property tax revenues resulting from Sanitation District Annexation 1015; and **Resolution No. 08-24** approving and accepting the

negotiated exchange of property tax revenues resulting from Sanitation District Annexation 1021.

ITEM 5

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH AUSTIN-FOUST ASSOCIATES, INC. TO PREPARE A TRAFFIC STUDY FOR THE ONE VALLEY ONE VISION (OVOV) JOINT VALLEYWIDE GENERAL PLAN

Authorization to prepare a draft land use map and Environmental Impact Report to evaluate the environmental impacts associated with the new General Plan. OVOV is a joint effort involving both the City and Los Angeles County to create a comprehensive General Plan for the entire Santa Clarita Valley. Funds for this effort have been secured through a previous budget process.

Addressing the Council on this item was Allan Cameron.

In response to public comments and inquiries from Councilmembers, Ken Pulskamp, City Manager, Andrew Yi, Traffic Engineer, and Paul Brotzman, Director of Community Development, provided additional information.

Motion by Ferry, second by Weste, to authorize the City Manager or designee to enter into a professional services agreement between the City and Austin-Foust Associates, Inc. to prepare a traffic study for the One Valley One Vision (OVOV) Joint Valleywide General Plan for a total contract amount not to exceed \$88,110.

On roll call vote:

Ayes: Ferry, McLean, Weste, Kellar

Noes: Boydston

Absent: None

Motion carried.

ITEM 6

CONSENT CALENDAR

AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CRAWFORD MULTARI & CLARK ASSOCIATES TO PREPARE STAGE ONE OF THE NORTH NEWHALL SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT FOR THE ANALYSIS OF THE EASTERLY EXTENSION OF LYONS AVENUE CROSSING AT-GRADE OVER THE RAILROAD TRACKS CONNECTING TO DOCKWEILER DRIVE
Preparation of documentation for the North Newhall Specific Plan.

Councilmember Weste recused herself from participation on this item due to a possible conflict of interest in that this project is in close proximity to her home and left the dais.

Addressing the Council on this item was Valerie Thomas representing the Placerita Canyon Property Owners Association; and Sandra Cattell.

In response to inquiries from Councilmembers, Jason Smisko, Senior Planner, provided additional information.

Motion by Ferry, second by McLean, to authorize City Manager or designee to enter into a professional services agreement with Crawford Multari & Clark Associates to prepare Stage 1 of the North Newhall Specific Plan Environmental Impact Report (EIR) for the analysis of the relocation of the 13th Street at-grade vehicular railroad crossing to the easterly extension of the Lyons Avenue crossing at-grade over the railroad tracks connecting to Dockweiler Drive for a contract amounting to \$169,820, plus a 15% contingency totaling \$195,293. Funds for this effort have been secured through a previous budget process and are located in account numbers 13100-5161.002 and S3023302 Dockweiler account, Via Princessa Bridge and Thoroughfare District.

On roll call vote:

Ayes: Boydston, Ferry, McLean, Kellar

Noes: None

Disqualified: Weste

Absent: None

Motion carried.

ITEM 7

CONSENT CALENDAR

SECOND READING OF AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE TO PROHIBIT THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES CITYWIDE

At the February 26, 2008 meeting, the City Council introduced and passed an Ordinance amending the UDC to prohibit the establishment of medical marijuana dispensaries. Conduct a second reading and adopt **Ordinance No. 08-2** 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", to prohibit the establishment of medical marijuana dispensaries citywide.

ITEM 8

CONSENT CALENDAR

AWARD CONTRACT TO TRANSPORTATION MANAGEMENT & DESIGN INC. (TMD) FOR A COMMUTER AND SUPPLEMENTAL SCHOOL-DAY TRANSIT SERVICE ANALYSIS

The Commuter and Supplemental School-Day Transit Service Analysis is intended to evaluate current transit operations in these two service types and project future service needs on a local and regional level including rapidly developing Santa Clarita Valley communities in unincorporated areas. This analysis will also identify a corresponding financial plan necessary to meet these needs. Award contract to Transportation Management & Design, Inc. (TMD) for a Commuter and Supplemental School-Day Service Analysis (TR-07-08-30) in the amount of \$80,369, plus a 10% contingency of \$8,036, for a total of \$88,406. Appropriate \$88,406.00 from the Transit Fund balance to account 12400-5161.002; authorize the City Manager or designee to execute all contract documents, or modify the award in the event that issues of impossibility of performance arise, subject to City Attorney approval.

ITEM 9

CONSENT CALENDAR

SECOND READING OF AN ORDINANCE AMENDING THE SANTA CLARITA MUNICIPAL CODE SECTION 1.01.260(A) REGARDING NUISANCES: RECOVERY OF ABATEMENT EXPENSES

Government Code Section 38773.5 authorizes cities to adopt an ordinance that allows the recovery of attorneys' fees by the prevailing party in nuisance abatement actions. Pursuant to this state statute, Santa Clarita Municipal Code Section 1.01.260 outlines a procedure for the recovery costs and expenses in such an action. The proposed ordinance amends Section 1.01.260 to clarify that the prevailing party in nuisance abatement actions is entitled to recover attorneys' fees. Conduct a second reading and adopt **Ordinance No. 08-3** entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CLARITA, CALIFORNIA, AMENDING SECTION 1.01.260 OF TITLE 1, CHAPTER 1.01 OF THE SANTA CLARITA MUNICIPAL CODE REGARDING NUISANCES: RECOVERY OF ABATEMENT EXPENSES."

ITEM 10

CONSENT CALENDAR

CHECK REGISTER NOS. 8 & 9

Approval of the Check Registers. Approve and ratify for payment the demands presented in Check Register Nos. 8 & 9.

Motion by McLean, second by Weste, to approve the Consent Calendar with the exception of Items 5 and 6.

On roll call vote:

Ayes: Weste, Ferry, McLean, Boydston, Kellar

Noes: None

Absent: None

Motion carried.

ITEM 11

PUBLIC HEARING

ANNEXATION OF PARCELS INTO STREETLIGHT MAINTENANCE DISTRICT NO. 1 (ANNEXATION L-85)

In report, Dennis Luppens, Special Districts Administrator, advised that this item is for the consideration of annexing parcels receiving benefit into Streetlight Maintenance District No. 1.

Mayor Kellar opened the public hearing.

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

No requests to speak were submitted on this item.

Mayor Kellar closed the public hearing.

Mayor Kellar directed the City Clerk to tabulate the ballots and announced that after the tabulation is complete, the Council would return to this item to announce the results.

Following Item 16, Sharon Dawson, City Clerk, announced results of the ballot count with 82% of the assessment amount voting “YES” and 18% of the assessment amount voting “NO”. Therefore, there is no majority protest.

Motion by Ferry, second by Weste, to adopt Resolution No. 08-25 ordering said annexation and authorize the annual levy and collection of assessments within the District.

On roll call vote:

Ayes: Boydston, Weste, Ferry, McLean, Kellar

Noes: None

Absent: None

Motion carried.

ITEM 12

PUBLIC HEARING

FORMATION OF DRAINAGE BENEFIT ASSESSMENT AREA (DBAA) NO. 2008-1 (RIVER VILLAGE)

In report, Dennis Luppens, Special Districts Administrator, advised that this item is for the consideration of annexing parcels receiving benefit into Drainage Benefit Assessment Area (DBAA) No. 2008-1 (River Village).

Mayor Kellar opened the public hearing.

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

No requests to speak were submitted on this item.

Mayor Kellar closed the public hearing.

Sharon Dawson, City Clerk, announced results of the ballot count with 100% of the assessment amount voting “YES” and 0% of the assessment amount voting “NO”. Therefore, there is no majority protest.

Motion by Boydston, second by Ferry, to adopt Resolution No. 08-26 approving the Engineers Report for DBAA 2008-1, and authorize the annual levy and collection of assessments within the District.

On roll call vote:

Ayes: McLean, Boydston, Weste, Ferry, Kellar

Noes: None

Absent: None

Motion carried.

ITEM 13

PUBLIC HEARING

LANDSCAPE MAINTENANCE DISTRICT PROCEEDINGS

In report, Darren Hernández, Deputy City Manager and Director of Administrative Services, advised that this item is for a public hearing to take comments about recommended action to make certain changes to and creation of LMD zones, and changing the rate apportionment methodology lowering median landscape assessments for residential property owners.

Mayor Kellar opened the public hearing.

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

Addressing the Council on this item was Nancy Delange; Cam Noltemeyer; Scylla Nagel; and Larry King. Twenty written comments were submitted on this item.

Ken Pulskamp, City Manager, provided clarification on the Proposition 218 process and the proposed changes.

Carl Newton, City Attorney, provided clarification on the public's requests and what is required by law.

Mayor Kellar closed the public hearing.

Motion by Weste, second by Ferry, to direct the assessment engineer to revise the Engineer's Report to include clarification language regarding the continued Landscape Maintenance District maintenance of all T-1 Areawide improvements, including parkways and sidepanels, and to include language to clarify the analysis of special and general benefit to indicate there is no quantifiable general benefit.

On roll call vote:

Ayes: Boydston, Weste, Ferry, McLean, Kellar

Noes: None

Absent: None

Motion carried.

Mayor Kellar announced that over six thousand ballots have been received, so the results of the tabulation will not be completed by the end of this meeting. The ballot count will commence tomorrow morning and after completion of the tabulation, if no majority protest exists, the City Clerk is directed to announce the results at the March 25, 2008 City Council meeting.

ITEM 14

NEW BUSINESS

COMPLIANCE REVIEW OF TEMPORARY BIN AND ROLL-OFF BOX FRANCHISEES

Travis Lange, Environmental Services Manager, advised that four of the City's 9 franchised temporary bin and roll-off box service providers did not meet a minimum diversion requirement of 50 percent during 2006.

Addressing the Council on this item was Vince Sabotin representing Looney Bins.

In response to inquiries from Councilmembers, Mr. Lange provided additional information.

Motion by Weste, second by Boydston, to approve the recommended course of action for non-compliant franchisees and direct staff to evaluate the options for opening the franchise.

On roll call vote:

Ayes: Weste, Ferry, McLean, Boydston, Kellar

Noes: None

Absent: None

Motion carried.

ITEM 16

NEW BUSINESS

PRELIMINARY FINDINGS RECOMMENDING AGAINST THE POSSIBLE CLOSURE OF LINDA VISTA DRIVE AT CANVAS STREET

With Council concurrence, Item 16 was considered at this time.

ITEM 15

NEW BUSINESS

ARCHITECTURAL DESIGN GUIDELINE UPDATE

Paul Brotzman, Director of Community Development, advised that this item is for an update to the City Council of the Architectural Design Guidelines.

Due to the lateness of the hour, Council concurred to continue this item to the next meeting.

ITEM 16

NEW BUSINESS

PRELIMINARY FINDINGS RECOMMENDING AGAINST THE POSSIBLE CLOSURE OF LINDA VISTA DRIVE AT CANVAS STREET

Andrew Yi, City Traffic Engineer, and Anthony La Berge, Chief of Police, advised that staff has conducted a preliminary investigation into the closure of Linda Vista Drive, including: review of field conditions, area traffic volumes, City code requirements, and vacation procedures for a public street.

RECESS AND RECONVENE

Mayor Kellar called a recess at 10:46 p.m. and reconvened the meeting at 10:54 p.m.

Addressing the Council on this item was Rich Smith representing the Sunset Hills HOA; Mike Brown; Michael David; Annette Uthe representing the Sulphur Springs School District; Bertina Joseph; Cathy Williams; Rodney Powers; Bob Jones; Dan Scolpini; George Kosct; Alan Ferdman representing the Canyon Country Advisory Committee; Nadine Teter; Nancy Van Sciver; Markis Garcia; Mark Meeks; Dennis Farrell; Tony Natoli; Trish Huss; Scott McHugh; Frank Santilli; Jewell Saltzman; Scott Young; Alexis Williams; Williams Saltzman; and Allan Cameron. Twelve written comments were received on this item.

Motion by Boydston, second by Ferry, to direct staff to research the problem using a questionnaire in the residential areas and look at the numbers for cut-through traffic.

On roll call vote:

Ayes: Ferry, Boydston

Noes: McLean, Weste, Kellar

Absent: None

Motion did not carry.

Motion by McLean, second by Weste, to direct staff to come up with solutions for calming traffic on this road, holding public meetings, with the item to be on the agenda no later than June, including investigation of closing the street.

On roll call vote:

Ayes: McLean, Boydston, Weste, Ferry, Kellar

Noes: None

Absent: None

Motion carried.

ADJOURNMENT

Mayor Kellar adjourned the meeting at 12:40 a.m.

FUTURE MEETINGS

The next regular meeting of the City Council will be held Tuesday, March 25, 2008, at 6:00 p.m. in the Council Chamber, 1st floor of City Hall, 23920 Valencia Blvd., Santa Clarita, CA.

MAYOR

ATTEST:

CITY CLERK