

**CITY OF SANTA CLARITA
CITY COUNCIL
MINUTES OF SPECIAL MEETING
4:30 P.M.
MINUTES OF REGULAR MEETING
6:00 P.M.
JANUARY 10, 2006**

CALL TO ORDER

Mayor Weste called to order the special meeting of the City Council at 4:32 p.m.

ROLL CALL

All Councilmembers were present with the exception of Councilmember Ferry.

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 PROPERTY NEGOTIATOR

Government Code Section 54956.8

Location of Property: 11+ acres adjacent to new Community Center/Newhall Metrolink Station; APN 2833-014-014 and 2831-011-037

Property Owner: DiStefano & Swett

Under Negotiation: Price and Terms

CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION

Government Code Section 54956.9 (a)

Case Name: Bankruptcy RFI Realty, Inc., et al., Debtors
US Bankruptcy Court for the District of Arizona
Case No. 2:04-10486-CGC

Case Name: City of Santa Clarita v. SC LLC, et al.
Los Angeles County Superior Court Case # BC 259442

Case Name: Cemex Inc. v. County of Los Angeles, et al.
US Court of Appeals, Ninth Circuit, Appeals Case No 04-56050

Case Name: Cemex Inc. v. City of Santa Clarita
Los Angeles County Superior Court Case # BS 100710

The matter of potential litigation was removed from the agenda.

RECESS AND RECONVENE

Mayor Weste recessed the meeting to Closed Session at 4:35 p.m. and reconvened the meeting at 6:37 p.m.

CITY ATTORNEY ANNOUNCEMENT

Carl Newton, City Attorney, announced that in Closed Session by unanimous vote, Council took the following actions:

- In the matter of Cemex Inc. v. City of Santa Clarita, LA County Superior Court Case # BS 100710, a lawsuit filed by Cemex against the City challenging on environmental grounds the City’s proposed annexation of the property where the proposed sand and gravel mine is to be located: Council authorized the City Attorney and Burke, Williams and Sorensen to defend the City’s interest in the lawsuit.
- In the matter of City of Santa Clarita v. SC LLC (Golden Valley Road Condemnation), LA County Superior Court Case # BC 259442, a condemnation case brought by the City against the owner of the Whitaker-Bermite property to acquire approximately 13 acres for a portion of Golden Valley Road: Council authorized its legal counsel to pursue post trial motions challenging the verdict and to appeal the verdict, if post trial motions are not successful.

ADJOURN

Mayor Weste adjourned the meeting at 6:39 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 Kellar gave the invocation.

CALL TO ORDER

Mayor Weste called to order the regular meeting of the City Council at 6:45 p.m.

ROLL CALL

All Councilmembers were present.

FLAG SALUTE

Councilmember Kellar led the flag salute.

AWARDS/RECOGNITION TO MEMBERS OF THE COMMUNITY

Mayor Weste and Councilmembers presented School Board Recognition Month Proclamations to members of the Newhall, Saugus Union, Sulphur Springs, and Castaic Union School Districts, and the William S. Hart High School and Santa Clarita Community College Districts.

Mayor Weste and Councilmembers recognized Wolfgang Costello for receiving the Medal of Valor from the California Department of Corrections and presented a certificate.

Mayor Weste and Councilmembers recognized Christie Ambos for being selected as a winner in the South Coast Air Quality Management District's "Color My World with Healthy Air" 2006 calendar contest. Representing the AQMD, Patrician Price addressed the Council on the bi-lingual calendar and the Asthma Conference on February 17, 2006.

COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Ferry thanked staff for their efforts with code enforcement in Newhall and working with Teen Court for harsher punishments for offenders and requested that staff look into possible subsidies for city residents for recreation programs and having a directly-elected Mayor.

Councilmember Smyth commented on the loss of community members including George Harris and former employee Stacey Miller's brother.

Councilmember Kellar concurred with Councilmember Ferry's remarks about the directly-elected mayor and expressed concern with graffiti on the new Soledad Bridge; spoke highly of a new restaurant, Bella Cucina, in Canyon Country; thanked staff for the new monument signs in front of City Hall; and noted the passing of Craig Eomurian.

Mayor Pro-Tem McLean commented on upcoming events including the MagLev Orange Line Authority meeting in Cerritos and the League of CA Cities Community Services Policy Committee Meeting in Sacramento on Thursday and provided information on CityPAC, a political action committee formed by the League.

Mayor Weste noted that former Mayor Carl Boyer was in the lobby this evening signing copies of his book "Santa Clarita" and noted the passing of Darrel Readmond.

PRESENTATIONS TO THE CITY

There were none.

PUBLIC PARTICIPATION

Addressing the Council at this time was Mark Hershey on behalf of Mike Shapiro, Newhall School District Board, who read and submitted a letter regarding the 1st Annual Run for Fitness at Valencia Valley School on January 27, 2006; and Jay Winter regarding the proposed Vallarta Market and safety in the area.

STAFF COMMENTS

Ken Striplin, Assistant City Manager, advised that staff could provide info on the options for a directly-elected Mayor and asked Patti Minutello, Police Chief, to provide an update on the status of the graffiti program and subsequent arrests/sentences. Staff will look into how the amount of damages is determined.

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 McLean, second by Smyth, to approve the agenda.

Hearing no objections, it was so ordered.

APPROVAL OF MINUTES

Motion by Smyth, second by McLean, to approve the minutes of the December 13, 2005 special and regular City Council meetings as submitted.

Hearing no objections, it was so ordered.

CONVENE SANTA CLARITA REDEVELOPMENT AGENCY

CALL TO ORDER

Chair Weste called the meeting of the Redevelopment Agency to order at 7:41 p.m.

ROLL CALL

All Agency Members were present.

PUBLIC PARTICIPATION

There was none.

APPROVAL OF MINUTES

Motion by Kellar, second by Smyth, to approve the minutes of the November 22, 2005 meeting as submitted.

Hearing no objections, it was so ordered.

ITEM 1

JOINT CONSENT CALENDAR

2005-06 MIDYEAR BUDGET ADJUSTMENT, 2005-06 CONTINUING APPROPRIATIONS, AND RESOLUTION FOR ESTABLISHING A PERMIT FEE INCENTIVE, EMPLOYEE COMPENSATION, RDA RESOLUTION FOR LOAN FROM GENERAL FUND TO USE FOR DOWNTOWN

Each year at this time, City staff takes the opportunity to review the City's adopted budget to determine if any financial adjustments are necessary. As with every year, expenditure, revenue, and capital project budgets are reviewed for items that will assist City Departments in managing their operations to the end of the fiscal year.

City Council: Motion by Smyth, second by Ferry, to authorize 2005-06 budgeted expenditures, revenues, and capital projects in the amount specified; authorize budget transfers as specified; authorize 2005-06 Continuing Appropriations as specified; adopt Resolution No. 06-1 providing for Compensation of the Employees of the City; adopt Resolution No. 06-2 establishing a Permit Fee Incentive as a part of the Neighborhood Reinvestment Pilot Program; adopt Resolution No. 06-3 approving a loan for \$250,000 and adopt Resolution No. 06-4 approving a loan for

\$770,000 respectively, from the Newhall Redevelopment Reserve to the Redevelopment Agency (RDA).

On roll call vote:

Ayes: McLean, Kellar, Ferry, Smyth, Weste

Noes: None

Absent: None

Motion carried.

Redevelopment Agency: Motion by Smyth, second by Ferry, to adopt Resolution No. RDA 06-1 accepting a loan for \$250,000 and adopt Resolution No. RDA 06-2 approving a loan for \$770,000 respectively, from the City of Santa Clarita General Fund and approve promissory notes to the City of Santa Clarita; authorize a transfer of \$1,020,000 in loan proceeds from the Debt Service Fund 910 to the Capital Projects Fund 901, and appropriate \$250,000 to Account No. 3610-8110 and \$770,000 to Account No. 3610-8620; authorize adjustments to 2005-2006 budgeted expenditures and revenues in the amount specified.

On roll call vote:

Ayes: Smyth, McLean, Kellar, Ferry Weste

Noes: None

Absent: None

Motion carried.

ADJOURN SANTA CLARITA REDEVELOPMENT AGENCY

Chair Weste adjourned the Redevelopment Agency meeting at 7:44 p.m.

RESUME CITY COUNCIL MEETING

Mayor Weste resumed the Council meeting at 7:44 p.m.

ITEM 2

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 3

CONSENT CALENDAR

FEDERAL LEGISLATIVE ADVOCACY

Since February 2001, the City has retained the professional services of Jamison and Sullivan, Inc. for federal advocacy services specifically relating to the proposed Cemex/Transit Mixed Concrete (TMC) mining proposal. Authorize the City Manager or designee to execute, subject to City Attorney approval, a contract for the continuation of professional services with Jamison and Sullivan, Inc. for the period January 1, 2006 through June 30, 2006.

ITEM 4

CONSENT CALENDAR

TWO SEPARATE MEMORANDUM OF UNDERSTANDING AGREEMENTS WITH CHEROKEE SANTA CLARITA, LLC AND SUNCAL SANTA CLARITA, LLC

The Porta Bella site property is currently the subject of a motion to sell filed by the debtors in the bankruptcy case. Both Cherokee Santa Clarita, LLC and SunCal Santa Clarita, LLC are seeking to acquire the Porta Bella Site property through the bankruptcy sale process. Adopt the proposed two separate Memorandum of Understanding (“MOU”) agreements.

Carl Newton, City Attorney read into the record the following statement as requested by the attorney on behalf of SunCal Santa Clarita, LLC:

“This matter requests Council approval of a non-binding Memorandum of Understanding intended to express the intent of the City and each of the two qualified bidders for the Porta Bella Site regarding the actions that the City and the successful bidder intend to take regarding a potential amendment to Condition DS-12.

As an item of clarification to the Memorandum of Understanding, it is understood that nothing in the Memorandum of Understanding is intended to alter the status quo regarding the following matters:

1. The rights that the successful bidder will acquire in the event that the Bankruptcy Court determines that the Development Agreement may be assumed by the Debtors and assigned to the successful bidder;
2. The current provisions of Condition DS-12, as construed by the City's Attorneys in its letter of July 19, 2005; or
3. Any right that the City may have to participate in the remediation of the Porta Bella site”.

ITEM 5

CONSENT CALENDAR

REVISION OF NEWHALL RANCH HIGH COUNTRY RECREATION AND CONSERVATION JOINT POWER AGREEMENT (JPA)

In 1993, the City and the Santa Monica Mountains Conservancy (SMMC) entered into a joint powers agreement with the specific interest of open space acquisition and preservation of land in near proximity to these agencies. Approve the revised Newhall Ranch High Country Recreation and Conservation Authority Joint Powers Agreement (JPA).

ITEM 6

CONSENT CALENDAR

NATIONAL INCIDENT MANAGEMENT SYSTEM

Resolution to adopt the NIMS (National Incident Management System) principles and policies into the Emergency Management System of the City of Santa Clarita. Adopt **Resolution No. 06-5** to adopt the NIMS (National Incident Management System) principles and policies into

the City's Emergency Management System and provide staff with direction to continue plan integration of NIMS, to the extent appropriate, into the City's Emergency Management System.

ITEM 7

CONSENT CALENDAR

JOINT USE AGREEMENT (JUA) BETWEEN THE CITY OF SANTA CLARITA AND THE WILLIAM S. HART UNION HIGH SCHOOL DISTRICT FOR COMMUNITY RECREATION FACILITIES

The City of Santa Clarita (City) and the William S. Hart Union High School District (Hart District) have found that it will be in the public interest, both economically and practically, to cooperate with regard to the recreational use of the Hart District and City-owned community recreation facilities, and therefore desire to update the existing JUA pursuant to the provisions of Chapter 10 of the California Education Code, Section 10900. Approve the updated Joint Use Agreement (JUA) between the City of Santa Clarita and the William S. Hart Union High School District for Community Recreation Facilities and authorize the City Manager, or designee, to execute the JUA.

ITEM 8

CONSENT CALENDAR

APPROVAL OF EXPENDITURES FOR PROFESSIONAL BUILDING AND SAFETY SERVICES

The City's Building and Safety Division uses contractual services to assist staff with plan reviews and inspections of new buildings during periods of high construction activity. Approve the expenditures for contractual plan review, building inspection, and permitting services as follows: Professional plan review services by Esgil Corporation in the amount of \$144,000.00 from Account No. 4210-8110; professional building inspection services by JAS Pacific, Inc. in the amount of \$66,500.00 from Account No. 4210-8001; and professional plan review services by Linhart Petersen Powers Associates in the amount of \$180,000.00 from Account No. 4210-8001.

ITEM 9

CONSENT CALENDAR

AGREEMENT FOR MAINTENANCE OF LANDSCAPE AREA WITHIN THE STATE HIGHWAY RIGHT-OF-WAY (STATE ROUTE 14 AT GOLDEN VALLEY ROAD)

Approval of Agreement for Maintenance of Landscape Area within State Highway Right-of-Way between the State of California, acting by and through the Department of Transportation, and the City of Santa Clarita. Approve the Agreement for Maintenance of Landscape Area within the State Highway right-of-way; and authorize the City Manager or designee to execute the Agreement, subject to City Attorney approval.

ITEM 10

CONSENT CALENDAR

PARCEL MAP NO. 61363 (NEWHALL AREA, ONE LOT SUBDIVISION) - APPROVAL OF FINAL MAP AND ACCEPTANCE OF OFFER OF DEDICATION

Approval of Parcel Map No. 61363 (Newhall area, one-lot subdivision) consisting of approximately 0.59 acres and three parcels, located on Arlen Drive at the southwest corner of

Arlen Drive and Apple Street and is owned by Reed and Christine Halladay. Approve Parcel Map No. 61363 (Newhall area, one-lot subdivision); accept on behalf of the public the offer of dedication, rights and easements; make certain findings; instruct the City Treasurer to endorse the Special Assessment Certificate; instruct the City Clerk to endorse the Certificate; and instruct the City Engineer to endorse the Agreement for Subdivision Improvements.

ITEM 11

CONSENT CALENDAR

CITY HALL ROOF REPLACEMENT PROJECT NO. M1003 – APPROVE THE PLANS AND SPECIFICATIONS, AND AWARD THE CONSTRUCTION CONTRACT

Completing this roof replacement will prevent water related damage to the building's interior ceilings, walls, equipment, and carpeting. Approve the plans and specifications; award the City Hall roof replacement contract, Project No. M1003, to Rey-Crest Roofing and Waterproofing in the amount of \$312,000.00, approve \$2,000.00 for estimated plywood deck repairs (unknown until old roof removal), approve an additive cost of \$34,800.00 for thermal insulation to be installed to increase energy efficiency in the City Hall building, and authorize a contingency in the amount of \$36,680.00 from Account No. M1003001; and authorize the City Manager or designee to execute all documents, subject to City attorney approval.

ITEM 12

CONSENT CALENDAR

CHECK REGISTER NOS. 49, 50, AND 51

Approval of the Check Registers. Adopt **Resolution No. 06-6** to approve and ratify for payment the demands presented in Check Registers 49, 50, and 51.

Motion by Kellar, second by Smyth, to approve the Consent Calendar.

On roll call vote:

Ayes: Kellar, Ferry, Smyth, McLean, Weste

Noes: None

Absent: None

Motion carried.

ITEM 13

NEW BUSINESS

COUNCIL COMMITTEE APPOINTMENTS

Mayor Weste advised that on an annual basis, the City Council updates the Council Committee Appointments List. Staff distributed a memo to each Councilmember transmitting the 2005 appointments list for discussion at this time.

No requests to speak were submitted on this item.

Councilmembers discussed and agreed to changes on the appointments list.

Motion by Smyth, second by Ferry, to approve the City Council Committee Appointments List for 2006 as discussed and agreed.

On roll call vote:

Ayes: Ferry, Smyth, McLean, Kellar, Weste

Noes: None

Absent: None

Motion carried.

ADJOURNMENT

Mayor Weste adjourned the meeting in memory of Senator Tom McClintock's father, Tom "Tim" McClintock; Darrel Readmond; Craig Eomurian; and George Harris at 7:53 p.m.

FUTURE MEETINGS

The next regular meeting of the City Council will be held Tuesday, January 24, 2006 at 6:00 p.m. in the Council Chamber, 1st floor of City Hall, 23920 Valencia Blvd., Santa Clarita, CA.

A City Council Study Session will be held Tuesday, February 7, 2006 at 5:30 p.m. in the Century Room, 1st floor of City Hall, 23920 Valencia Blvd., Santa Clarita CA.

MAYOR

ATTEST:

CITY CLERK

06Jan10m