MINUTES

TEHACHAPI CITY COUNCIL REGULAR MEETING, TEHACHAPI REDEVELOPMENT AGENCY REGULAR MEETING, TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING

BeeKay Theatre
110 South Green Street
Tuesday, September 8, 2009 – 6:00 P.M.

ROLL CALL: **TEHACHAPI CITY COUNCIL**
Present: Council Members Smith (seated at 5:55 p.m.), Grimes (seated at 5:55 p.m.), Beckham (seated at 5:53 p.m.) and Reed (seated at 5:55 p.m.).

Absent: Council Member Vernon

ROLL CALL: **TEHACHAPI REDEVELOPMENT AGENCY**
TEHACHAPI PUBLIC FINANCING AUTHORITY AND
TEHACHAPI CITY FINANCING CORPORATION
Present: Board of Directors Smith (seated at 5:55 p.m.), Grimes (seated at 5:55 p.m.), Beckham (seated at 5:53 p.m.) and Reed (seated at 5:55 p.m.).

Absent: Council Member Vernon

NOTE: Sm, Be, Ve, Gr and Re are abbreviations for Council Members Smith, Beckham, Vernon, Grimes and Reed, respectively. For example, Gr/Sm denotes Council Member Grimes made the motion and Council Member Smith seconded it. The abbreviation Ab means absent, Abd abstained, Ns noes, and NAT no action taken.

	ACTION TAKEN
PLEDGE TO FLAG led by Mayor Pro Tem Smith	
COUNCIL APPROVED THE CONSENT CALENDAR SUBJECT TO REMOVING ITEMS *4 and *5 AS REQUEST BY COUNCIL MEMBER BECKHAM AND ITEM *11 AS REQUESTED BY CRAIG GRIFFIN	**Approved Consent Calendar Subject To Removing Items *4, *5, and *11** **Gr/Re Motion Carried** **1 Ab: Ve**
AUDIENCE ORAL COMMUNICATIONS	
1. General public comments regarding matters not listed as an agenda item were received from: a. Captain Connie McCullough of the Civil Air Patrol (CAP) reported that the Second Annual Aviation Camp the CAP held was highly successful and thanked the City for the donation of aviation fuel b. First Lieutenant Russell McCullough of the Civil Air Patrol presented a plaque to Mayor Pro Tem Smith thanking the City for their support of the Second Annual Aviation Camp c. Roberta Miller wanted to know the status of the Wal-Mart project d. Richard Tripp wanted to know if there was going to be a separate Economic Impact Report for the Wal-Mart project e. Ken Hetge reported that the motor home gathering at Airport Park during the Mountain Festival was very successful f. Susan Wiggins of the Mojave Desert News stated that she feels her rights are being violated by the group asking that Invocations be removed from the City Council meetings g. Maryanne Hester spoke in support of Invocations	

	ACTION TAKEN
h. Tina Forde of the Tehachapi News said that the Freedom From Religion Foundation's letter was available on the group's website i. Carl Gehricke of Tehachapi Bible Book Store spoke in favor of Invocations j. Roberta Miller spoke in favor of Invocations k. An unidentified individual, a resident of Bear Valley Springs, spoke in regard to different beliefs and the manner in which the Invocations are given l. Socorro Schmidt urged everyone to read the Legal Notices in the Tehachapi News noting that recently there have been notices regarding the high speed rail meetings, zoning changes to the wind energy industry and the ordinance for code enforcement m. Mayor Pro Temp Smith asked for a moment of silence in remembrance of Peggy Mikkelson who had recently died in a tragic accident	
2. Executive Officer Alan Burgess, Chief Financial Officer Joe Demont and Project Manager Norm Clendenin gave a presentation on the design and construction of the new Tehachapi Hospital by Tehachapi Healthcare District and discussed the proposed 50 million dollar bond, "Local Quality Emergency and Health Care Measure (Measure A)," which will be on the Nov. 3, 2009 ballot and asked that the City endorse the hospital's bond issue. Councilmember Beckham asked about the impact of the high speed rail on the proposed new hospital; he also inquired about the White fault line impact. An unidentified member of the audience inquired if the hospital would have the capacity to obtain the bonds. An unidentified member of the audience inquired as to what will happen to the old hospital. Mr. Carl Gehricke asked if the old hospital could be brought up to code. Mr. Richard Tripp asked if there were any plans made in the event the bond initiative failed; he also inquired if the proposed hospital could be downsized; and, asked about the duration of the bonds. Councilmember Beckham asked if they had added to the equation the devaluation of properties. An unidentified member of the audience asked what guarantee there is that if the bond passes there will be a hospital built given the results from the last two passed bonds. **COUNCILMEMBER GRIMES MADE A MOTION THAT THE CITY ENDORSES THE HOSPITAL'S BOND ISSUE.**	**Gr/Re Motion Carried** **1 Ab: Ve**
CITY CLERK REPORTS	
***3. ALL ORDINANCES SCHEDULED FOR INTRODUCTION OR ADOPTION AT THIS MEETING SHALL BE READ BY TITLE ONLY**	**Gr/Re Motion Carried** **1 Ab: Ve**

	ACTION TAKEN
FINANCE DIRECTOR REPORTS	
*4. Disbursements, Bills, and Claims for 08/18/09 – 09/08/09 **– THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR. COUNCILMEMBER BECKHAM REMOVED THIS ITEM FROM THE CONSENT CALENDAR TO INQUIRE ABOUT ACCOUNTING PROCEDURES FOR THE CCI CREW EXPENSES**	**This Item Was Removed From The Consent Calendar Authorized Payments Be/Gr Motion Carried 1 Ab: Ve**
*5. Consideration of Resolution No. 28-09, electing to receive as "pass through" to the City funds payable by the Tehachapi Redevelopment Agency pursuant to California Health and Safety Code Section 33607.5(b). **THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR. COUNCIL MEMBER BECKHAM ASKED FOR FURTHER INFORMATION REGARDING THE "PASS THROUGH." ADOPTED RESOLUTION 28-09 ELECTING TO RECEIVE AS "PASS THROUGH" TO THE CITY FUNDS PAYABLE BY THE TEHACHAPI REDEVELOPMENT AGENCY.**	**This Item Was Removed From The Consent Calendar Adopted Resolution 28-09 Electing to Receive As "Pass Through" To The City Funds Payable By The Tehachapi Redevelopment Agency Gr/Re Motion Carried 1 Ab: Ve**
COMMUNITY DEVELOPMENT DIRECTOR REPORTS	
6. Consideration of a "Paint Up/Spruce Up" Grant program intended to provide minor façade improvement assistance to both commercial and residential properties located within the Main Street District. **THIS ITEM WAS REMOVED FROM THE AGENDA.**	**This Item Was Removed From The Agenda**
POLICE CHIEF REPORTS	
7. **PUBLIC HEARING:** Consideration of an Administrative Citation Ordinance that would allow for an alternative citation procedure for Municipal Code violations. This ordinance was introduced at a regular meeting of the Tehachapi City Council held August 17, 2009. **COUNCIL OPENED HEARING AT 7:25 P.M.; NO CORRESPONDENCE WAS RECEIVED; STAFF REPORT WAS PROVIDED BY POLICE CHIEF JEFF KERMODE; PUBLIC COMMENTS RECEIVED FROM CRAIG BRITTON, CARL GHERICKE AND RICHARD TRIPP. COUNCIL CLOSED HEARING AT 7:40 P.M. ADOPTED ORDINANCE NO. 09-03-702 TO CHANGE SPECIFIED SECTIONS OF THE TEHACHAPI MUNICIPAL CODE RELATING TO CODE ENFORCEMENT AND CONSTRUCTION.**	**Approved Ord. No. 09-03-702 To Change Specified Sections Of The Tehachapi Municipal Code Relating To Code Enforcement And Construction Re/Gr Motion Carried 1 Ab: Ve**
CITY MANAGER REPORTS	
8. On July 29, 2009, Staff opened bids for the Tehachapi Signalization Project. The bid results are as follows: Griffith	**This Item Was Removed From The Agenda**

	ACTION TAKEN
Company, $271,701.00; PTM General Engineering Services, $275,275.00; Lockwood General Engineering, $281,171.70. **THIS ITEM WAS REMOVED FROM THE AGENDA.**	
9. During the expansion of Central Park a portion of D Street between Wells School and Mojave Street was removed. At that time, ownership of that portion of land, described as 040-240-03, was retained by the City. At this time, Staff feels it would be appropriate to deed that land to the Tehachapi Valley Recreation and Parks District. **APPROVED DEEDING THE LAND TO THE TEHACHAPI VALLEY RECREATION AND PARKS DISTRICT.**	**Approved Deeding APN 040-240-03 To TVRPD** **Gr/Re Motion Carried** **1 Ab: Ve**
10. Following previous public discussion, the Airport Commission recommends that the park at the Tehachapi Municipal Airport be renamed "Kim Cummings Park." **KEN HETGE SPOKE IN FAVOR OF RENAMING THE PARK. GEORGE SANDY SPOKE AGAINST RENAMING THE PARK. NO ACTION TAKEN.**	**Be/Gr** **2 Ns: Re/Sm** **1 Ab: Ve** **Motion Failed** **NAT**
11. As the Council will recall, the Valley Boulevard Bikeway Project was awarded to Asphalt Professionals, Inc. on March 2, 2009. Since that time, all required contract items have been completed. **CRAIG GRIFFIN ASKED THAT THE GOLD MEDALION PROPERTY MARKERS AND HIGH PRESSURE GAS SIGNS BE REPLACED ON HIS PROPERTY. APPROVED NOTICE OF COMPLETION FOR THE VALLEY BOULEVARD BIKEWAY PROJECT AND DIRECTED STAFF TO RECORD SAME.**	**Approved Notice of Completion For The Valley Bikeway Project** **Gr/Re Motion Carried** **1 Ab: Ve**
COUNCIL MEMBER ANNOUNCEMENTS OR REPORTS	
1. Council Member Beckham asked why the Mountain Festival is not advertised on the City owned Billboards. He also asked if the City Council Agendas could be distributed on Wednesdays so the City Council would have more time to review the Agendas.	
2. Council Member Reed informed the Council and audience that the reason he missed the last two meetings was because his son was very ill and spent five days in pediatric ICU. He also stated that his promotion had taken him out of the local area but now he is going to be back in the local area permanently.	
CLOSED SESSION	
1. Approval of Minutes of Closed Session on August 17, 2009.	
2. Conference with real property negotiator (City Manager) regarding price and terms of payment for purchase of property described as APN Nos. 040-520-01 through 040-520-12 per Government Code section 54956.8.	

	ACTION TAKEN
3. Conference with real property negotiator (City Manager) regarding price and terms of payment for purchase of property described as APN No. 040-110-06 per Government Code section 54956.8.	
4. Conference with Legal Counsel regarding Threat of Litigation from Freedom From Religion Foundation per Government Code section 54956.9(b).	
5. Conference with Legal Counsel regarding the Case of Dianne Deutsch v. City of Tehachapi per Government Code Section 54956.9(a).	
6. Conference with real property negotiator (City Manager) regarding first right of refusal of Airport property described as 22E, per Government Code Section 54956.8.	
Mayor Pro Tem Phil Smith called the meeting back into regular session and reported that action was taken in Closed Session as follows:	
1. Approval of Minutes of Closed Session on August 17, 2009.	**Gr/Re Motion Carried** **1 Ab: Ve**
2. Conference with Legal Counsel regarding Threat of Litigation from Freedom From Religion Foundation per Government Code section 54956.9(b). **APPROVED MOTION TO STOP PLACING AUDIO RECORDINGS OF CITY COUNCIL MEETING ON THE CITY'S WEBSITE BUT TO DISTRIBUTE COPIES OF THE AUDIO AS A PUBLIC RECORD FREE OF CHARGE TO THOSE REQUESTING IT.**	**Re/Gr Motion Carried** **Ns: Be** **1 Ab: Ve**
3. Conference with real property negotiator (City Manager) regarding first right of refusal of Airport property described as 22E, per Government Code Section 54956.8. **WAIVED CITY'S RIGHT OF FIRST REFUSAL ON HANGAR GROUND LEASE 22W.**	**Gr/Re Motion Carried** **1 Ab: Ve**
ADJOURNMENT	
The City Council/Boards adjourned at 8:35 pm to a Tehachapi City Council, Tehachapi Redevelopment Agency, Tehachapi Public Financing Authority and Tehachapi City Financing Corporation Regular Meeting to be held on Monday, September 21, 2009, at 6:00p.m.	

ACTION TAKEN

_____
KATHIE MIKULOVSKY
Deputy City Clerk, City of Tehachapi

Approved this 21st day
Of September, 2009.

_____
LINDA VERNON
Mayor, City of Tehachapi