

**TAFT CITY COUNCIL/SUCCESSOR AGENCY
MINUTES
JANUARY 23, 2013**

SPECIAL MEETING

The January 23, 2013, special joint meeting of the Taft City Council/Taft Successor Agency, held in the Council Chamber at Taft City Hall, 209 East Kern Street, Taft, CA 93268, was opened by Mayor Linder at [6:06:20PM](#). The Pledge of Allegiance was led by Council Member Noerr, followed by a moment of silence to remember men and women in the Armed Services.

PRESENT: Mayor Paul Linder; Mayor Pro Tem Orchel Krier.
Council Members Randy Miller, Dave Noerr and Ron Waldrop.
City Manager Craig Jones; City Attorney for David Prentice;
City Clerk Louise Hudgens.

Mayor Linder announced that an issue of great importance had come to the attention of staff and that Council would be recessing to closed session. Meeting recessed at [6:10:12 PM](#) and returned to open session at [6:32:47 PM](#)

CLOSED SESSION

At this time the City Council will hold a closed session pursuant to Government Code Section 54956.9(F)(c) for consultation with its attorney(s) regarding potential initiation of litigation: One (1) case.

ACTION TAKEN: No reportable action.

1. PUBLIC HEARING – Continued from January 15, 2013

CONSIDER ADOPTION OF A FINAL MITIGATED NEGATIVE DECLARATION AND MITIGATION REPORTING AND MONITORING PROGRAM FOR THE HILLSIDE ESTATES RESIDENTIAL SUBDIVISIONS PROJECT.

The PH was continued to receive testimony from Proponents and Opponents:

Verlin Love stated that he would support Council's decision and appreciate all the work staff had done on the project.

Susie Geiger, representing Occidental (OXY) Petroleum, [6:36:20 PM](#), stated that Council had received letters prepared by their outside Counsel and a geologist. She read the following statement: "A Final Mitigated NegDec states that upon completion of an initial study, that there is no substantial evidence that a project may have significant impact on the environment. The CEQA regulations require that the City determine that there is a significant impact as the project would result in the loss of availability of a known mineral resource. This particular document that you are considering tonight fails to recognize that impact to the availability of the mineral resources. But as was mentioned last week, Taft was born to the oil discoveries over 100 years ago. We respectfully request that an added mitigation measure be added to the Mitigated NegDec and a condition of approval be added for consideration for both the Vesting Tentative Tract Map # 7227, Sandy Creek Estates, and #7230, Hillside Terrace Estates.

The condition would read '*All issues concerning mineral rights on the project site shall be resolved prior to approval of the final maps to the satisfaction of the mineral owner*'. We would also respectfully request that the notice of determination as required by CEQA, not be filed at this time in order to allow for further discussion. We recognize and appreciate the need for housing in Taft. We will continue to actively have discussion with all interested parties until such time that we can agree upon an equitable solution. We are in the position to continue discussions and open dialog and just request that we have this additional time to work this out so it is a win for Taft and a win for everybody."

There was no further testimony and the PH was closed. [6:39:18 PM](#)

Dave Prentice, City Attorney, stated that there had been talk about conditions of approval and language that OXY has placed on the table. The issue of the Notice of Determination, however, is an issue of law and Council does not have the ability to do otherwise.

Geiger stated that she understood that if the Notice of Determination is filed immediately, then there is a 30 day clock that starts. But if the Notice of Determination is postponed, then there is a 180 day clock and that is what they are requesting, to postpone the filing so it doesn't start the 30 day clock. That is upon a recommendation by their CEQA attorney.

Mike Waiczis, Planning Director, stated that CEQA states that the Notice of Determination has to be filed within 5 days after approval of the Environmental document. In order to be compliant with the law, it should be filed within the 5 day period.

Prentice indicated that if Council desires to go ahead and approve the Mitigated NegDec and the tentative maps, then they could do it on condition that upon the language that the OXY representative had given, and Council directs the Planning Director to file the Notice of Determination at 5 days, that gives them 35 days to work on the issues and come up with a tolling agreement.

Motion: Moved by Noerr, seconded by Krier, to approve Resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS AND ADOPTING A FINAL MITIGATED NEGATIVE DECLARATION AND A MITIGATION REPORTING AND MONITORING PROGRAM FOR THE HILLSIDE ESTATES RESIDENTIAL SUBDIVISIONS PROJECT and to include the revision to the NegDec and the Condition of Approval requested by OXY. See quote above. (*Resolution No. 3487-13*)

AYES: Krier, Miller, Noerr, Waldrop, Linder

**2. PUBLIC HEARING – Continued from January 15, 2013
CONSIDER CONDITIONAL APPROVAL OF VESTING TENTATIVE TRACT NO. 7227, SANDY CREEK ESTATES AND VESTING TENTATIVE TRACT NO. 7230, HILLSIDE TERRACE ESTATES.**

The PH was continued to receive testimony from Proponents and Opponents:

John Wilson, Engineer, commended everybody for working together and indicated that the needs were being met.

There were no further comments and the PH was closed.

Motion: Moved by Noerr, seconded by Krier, to approve resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP NO. 7227, SANDY CREEK ESTATES. (*Resolution No. 3488-13*)

AYES: Krier, Miller, Noerr, Waldrop, Linder

Motion: Moved by Noerr, seconded by Krier, to approve resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT MAKING FINDINGS AND CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP NO. 7230, HILLSIDE TERRACE ESTATES. (*Resolution No. 3488-13*)

AYES: Krier, Miller, Noerr, Waldrop, Linder

3. CITIZEN REQUESTS/PUBLIC COMMENTS

Kathy Orrin, Executive Director of Taft Chamber of Commerce, stated that she applauded the patience and tenacity of Bob Colston and voiced appreciation to the Loves for taking on the project. She indicated that Taft was on the verge of a re-birth and thanked Council for their decisions.

4. RESOLUTION SETTING POLICY AND AGREEMENT FOR iPad USE BY CITY OFFICIALS [6:52:19 PM](#)

Councilmembers all voiced concurrence that they were ready to have a paperless agenda and have the use of the iPads.

Motion: Moved by Miller, seconded by Waldrop, to approve the expenditure of \$546.92 for the protective cases.

AYES: Krier, Miller, Noerr, Waldrop, Linder

Motion: Moved by Linder, seconded by Miller, to approve resolution entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAFT ADOPTING A POLICY FOR iPADS ISSUED TO COUNCIL MEMBERS (*Resolution No. 3489-13*)

AYES: Krier, Miller, Noerr, Waldrop, Linder

Mayor Linder added Department Head Comments in order to have Lonny Boyer make an announcement. Lonny Boyer, Director of Human Resources/Assistant City Manager, stated that security of the city's website had been breached and that the current city's web site had been removed and a temporary website was up and running. He thanked everyone's patience while the new website is being developed.

Mayor Linder recessed the meeting to Closed Session at [6:58:12 PM](#). The meeting reconvened at [8:36 PM](#).

CLOSED SESSION

- A. At this time the City Council will hold a closed session pursuant to Government Code Section 54956.9 (C) re: claim filed by Walter Wise.
ACTION TAKEN: Moved by Noerr, second by Linder and approved 5-0, to deny claim. /
- B. At this time the City Council will hold a closed session pursuant to Government Code Section 54957.6 to give direction to its labor negotiator concerning labor negotiations: All units
ACTION TAKEN: No reportable action.
- C. At this time the City Council will hold a closed session pursuant to Government Code Section 54957 Performance Evaluations. Position to be evaluated: City Manager.
ACTION TAKEN: No reportable action.

ADJOURNMENT – The meeting adjourned at 8:36 PM with no further business to conduct.

Louise Hudgens, CMC
City Clerk

Paul Linder, Mayor