

MINUTES

**TEHACHAPI CITY COUNCIL REGULAR MEETING,
TEHACHAPI REDEVELOPMENT SUCCESSOR AGENCY REGULAR MEETING,
TEHACHAPI PUBLIC FINANCING AUTHORITY REGULAR MEETING, AND
TEHACHAPI CITY FINANCING CORPORATION REGULAR MEETING
Tuesday, February 19, 2013 – 6:00 P.M.**

NOTE: Sm, Gr, Wi, Ni and Va are abbreviations for Council Members Smith, Grimes, Wiggins, Nixon and Vachon, 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

CALL TO ORDER

Meeting called to order by Mayor Smith at 6:00 p.m.

ROLL CALL

Roll call by Deputy City Clerk Ashley Whitmore

Present: Mayor Smith, Mayor Pro-Tem Wiggins, Councilmembers, Grimes, Nixon and Vachon

Absent: None

INVOCATION

By Pastor Russ Lawson of the Church of Christ

PLEDGE TO THE FLAG

Led by Council Member Ed Grimes

CONSENT AGENDA

Approved consent agenda

Approved Consent Agenda
NI/WI Ayes All

AUDIENCE ORAL COMMUNICATIONS

1. General public comments regarding matters not listed as an agenda item were received from:
 - a. Judy B. and Danielle Reveille from the Tehachapi Senior Center thanked the City for their efforts repairing the Senior Center following the water leak.
 - b. William Nelson spoke regarding public safety concerns.
 - c. James Wilhelm spoke regarding the condition of the roads in the city and around the city.
 - d. Ryan Rush, new field representative for Zack Scrivner, introduced himself.

CITY CLERK REPORTS

- *2. **ALL ORDINANCES SCHEDULED FOR INTRODUCTION OR ADOPTION AT THIS MEETING SHALL BE READ BY TITLE ONLY.**
- *3. Minutes for the Tehachapi City Council, Tehachapi Redevelopment Successor Agency, Tehachapi Public Financing Authority, and the Tehachapi City Financing Corporation regular meeting on February 4, 2013 - **APPROVED AND FILED.**

All Ord. Read By Title Only
 Ni/Wi Ayes All

Approved & Filed
 Ni/Wi Ayes All

FINANCE DIRECTOR REPORTS

- *4. Disbursements, bills, and claims for January 31, 2013 through February 13, 2013 –**AUTHORIZED PAYMENTS.**
- *5. City of Tehachapi Treasurer’s Report through January 2013 – **RECEIVED REPORT.**
- 6. **PUBLIC HEARING** – As part of the annual Public Transit Claim for Transportation Development Act funding, it is necessary to conduct a public hearing to receive public testimony concerning the transit needs within the City. Currently, the City of Tehachapi provides a transit service named Dial-A-Ride, through Kern Regional Transit. The average cost per rider from July 2011 to June 2012 is \$23.61 and the subsidized cost per rider during the same period is \$22.82 – **MAYOR SMITH OPENED THE PUBLIC HEARING AT 6:14 P.M.; NOTICE OF PUBLIC HEARING AND CORRESPONDENCE; STAFF REPORT; RECEIVE PUBLIC COMMENT FROM CHARLES WHITE REGARDING DIAL-A-RIDE AND THE 24 HR RESERVATION REQUIREMENT TO USE SERVICES. HE ALSO STATED THAT HE UNDERSTANDS THAT A HIGHER FEE WOULD NOT DEFRAY THE COST BUT THAT SATURDAY SERVICE IS AN UNMET NEED AT THIS TIME; CLOSED HEARING AT 6:18 P.M. HANNAH CHUNG, FINANCE DIRECTOR, STATED THAT THE SATURDAY OPTION IS IN DISCUSSION AND PLANNED FOR THE FUTURE; ADOPTED RESOLUTION 05-13 FINDING THAT THERE ARE NO UNMET TRANSIT NEEDS THAT ARE REASONABLE TO MEET WITHIN THE CITY**
- 7. The Board of Directors must adopt a resolution to approve a Cooperative Agreement for Advance and Reimbursement of Administrative, Overhead and Other Expenses between the City and the Successor Agency to the Tehachapi Redevelopment Agency. The Cooperative Agreement provides for the Successor Agency to use the City’s staff, facilities, and other resources for the administration and operations of the Successor Agency, for the City to make loans pursuant to Health and Safety Code Section 34173(h), and for the Successor Agency to reimburse the City for such loans and advances, including the advance for \$953,475.59. – **ADOPTED RESOLUTION 01-13 APPROVING THE COOPERATIVE AGREEMENT BETWEEN THE CITY AND THE SUCCESSOR AGENCY**
- 8. The City Council must adopt a resolution to approve a Cooperative Agreement for Advance and Reimbursement of Administrative, Overhead and Other Expenses between the City and the Successor Agency to the Tehachapi Redevelopment Agency. The Cooperative Agreement provides for the Successor

Authorized Payments
 Ni/Wi Ayes All

Received Report
 Ni/Wi Ayes All

Adopted Res. 05-13 Finding That There Are No Unmet Transit Needs That Are Reasonable To Meet Within The City
 Wi/Ni Ayes All

Adopted Res. 01-13 Approving The Cooperative Agreement Between The City & The Successor Agency
 Va/Wi Ayes All

Adopted Res. 06-13 Approving The Cooperative Agreement Between The City & the Successor Agency
 Va/Wi Ayes All

Agency to use the City's staff, facilities, and other resources for the administration and operations of the Successor Agency, for the City to make loans pursuant to Health and Safety Code Section 34173(h), and for the Successor Agency to reimburse the City for such loans and advances, including the advance for \$953,475.59. – **ADOPTED RESOLUTION 06-13 APPROVING THE COOPERATIVE AGREEMENT BETWEEN THE CITY AND THE SUCCESSOR AGENCY**

9. Annual financial report for the year ended June 30, 2012 - **RECEIVE REPORT**

NAT

COMMUNITY DEVELOPMENT DIRECTOR REPORTS

10. **PUBLIC HEARING** - Appeal of a Planning Commission decision approving Architectural Design and Site Plan Review No. 2012-02 Revision No. 1 to construct a 72 room, three (3) story non-franchise hotel measuring 25,319 sq. ft. on a 1.06 acre site, located in the Capital Hills Business Park; north and adjacent to Capital Hills Parkway, east of Magellan Drive and west of Challenger Drive. – **COUCLMEMBER VACHON RECUSED HERSELF AND STEPPED DOWN FROM THE PODIUM AT 6:26 P.M. DUE TO A PERCEPTION OF A CONFLICT. OPENED HEARING AT 6:27 P.M.; NOTICE OF PUBLIC HEARING AND CORRESPONDENCE RECEIVED FROM:**

- A) **MITCH LATTING, VICE PRESIDENT REGION 3 FROM CALIFORNIA PILOTS ASSOCIATION IN FAVOR OF APPEAL**
- B) **KEN HETGE APPEAL APPLICANT**
- C) **MICHAEL W. TREFETHEN, IN FAVOR OF THE APPEAL**
- D) **MIKE LERNER, IN FAVOR OF APPEAL**
- E) **PIERRE HARTMAN, IN FAVOR OF APPEAL**
- F) **WILLIAM NELSON, IN FAVOR OF APPEAL**
- G) **BILL DUNN, VICE PRESIDENT AIRPORT ADVOCACY, IN FAVOR OF APPEAL APPEAL APPLICANT, KEN HETGE, SPOKE IN FAVOR OF THE APPEAL. PROJECT APPLICANT STATED HE HAD NO COMMENTS**

RECEIVED PUBLIC COMMENT FROM:

- A) **PIERRE HARTMAN WHO SPOKE IN FAVOR OF THE APPEAL**
- B) **JAMES WILHELM WHO SPOKE IN FAVOR OF THE APPEAL**
- C) **WILL NELSON SPOKE IN FAVOR OF THE APPEAL**
- D) **MARK TWITCHER WHO SPOKE IN FAVOR OF THE APPEAL**
- E) **PAUL SCHAOTZEL WHO SPOKE IN FAVOR OF THE APPEAL**
- F) **ED MCCAIDE WHO SPOKE IN FAVOR OF THE APPEAL**
- G) **MICHAEL TREFETHEN WHO SPOKE IN FAVOR OF APPEAL**
- H) **MIKE LERNER WHO SPOKE IN FAVOR OF THE APPEAL**
- I) **BOB MEYER WHO SPOKE IN FAVOR OF THE APPEAL**
- J) **GEORGE SANDY WHO SPOKE AGAINST APPEAL**

CLOSED HEARING AT 7:20 P.M. COUNCILMEMBER COMMENTS AND DISCUSSION RECEIVED FROM MAYOR SMITH, COUNCILMEMBER NIXON AND COUNCILMEMBER WIGGINS; ADOPTED RESOLUTION 07-13 DENYING THE APPEAL FILED BY KENNETH R. HETGE OF THE PLANNING COMMISSION DECISION TO APPROVE ARCHITECTURAL DESIGN AND SITE PLAN REVIEW NO 2012-02 REVISION NO 1 AND TO UPHOLD THE PLANNING COMMISSIONS DECISION TO APPROVE THE ARCHITECTURAL DESIGN AND SITE PLAN REVIEW NO 2012-02 REVISION NO 1 SUBJECT TO THE CONDITIONS OF APPROVAL

**Adopted Res. 07-13 Denying Appeal Filed by Kenneth Hetge Of The Planning Commission Decision To Approve Architectural Design & Site Plan Review No. 2012-02 Revision No. 1 & To Uphold The Planning Commissions Decision To Approve The Architectural Design & Site Plan Review No. 2012-02 Revision No. 1 Subject To The Conditions Of Approval
Wi/Ni Motion Carries
1 Abd: Va**

Mayor smith called for a short recess at 7:45 p.m.
Mayor smith called meeting back to order at 7:50 p.m. and Councilmember Vachon returned to her seat.

CITY ENGINEER REPORTS

11. As part of the City's continuing efforts to maintain the Municipal Airport as a safe and viable asset, City Staff is regularly engaged in capital project planning. For this coming year, we have a project that consists of the relocation and reconstruction of the main parallel taxiway to meet current FAA standards. The procedure going forward is to submit a placeholder application to the FAA for grant funding – **PUBLIC COMMENTS RECEIVED FROM MIKE TREFETHEN REGARDING FLIGHT SAFETY. AUTHORIZED STAFF TO FINALIZE AND SUBMIT THE PLACEHOLDER APPLICATION FOR THE PROPOSED TAXIWAY A RELOCATION PROJECT**

Authorized Staff To Finalize & Submit The Placeholder Application For The Proposed Taxiway A Relocation Project
Gr/Va Ayes All

12. At a meeting held on February 4, 2013, the City Council approved staff to begin work on a grant application to the Department of Water Resources under the Integrated Regional Water Management Plan designed to connect the City's Snyder Well with the Tehachapi Cummings County Water District non-potable water system. The Council authorized \$20,000 for that purpose and additionally, staff indicated that a City/TCCWD cost sharing agreement was in the works to split the expense on a 50/50 basis – **APPROVED THE AGREEMENT TO SHARE PRELIMINARY COSTS OF THE SNYDER WELL PROJECT**

Approved Agreement To Share Preliminary Costs Of The Snyder Well Project
Ni/Va Ayes All

*13. As the Council will recall, the City of Tehachapi entered into a contract with Kern Pacific Construction, for the Tehachapi Boulevard Improvements Project, Phase IV. Following a walk-through by City Staff, and completion of all "punch list" items by the contractor, it has been determined that all contract items have been completed – **APPROVED THE NOTICE OF COMPLETION FOR THE TEHACHAPI BOULEVARD IMPROVEMENTS PROJECT PHASE IV AND DIRECTED STAFF TO RECORD SAME**

Approved Notice Of Completion For The Tehachapi Boulevard Improvements Project Phase IV & Directed Staff To Record Same
Ni/Wi Ayes All

CITY MANAGER REPORTS

14. City participation in the Employment Risk Management Authority – City Staff has determined that it is in the best interest of the City to become a member of the Employment Risk Management Authority (ERMA) for the purpose of obtaining Employment Practices Liability Coverage - **ADOPTED RESOLUTION 08-13 AUTHORIZING PARTICIPATION IN THE EMPLOYMENT RISK MANAGEMENT AUTHORITY**

Adopted Res. 08-13 Authorizing Participation In The Employment Risk Management Authority
Wi/Gr Ayes All

15. After review of the Adopt-A-Landscape program fee schedule, staff would recommend to Council that a new fee schedule be approved dropping the current fees by 50%. This will allow for more businesses, organizations, families and individuals to participate in the program – **APPROVED THE UPDATED ADOPT-A-LANDSCAPE FEE SCHEDULE**

Approved Updated Adopt-A-Landscape Fee Schedule
Gr/Va Ayes All

16. Report to Council regarding current activities and programs – **VERBAL REPORT.**

NAT

COUNCIL MEMBER ANNOUNCEMENTS OR REPORTS

1. Councilmember Nixon reminded the public that starting next Tuesday she will be available to the public the 4th Tuesday of every month for Coffee with Kim.

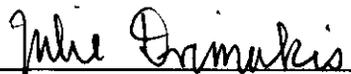
CLOSED SESSION

1. Conference with legal counsel regarding claims filed by Peter Graf and Rick Disney per Government Code Section 54956.9(b)
2. Conference with legal counsel regarding claim filed by the Broome Family Trust per Government Code Section 54956.9(b)

Rejected Peter Graff and Rick Disney claims to the extent timely
Gr/Ni Ayes All

ADJOURNMENT

The City Council/Boards adjourned at 8:10 p.m. to a Tehachapi City Council, Tehachapi Redevelopment Successor Agency, Tehachapi Public Financing Authority and Tehachapi City Financing Corporation Regular Meeting to be held on Monday, March 4, 2013, at 6:00 p.m.


Julie Drimakis, CMC
City Clerk, City of Tehachapi

Approved this 4th day
Of March, 2013.


PHILIP SMITH
Mayor, City of Tehachapi