

MINUTES

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

Kern County Veterans Hall
125 East "F" Street
Monday, January 7, 2008 – 6:00 P.M.

ROLL CALL: TEHACHAPI CITY COUNCIL
Present: Mayor Grimes (seated at 6:00 p.m.), Council Members Hand (seated at 6:00 p.m.), Beckham (seated at 6:00 p.m.), Smith (seated at 6:00 p.m.), and Vernon (seated at 6:00 p.m.).
Absent: None

**ROLL CALL: TEHACHAPI REDEVELOPMENT AGENCY
TEHACHAPI PUBLIC FINANCING AUTHORITY AND
TEHACHAPI CITY FINANCING CORPORATION**
Present: Chairperson Grimes (seated at 6:00 p.m.), Board of Directors Hand (seated at 6:00 p.m.), Beckham (seated at 6:00 p.m.), Smith (seated at 6:00 p.m.), and Vernon (seated at 6:00 p.m.).
Absent: None

NOTE: Sm, Ha, Be, Ve and Gr are abbreviations for Council Members Smith, Hand, Beckham, Vernon and Mayor Grimes, respectively. For example, Ha/Sm denotes Council Member Hand 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 was led by Mayor Grimes.

CITY CLERK REPORTS

- According to Tehachapi Municipal Code Section 2.08.040, "The presiding officer of the council shall be the Mayor, who shall be elected biannually at the first meeting of each even-numbered year, by the Council Members, from among their membership except that the outgoing Mayor may not succeed himself or herself; provided, however, that should the Mayor be subject to reelection during his or her term as the Mayor and either not seek reelection or otherwise fail to be reelected, then the Council shall elect a new Mayor following the election and, thereafter, the Mayor shall be elected biannually at the first meeting following an election of Council Members and shall be so elected by the Council Members from among their membership except that the outgoing Mayor may not succeed himself or herself." This now being the first Regular Meeting of an even-numbered year, the Council must appoint a new Mayor from among their membership.

MAYOR GRIMES DECLARED NOMINATIONS FOR MAYOR OPEN:

COUNCIL MEMBER VERNON NOMINATED COUNCIL MEMBER HAND FOR THE OFFICE OF MAYOR.

COUNCIL MEMBER BECKHAM NOMINATED COUNCIL MEMBER VERNON FOR THE OFFICE OF MAYOR.

WITHOUT OBJECTION, THE MAYOR DECLARED THE NOMINATIONS CLOSED AND PROCEEDED WITH THE VOTE:

COUNCIL MEMBER HAND RECEIVED 3 VOTES FOR THE OFFICE OF MAYOR (SMITH, VERNON, GRIMES).

COUNCIL MEMBER VERNON RECEIVED 1 VOTE FOR THE OFFICE OF MAYOR (BECKHAM)

COUNCIL MEMBER HAND WAS DECLARED MAYOR FOR A TWO-YEAR PERIOD, EXPIRING JANUARY 2010.

MAYOR HAND DECLARED NOMINATIONS FOR MAYOR PRO-TEMPORE OPEN:

COUNCIL MEMBER SMITH NOMINATED COUNCIL MEMBER VERNON FOR THE OFFICE OF MAYOR PRO-TEMPORE.

Opened Nominations For Mayor

Ve Nominated Ha To The Office Of Mayor

Be Nominated Ve To The Office Of Mayor

Declared The Nominations Closed For Mayor

Ha Received 3 Votes Sm/Ve/Gr

Ve Received 1 Votes Be

Ha Declared Mayor Expiring 1/10

Opened Nominations For Mayor Pro-Tempore

Sm Nominated Ve For The Office Of Mayor Pro-Tempore

ACTION TAKEN

<p>WITHOUT OBJECTION, MAYOR HAND DECLARED THE NOMINATIONS CLOSED AND PROCEEDED WITH THE VOTE:</p>	<p>Closed Nominations For Mayor Pro-Tempore</p>
<p>COUNCIL MEMBER VERNON RECEIVED 4 VOTES FOR THE OFFICE OF MAYOR PRO-TEMPORE (BECKHAM/SMITH/GRIMES/HAND).</p>	<p>Ve Received 4 Votes Be/Sm/Gr/Ha</p>
<p>COUNCIL MEMBER VERNON WAS DECLARED MAYOR PRO-TEMPORE FOR A TWO-YEAR PERIOD, EXPIRING JANUARY 2010.</p>	<p>Ve Declared Mayor Pro-Tempore Expiring 1/10</p>
<p>Council took a recess at 6:14 p.m. during which refreshments were served. Council reconvened the meeting at 6:23p.m.</p>	<p>Recess</p>
<p>2. The City Council of the City of Tehachapi will consider appointing one member to the City of Tehachapi Airport Commission to fill vacancies created by the recent resignation of Ken Hetteg from the Commission, with said term expiring on June 30, 2011. Applications were received from the following individuals: Douglas W. Botbyl and Michael W. Melvill.</p>	
<p>MAYOR HAND DECLARED NOMINATIONS OPEN FOR THE APPOINTMENT OF ONE MEMBER TO THE CITY OF TEHACHAPI AIRPORT COMMISSION:</p>	<p>Mayor Opened Nominations</p>
<p>COUNCIL MEMBER SMITH NOMINATED MICHAEL W. MELVILL.</p>	<p>Sm Nominated Michael W. Melvill.</p>
<p>COUNCIL MEMBERS BECKHAM, SMITH, VERNON, GRIMES VOTED FOR MICHAEL W. MELVILL.</p>	<p>Michael W. Melvill Received 4 Votes Be/Sm/Ve/Gr</p>
<p>MICHAEL W. MELVILL WAS DECLARED CITY OF TEHACHAPI AIRPORT COMMISSIONER, TERM EXPIRING JUNE 30, 2011.</p>	<p>Appointed Michael W. Melvill Declared Airport Commissioner</p>
<p>COUNCIL APPROVED THE CONSENT CALENDAR SUBJECT TO REMOVING ITEMS *6 AND *7.</p>	<p>Approved Consent Calendar Subject To Removing Items *6 & *7 Ve/Sm Ayes All</p>
<p>*3. ALL ORDINANCES SCHEDULED FOR INTRODUCTION OR ADOPTION AT THIS MEETING SHALL BE READ BY TITLE ONLY.</p>	<p>All Ordinances Read By Title Only Ve/Sm Ayes All</p>
<p>*4. Minutes for the Tehachapi City Council, Tehachapi Redevelopment Agency, Tehachapi Public Financing Authority and the Tehachapi City Financing Corporation Regular Meeting of 12/17/07 and Special Meeting of 12/11/07 - APPROVED AND FILED.</p>	<p>Approved And Filed Ve/Sm Ayes All</p>
<p>AUDIENCE ORAL COMMUNICATIONS</p>	
<p>5. General public comments regarding matters not listed as an agenda item were received from Marion Hester, 102 Brentwood Drive.</p>	
<p>FINANCE DIRECTOR REPORTS</p>	
<p>6. Disbursements, Bills, and Claims for 12/04/07 – 12/17/07 – AUTHORIZED PAYMENTS.</p>	<p>This Item Was Removed From The Consent Agenda Authorized Payment Sm/Ve Ayes All</p>
<p>7. City of Tehachapi Treasurer's Report for November, 2007 – APPROVED AND FILED.</p>	<p>This Item Was Removed From The Consent Agenda. Approved And Filed Gr/Sm Ayes All</p>
<p>COMMUNITY DEVELOPMENT DIRECTOR REPORTS</p>	
<p>10. As the Council will recall from previous Council Meetings,</p>	<p>Directed Staff To Collect The Shopping Center EDU</p>

ACTION TAKEN

questions relating to the collection of mitigation fees from businesses moving within the City and new businesses moving into new shopping center developments, have been discussed. After consultation with numerous stakeholders, Staff has concluded that collecting a Shopping Center Equivalent Dwelling Unit fee up front for any new retail centers and not allowing transfer of fees between developments, will solve this issue in the future. In regards to the issues already in question, the developer of the subject development has agreed to pay the balance of the mitigation fees up front and therefore resolve any current issues – **DIRECTED STAFF TO COLLECT THE SHOPPING CENTER EDU FEES UP FRONT FOR ANY NEW CENTERS YET TO BREAK GROUND; DIRECT STAFF TO NOT ALLOW MITIGATION FEES OR PORTIONS THEREOF TO BE TRANSFERABLE; DIRECT STAFF TO ALLOW BUSINESSES TO MOVE WITHOUT ADDITIONAL FEES PAID AND/OR MONITORED, WITHIN OLD SHOPPING CENTERS AND COMMERCIAL SPACES CONSTRUCTED PRIOR TO THE ADOPTION OF RESOLUTION NO. 13-93; DIRECTED STAFF TO ALLOW SOBEL DEVELOPMENT TO PAY THE BALANCE OF THE SHOPPING CENTER MITIGATION FEES UP FRONT AND ALLOW SOBEL DEVELOPMENT TO ENTER INTO A PAYMENT AGREEMENT NOT TO EXCEED TWO (2) YEARS.**

Fees Up Front For Any New Centers Yet To Break Ground; Direct Staff To Not Allow Mitigation Fees Or Portions Thereof To Be Transferable; Direct Staff To Allow Businesses To Move Without Additional Fees Paid And/Or Monitored, Within Old Shopping Centers And Commercial Spaces Constructed Prior To The Adoption Of Resolution No. 13-93
 Sm/Ve Ayes All

Directed Staff To Allow Sobel Development To Pay The Balance Of The Shopping Center Mitigation Fees Up Front And Allow Sobel Development To Enter Into A Payment Agreement Not To Exceed Two (2) Years
 Sm/Ve Ayes Gr, Ha
 Noes Be

AIRPORT MANAGER REPORTS

*11. Approval of a Non-Commercial Hangar Ground Lease Agreement between the City of Tehachapi and George Sandy for Hangar 25E – **APPROVED NON-COMMERCIAL HANGAR GROUND LEASE AGREEMENT BETWEEN THE CITY OF TEHACHAPI AND GEORGE SANDY FOR HANGAR 25E.**

Approved Non-Commercial Hanger Ground Lease Agreement Between COT And George Sandy
 Ve/Sm Ayes All

CITY MANAGERS REPORTS

12. Approval of an Amendment to the Improvement Agreement for Tentative Tract Map No. 6216 Phase I-5, between the City of Tehachapi and Tehachapi Ventures ET, LLC, to construct offsite improvements at the intersection of Curry Street and Highline Road – **APPROVED AMENDMENT TO THE IMPROVEMENT AGREEMENT FOR TENTATIVE TRACT MAP NO. 6216 PHASE I-5, BETWEEN THE CITY OF TEHACHAPI AND TEHACHAPI VENTURES ET, LLC, TO CONSTRUCT OFFSITE IMPROVEMENTS AT THE INTERSECTION OF CURRY STREET AND HIGHLINE ROAD. DIRECTED STAFF TO INVESTIGATE WITH COUNTY OF KERN FOR A TURN POCKET FROM WEST BOUND HIGHLINE RD ONTO NORTH BOUND CURRY.**

Approved Amendment To Improvement Agreement For Tentative Tract Map No. 6216 Phase I-5, Between The City Of Tehachapi And Tehachapi Et Ventures Llc To Construct Offsite Improvements At The Intersection Of Curry Street And Highline Road
 Sm/Gr Ayes All

Directed Staff To Investigate With County Of Kern For A Turn Pocket From West Bound Highline Rd Onto North Bound Curry

13. The City of Tehachapi has identified the need to construct street improvements to the north side of Tehachapi Boulevard between South Robinson Street and South Hayes Street. These improvements are to include, but not necessarily be limited to, new curb, gutter, sidewalk, driveways, pedestrian improvements, landscaping, lighting, and park improvements. The above mentioned projects are part of a multi-phase street improvements plan for Tehachapi Boulevard and estimated construction costs are \$410,000. Expected funding sources include the Community Development Block Grant, Redevelopment Agency funds, and Transportation Development Act funds – **AUTHORIZED STAFF TO PROCEED WITH THE ADVERTISEMENT AND CONSTRUCTION OF THE PROJECT.**

Authorized Staff To Proceed With The Advertisement And Construction Of The Project
 Ve/Sm Ayes All

14. **PUBLIC HEARING** – The City of Tehachapi has recently utilized Community Development Block Grant (CDBG) funds

Directed Staff To Submit A Formal Request For Fy 08-09 CDBG Funds And To Re-Program Unused

to implement extremely successful projects, including Pioneer Park and North Curry Street/J Street Drainage Improvements. As a result of cost savings and project management on both of these projects, the City is able to re-program previously allocated money. With the previously unused funds and future funding opportunities, a total of \$238,373 is available for use. At this time, Staff is seeking Council authorization to submit this formal request for FY 08-09 funds and re-program the unused money to construct curb/gutter, period lighting on the north side of East Tehachapi Boulevard from South Robinson Street to Hayes Street – **COUNCIL OPENED HEARING AT 7:23 P.M.; NOTICE OF PUBLIC HEARING WAS PUBLISHED IN THE TEHACHAPI NEWS ON DECEMBER 5, 2007; NO WRITTEN CORRESPONDE WAS RECEIVED. STAFF REPORT WAS PROVIDED BY GREG GARRETT; RECEIVE PUBLIC COMMENT FROM CITY RESIDENT DONNA M.: CLOSED HEARING AT 7:25 P.M.; STAFF RECOMMENDATION; DIRECT STAFF TO SUBMIT A FORMAL REQUEST FOR FY 08-09 CDBG FUNDS AND TO RE-PROGRAM UNUSED CDBG FUNDS FOR THE EAST TEHACHAPI BOULEVARD IMPROVEMENTS PROJECT.**

CDBG Funds For The East Tehachapi Boulevard Improvements Project
 Gr/Sm Ayes All

COUNCIL MEMBER ANNOUNCEMENTS OR REPORTS

15. At this time, an Investigative Audit is a prudent action on the part of the Tehachapi City Council. I feel that it is in the Council Member's best interest to address this issue and clear the slate with an Investigative Audit. This will put to rest any questions the public may have about the City's finances, and our new City Manager, who I hope will be a seasoned and mature professional, can begin with a clean slate. I, Council Member Stan Beckham, am recommending approval to proceed immediately with an Investigative Audit estimated to cost approximately \$8,000, and to be completed no later than February 29, 2008 or sooner – **DIRECT STAFF TO NOT COMMISSION FOR AN INVESTIGATIVE AUDIT.**

Motion Made To NOT Commission For An Investigative Audit
 Ayes Gr/Sm/Ve/Ha
 Noes Be Motion Carried

16. I, Council Member Stan Beckham, suggested the matter of upgrading security for the City Hall and Staff was directed by the City Council to explore options for upgrade in May 2007. On July 1, 2007, money was approved in the City budget for the upgrade. To date little progress has been made. The security of City personnel is of the utmost importance and their safety is priority number one, in my opinion. Mr. Garrett has started discussions with Mr. Kirk about electronic surveillance and access, but more protection, i.e., Plexiglas barriers needs to be implemented to PREVENT any problems. I, Council Member Stan Beckham, propose that Mr. Garrett should work with Chief Kermode to achieve this goal. The Chief did a wonderful job on the current police building and I am sure his knowledge would smooth the path for Mr. Garrett and Mr. Kirk. Further I propose that any security measures include barriers, as well as, electronic surveillance and access, and that this project has a completion deadline of 45 days from this meeting date – **SUGGESTED STAFF WORK WITH POLICE CHIEF KERMODE AND COUNCIL MEMBER GRIMES ON NEEDED IMPROVEMENTS.**

Suggested Staff Work With Police Chief Kermode And Council Member Grimes On Needed Improvements

On their own initiative, a Council Member may ask a question for clarification, make a brief announcement, provide a reference to staff or other resources for factual information, take action to have staff place a matter of business on a future agenda, request staff to report back at a subsequent meeting concerning any matter, or make a brief report on his or her own activities. (Per Gov't. Code §54954.2(a))

1. Mayor Hand expressed her gratitude for support shown for her new appointment as mayor as well as reflecting on her past experiences as council member.

2. Council Member Grimes informed all that he would be attending and speaking at a sex offender management program with Chief Kermode in Bakersfield. Also, the Air Pollution Control Board will be meeting in Lake Isabella later in the week. Additionally, the week will be rounded out with a Solid Waste Committee meeting.
3. Council Member Vernon thanked the citizens for their support throughout her council career thus far.
4. Council Member Beckham reiterated his commitment to serving his term as diligent as he is able and continue to bring forward items he feels are in the best interest of the community.

CLOSED SESSION

1. Approval of Minutes of Closed Session on December 17, 2007
2. Conference with real property negotiator (City Manager) regarding price and terms of payment for the real property, described as Assessor's Parcel Numbers: 415-012-15, 415-012-16, 415-012-17, and 415-012-14, pursuant to Government Code Section 54956.8
3. Conference with legal counsel regarding claim filed by Tehachapi Funding LLC and Tehachapi Investors LLC per Government Code Section 54956.9(b)
4. Conference with real property negotiator (City Manager) regarding the price and terms of payment for lease of Airport property

Mayor Grimes 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 December 17, 2007.

Sm/Ve Ayes All

ADJOURNMENT

The City Council/Boards adjourned at 9:00 P.M. to a Tehachapi City Council, Tehachapi Redevelopment Agency, Tehachapi Public Financing Authority and the Tehachapi City financing Corporation Regular Meeting to be held on Tuesday, January 22, 2008, at 6:00 p.m.

Approved this 22nd day
of January 2008

TONI DESTEFANI
City Clerk, City of Tehachapi

ED GRIMES
Mayor, City of Tehachapi