



**MINUTES  
CARSON CITY COUNCIL  
ADJOURNED REGULAR MEETING  
APRIL 29, 2014**

**6:00 P.M.**

**CONGRESSWOMAN JUANITA MILLENDER-MCDONALD  
COMMUNITY CENTER AT CARSON  
CARSON-DOMINGUEZ ROOM  
801 EAST CARSON STREET  
CARSON, CA 90745**

**THE CARSON CITY COUNCIL MEETINGS ARE BROADCAST LIVE  
VIA TIME WARNER CABLE CHANNEL 35 AND AT&T U-VERSE CHANNEL 99  
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**AGENDA POSTED: APRIL 24, 2014**

“In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the City Clerk’s office at 310-952-1720 at least 48 hours prior to the meeting.”  
(Government Code Section 54954.2)

**CALL TO ORDER:**

The meeting of the City Council was called to order at 6:27 P.M., by Mayor Jim Dear in the Congresswoman Juanita Millender-McDonald Community Center, in the Carson-Dominguez Room, located at 801 E. Carson Street Carson, California 90745.

**ROLL CALL:** City Clerk Gause noted the following:

**Council Members Present:**

Mayor Jim Dear, Mayor Pro Tem Elito Santarina, Council Member Mike Gipson, Council Member Lula Davis-Holmes and Council Member Albert Robles

**Council Members Absent:** None

**Other Elected Officials Present:**

Donesia Gause, City Clerk and Karen Avilla, City Treasurer

**Other Elected Officials Absent:** None

**Also Present:**

Jacquelyn Acosta, Acting City Manager; William Wynder, City Attorney; Sunny Soltani, Assistant City Attorney; and Kathy Phelan, Special Counsel, and staff:

Bruce Barrette, Interim Assistant City Manager; Cedric Hicks, Director of Community Services; Barry Waite, Acting Director of Community Development; Gilbert Marquez, Acting Director of Public Works; Robert Eggleston, IT Manager; Glenn Turner, Computer Systems Support Technician; Lisa Berglund, Principal Administrative Analyst; Sylvia Rubio, Council Field Representative; Regina Ramirez, Supervisor, Community Center; Joy Simarago, Deputy City Clerk; and Yolanda Chavez, Senior Clerk

**CLOSED SESSION (Item 1)**

City Attorney Wynder presented the Closed Session item.

**ITEM NO. (1) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

**RECOMMENDATION** for the City Council:

- 1, A closed session will be held, pursuant to Government Code §54956.9 (d)(2) or (d)(3) & (e)(1) because there is a significant exposure to litigation in one case.

**ACTION:** Item No. 1 was heard in Closed Session.

**RECESS:**

The City Council was recessed at 6:24 P.M., by Mayor Dear to a Closed Session to discuss the item described on this evening's agenda.

**RECONVENE:**

The City Council was reconvened at 6:56 P.M., by Mayor Dear, with all members previously noted present.

City Clerk Gause noted the following:

**Council Members Present:**

Mayor Jim Dear, Mayor Pro Tem Elito Santarina, Council Member Mike Gipson, Council Member Lula Davis-Holmes and Council Member Albert Robles

**Council Members Absent:** None

**Other Elected Officials Present:**

Donesia Gause, City Clerk and Karen Avilla, City Treasurer

**Other Elected Officials Absent:** None

**Also Present:**

Jacquelyn Acosta, Acting City Manager; William Wynder, City Attorney; Sunny Soltani, Assistant City Attorney; and Kathy Phelan, Special Counsel, and staff:

Bruce Barrette, Interim Assistant City Manager; Cedric Hicks, Director of Community Services; Barry Waite, Acting Director of Community Development; Gilbert Marquez, Acting Director of Public Works; Robert Eggleston, IT Manager; Glenn Turner, Computer Systems Support Technician; Lisa Berglund, Principal Administrative Analyst; Sylvia Rubio, Council Field Representative; Regina Ramirez, Supervisor, Community Center; Joy Simarago, Deputy City Clerk; and Yolanda Chavez, Senior Clerk

**REPORT ON CLOSED SESSION**

City Attorney Wynder noted that the Closed Session item was considered by five members of the Council and provided the Closed Session report as follows:

**Closed Session Item No. 1**

The City Attorney's Office briefed the Council on facts and circumstances; answered the Council's questions to the best of their ability and asked the Council to take no action nor was any reportable action taken.

**CITY COUNCIL  
ADJOURNED REGULAR BUSINESS MEETING**

**APPROVAL OF MINUTES:** None

**NOTICE TO THE PUBLIC**

**Public testimony may be given on any agenda item as it is called and will be LIMITED TO THREE MINUTES PER SPEAKER. Please fill out a Speaker Form in order to be identified correctly in the minutes. The forms are provided on the podium in the Council Chambers. All Speaker Forms must be given to the City Clerk at the beginning of the meeting.**

Mayor Dear announced that there was a request for Spanish translation and that the City has provided the necessary sound proof equipment for those individuals interested.

**INTRODUCTIONS**

**BATTALION CHIEF STEVE COOKUS, Battalion 7, 1860 E. Del Amo Boulevard, Carson, California 90746:** Discussed safety issues due to occupancy issues and 500-seat capacity; announced that any individual who exits the meeting would not be allowed to re-enter.

**ORAL COMMUNICATIONS – MEMBERS OF THE PUBLIC (LIMITED TO ONE HOUR) (None)**

The public may at this time address the members of the City Council/Housing Authority/Successor Agency on any matters within the jurisdiction of the City Council/Housing Authority/Successor Agency and/or on any items on the agenda of the City Council/Housing Authority/Successor Agency, prior to any action taken on the agenda. No action may be taken on non-agendized items except as authorized by law. Speakers are requested to limit their comments to no more than three minutes each, speaking once. If you would like to address the City Council/Housing Authority/Successor Agency, please complete the SPEAKER'S CARD. The card is available at the speaker's podium or from the City Clerk. Please identify on the card your name, address, and the item on which you would like to speak, and return to the City Clerk. The SPEAKER'S CARD, though not required in order to speak, assists the Mayor in ensuring that all persons wishing to address the City Council/Housing Authority/Successor Agency are recognized, time permitting. Oral communications will be limited to one hour unless extended by order of the Mayor/Chair with the approval of the City Council/Housing Authority/Successor Agency.

**NEW BUSINESS CONSENT (None)**

These items are considered to be routine items of COUNCIL business and have, therefore, been placed on the CONSENT CALENDAR. If COUNCIL wishes to discuss any item or items, then such item or items should be removed from the CONSENT CALENDAR. For items remaining on the CONSENT CALENDAR, a single motion to ADOPT the recommended action is in order.

**DEMANDS (None)**

**SPECIAL ORDERS OF THE DAY (Item 2)**

Public testimony is restricted to three minutes per speaker, speaking once (excepting applicants who are afforded a right of rebuttal, if desired), unless extended by order of the Mayor with the approval of the City Council.

**ITEM NO. (2)      CONSIDER ADOPTING URGENCY ORDINANCE NO. 14-1538U  
EXTENDING THE 45-DAY MORATORIUM ADOPTED BY INTERIM  
URGENCY ORDINANCE NO. 14-1534U, ON THE DRILLING, REDRILLING  
OR DEEPENING OF ANY NEW OR EXISTING WELLS WITHIN THE  
JURISDICTION OF THE CITY OF CARSON THAT ARE ASSOCIATED  
WITH OIL AND/OR GAS OPERATIONS (CITY MANAGER)**

Item No. 2 was heard at 7:03 P.M.

Mayor Dear asked the City Clerk to enter into the record letters and/or emails that were received in the City Clerk's Office in support or opposed to the moratorium.

Council Member Davis-Holmes inquired how many people are Carson residents.

Mayor Dear directed the Carson residents in the audience to stand and announced that a vast majority were Carson residents.

At 7:14 P.M., Mayor Dear opened the Public Hearing.

Mayor Dear requested that all persons wishing to testify to stand and take the Oath, which was administered by City Clerk Gause.

**The following persons offered comments in opposition of Council Item No. 2:**

**Ron Miller, Executive Secretary of the LA-Orange County Building and Constructions Trade Council, Riverside, California**

Representing 140,000 hard-working men and women in Los Angeles and Orange County, 1,500 of which live in Carson.

**Marvin Kropke, Business Manager/Financial Secretary for IBEW Local 11**

Representing Electricians with 11,000 members; 300 members were Carson residents. He submitted 1,500 signed postcards by Carson residents in support of the Oxy project.

**The following persons offered comments in support of Council Item No. 2:**

**Dianne Thomas, 20219 Nestor Avenue, Carson, California 90746**

**Robert Lesley, Carson, California**

Provided handouts from Congress of the United States dated April 1, 2014, and OSHA Fact Sheet

**Willie Cravin, 19326 Belshaw, Carson, California 90746**

**Vivian Hatcher, Annalee Avenue, Carson, California**

Provided letter addressed to City Council, staff and everyone

**Lori Noflin, 19309 Tillman Avenue, Carson, California 90746**

**David Noflin, 19309 Tillman Avenue, Carson, California 90746**

**Miriam Vazquez, Carson, California**

**Dr. Tom Williams, 4117 Barrett Road, Los Angeles, California 90032**

**Michelle Kinman, 1200 Opel Street, No. 22, Torrance, California 90277**

**Barbara Post, Carousel Tract resident, Carson, California**

**Bob Bowcock**

**Ezell Waters, 19615 Galway, Carson, California 90746**

**Jackie Stewart, 1860 E. Cashdan Street, Carson, California 90746**

**Karell Campbell, 401 220<sup>th</sup> Street, Carson, California 90745**

**Golda Copeland, 19116 S. Kemp Avenue, Carson, California 90746**

Submitted petition to the City Clerk

**Rosa Banuelos, 17700 S. Avalon Boulevard, No. 66, Carson, California 90746**

**Roye Love, 19402 S. Cliveden Avenue, Carson, California 90746**

**Harry L. Wilson, 19006 Scobey Avenue, Carson, California 90746**

Referred to correspondence dated March 11, 2014, mailed to Mayor and Council Members.

**Norma Jackson, Carson, California**

Urged Mayor and Council Members for a lifetime ban on fracking.

**Jennifer Vazquez, Carson, California**

**Jack Graves, 1046 Helmick Street, Carson, California 90746**

At 7:58 P.M., Mayor Dear announced that he would allow four additional speakers in support of the moratorium then the opposing side would have a chance to speak for 45 minutes.

**Marvin J. Stovall**

**Rebecca Tuttle, 11659 McDonald Street, Culver City, California 90230**

**Chris Bradley, Kramer Driver, Carson, California 90746**

**Jane Brockman, 4260 La Salle Avenue, Culver City, California 90232**

**At 8:08 P.M., the following persons offered comments in opposition of Council Item No. 2:**

Mayor Dear announced the order of speakers as follows: 1) Henry Tillman; 2) representatives of the NAACP of the LA Chapter; 3) Maria Elena Durazo; and 4) James Drew Lawson.

**Henry Tillman, 21625 S. Avalon Boulevard, Carson, California 90745**

**Leon Jenkins and Joseph Alford, representatives of the NAACP, LA Chapter**

**Mila E. Boyer, 520 E. Carson Street, No. 40, Carson, California 90745**

(Council Member Davis-Holmes exited and reentered the meeting at 8:15 P.M.)

**Maria Elena Durazo, Federation of Labor-AFL-CIO**

(Council Member Robles exited the meeting at 8:18 P.M.)

**James Drew Lawson, 426 W. Carson Street, No. 2, Carson, California 90745**

(Council Member Davis-Holmes exited the meeting at 8:19 P.M.)

(Council Member Robles reentered the meeting at 8:20 P.M.)

Dean L. Jones, 1844 E. Fernrock Street, Carson, California 90746

Matthew De Los Santos, 452 E. 230<sup>th</sup> Street, Carson, California 90745

(Council Member Davis-Holmes reentered the meeting at 8:21 P.M.)

Bob Levenson, 211 E. 222<sup>nd</sup> Street, Carson, California 90745

Kevin McCall, Carson High School Football Coach

David McHugh, 2710 E. Madison Street, Carson, California 90810

Roberto with Spanish translator, 1415 235<sup>th</sup> Street, Carson, California

Peter Estrada, 24418 Marine Avenue, Carson, California 90745

Scott Roque, 753 N. Armel Drive, Covina, California 91722

Richard DeMello, 17040 Benbow, Covina, California 91740

JF Doc Holiday, 678 W. Heber Street, Glendora, California 91741

David Crow, 5060 California Avenue, No. 1150, Bakersfield, California 93309

Submitted letter dated April 29, 2014 to the City Clerk for distribution to the Mayor and Council Members

Richard Hernandez, 108 W. 226<sup>th</sup> Place, Carson, California 90745

Virginia Deroux, 341 E. 220<sup>th</sup> Street, Carson, California 90745

David Englin, 1000 N. Alameda, Los Angeles, California 90017

Pastor Josh Canales on behalf of Pastor Isaac Canales, Mission Ebenezer Family Church, 415 W. Torrance Street, Carson, California 90745

Elizabeth Warren, Box 768, San Pedro, California 90733

Andrew Davis, Sr., 357 E. Centerview Drive, Carson, California 90746

James Fritz, 1625 E. 218<sup>th</sup> Street, Carson, California 90745

Joey Cinco, 405 W. 235<sup>th</sup> Street, Carson, California 90745

Amir Zendehnoum, 11346 Iowa Avenue, Los Angeles, California 90025

Michael David

Male speaker, 217 Hurley Avenue, Carson, California

Salvador Carillo, 1053 East Renton Street, Carson, California 90745

At 8:54 P.M., Mayor Dear announced that he would allow three additional speakers in opposition of the moratorium then the supporting side would have a chance to speak for 45 minutes.

Christine Halley, 1025 W. 190<sup>th</sup>, Los Angeles, California 90248

Antonio Valadez, 1250 E. 222<sup>nd</sup> Street, Carson, California 90745

Jerald Alvarado Nunag, 22419 Marine Avenue, Carson, California 90745

Sergio Alvarez, 1229 ½ W. Anaheim Street, Harbor City, California 90710

The following persons offered comments in support of Council Item No. 2:

Male speaker

Provided handout to the City Clerk entitled, "Impeach of Fracking Bastards and Fracking is Genocide".

Female speaker, Carson, California

Lavonda Brown, 1307 E. Fernrock Street, Carson, California

Margurite A. Carter, 18805 Grambling Place, Carson, California 90746

Mamie Burleson, Carson, California

Lauren Steiner, 1725 Clear View Drive, Beverly Hills, California 90210

Kent Minault

Male speaker

Latrice Carter, Carson, California

David Fields, representing Society of St. Vincent de Paul, 210 North Avenue, No. 21, Los Angeles, California 90031

R L Miller, Chair of California Democratic Parties Environmental Caucus

Joe Galliani, 668 Calle Miramar, Redondo Beach, California 90277

Wendy R. Howlett, 19421 Kemp Avenue, Carson, California 90746

Faye Walton, Carson, California 90746



**Joseph Roberts, Carson, California**

**Glenn White, 750 E. Carson Street, No. 84, Carson, California 90745**

**Karen Edmond, Carson, California**

**Shaaron MacLeod**

(Council Member Davis-Holmes exited the meeting at 9:40 P.M.)

**Female speaker, Los Angeles County resident**

(Council Member Robles exited the meeting at 9:42 P.M.)

**Patrice LeFleur, Carson, California**

**Freeman Watkins, 840 E. Cyrene Drive, Carson, California 90746**

**Amy Yuelapwan, representing Food and Water Watch**

(Council Member Robles reentered the meeting at 9:46 P.M.)

(Council Member Davis-Holmes reentered the meeting at 9:48 P.M.)

**Walker Foley, representing Food and Water Watch**

**Ty'Nesha Brown**

**Del Huff, 868 E. Meadbrook Street, Carson, California 90746**

**Male speaker, Hermosa Beach, California**

At 9:51 P.M., Mayor Dear announced that he would allow three additional speakers.

**Lia Dillard**

**Al Satler**

**Dr. Barbara Palmer, 1520 Cyrene Drive, Carson, California 90746**

**The following persons offered comments in opposition of Council Item No. 2:**

**Jesus Griffith, Carson, California**

(Council Member Gipson exited the meeting at 10:01 P.M.)

**Kevin Norton, Assistant Business Manager, representing IBEW Local 11**

(Council Member Gipson reentered the meeting at 10:04 P.M.)

Gary L. Cook, 1111 West James M. Wood, Los Angeles, California 90015

Eunice Langford, 149½ E. 220<sup>th</sup>, Carson, California 90745

Ignacio Ramirez, 1502 E. Carson Street, No. 88, Carson, California 90745

Raymond Robago, 243 E. 220<sup>th</sup> Street, Carson, California 90745

Alyssia Clark, 17916 Tamcliff Avenue, Carson, California 90745

Tommy Fa'avae, Carson, California

Jessica Canlapan, 555 E. Carson Street, No. 52, Carson, California 90745

Dermon Cabs, 412 North Morie, Compton, California 90220

Diana, Carson, California

John Mitchell, Carson, California

Walter Neil, Chairman of the Board, Carson Chamber of Commerce

Mr. Montez, 548 E. Pacific Street, Carson, California 90745

Ed Rendon, 981 Corporate Center Drive, Pomona, California 91768

Dan Kurtz, Bakersfield/Kern County resident

(Council Member Robles exited the meeting at 10:22 P.M.)

Gary Kennedy, Carson, California

Frank Zavala

Tom Demoore

Tim DeBarr

Male speaker

Hugo Rivero

David Canedo, 21702 Acarus Avenue, Carson, California 90745

(Council Member Robles reentered the meeting at 10:28 P.M.)

Carson business owner

Jeff Davis, La Habra, California

Makecia Williams

Shenae Warren, 19003 Nestor Avenue, Carson, California 90746

Pilar Hoyos representing Watson Land Company, 22010 Wilmington Avenue, Carson, California 90745

Provided a copy of a letter from Children's Hospital dated April 25, 2014, to the Mayor and Council.

Bill McFarland, Human Resource Manager, Occidental Petroleum

George J. Mhlsten, 355 S. Grand Avenue, Los Angeles, California 90071

Joe Sullivan, 100 E. Carson Street, Pasadena, California 91103

David Cloud, Hawthorne, California

(Mayor Pro Tem Santarina exited the meeting at 10:40 P.M.)

Gary Tomlind, Long Beach, California

(Mayor Pro Tem Santarina reentered the meeting at 10:42 P.M.)

Michael Scott, Huntington Beach, California

Manuel Hernandez, South Los Angeles, California

Julio C. Franco, 1138 W. 127<sup>th</sup> Street, Los Angeles, California 90044

Steve Ramirez, Local 11 IBEW union member

Ronald Becerra, 5355 N. Persimmon Avenue, Temple City, California 91780

Morgan Karr, Whittier, California

Sharmaree Davis, Pasadena, California

Pat Stewart

Male Speaker

Gary Parker

Mitch Ponce, Long Beach, California

**Larry Langford, Carson, California**

**Greg Jensen, Long Beach, California**

**Bill Baxter**

At 10:57 P.M., Mayor Dear closed the Public Hearing.

City Attorney Wynder summarized the staff report.

**RECESS:**

The City Council was recessed at 10:57 P.M., by Mayor Dear.

**RECONVENE:**

The City Council was reconvened at 11:18 P.M., by Mayor Dear, with all members previously noted present.

City Clerk Gause noted the following:

**Council Members Present:**

Mayor Jim Dear, Mayor Pro Tem Elito Santarina, Council Member Mike Gipson, Council Member Lula Davis-Holmes and Council Member Albert Robles

**Council Members Absent:** None

**Other Elected Officials Present:**

Donesia Gause, City Clerk and Karen Avilla, City Treasurer

**Other Elected Officials Absent:** None

**Also Present:**

Jacquelyn Acosta, Acting City Manager; William Wynder, City Attorney; Sunny Soltani, Assistant City Attorney; and Kathy Phelan, Special Counsel, and staff:

Bruce Barrette, Interim Assistant City Manager; Cedric Hicks, Director of Community Services; Barry Waite, Acting Director of Community Development; Gilbert Marquez, Acting Director of Public Works; Robert Eggleston, IT Manager; Glenn Turner, Computer Systems Support Technician; Lisa Berglund, Principal Administrative Analyst; Sylvia Rubio, Council Field Representative; Regina Ramirez, Supervisor, Community Center; Joy Simarago, Deputy City Clerk; and Yolanda Chavez, Senior Clerk

City Attorney Wynder commented on the goodwill among opposing views. He announced the overall process was initiated by Council Member Robles due to concerns raised in the nature of the business of Occidental Petroleum. He continued to clarify that a moratorium does not permanently ban anything; it is an opportunity to study important issues. He summarized the staff report to clarify the purpose of tonight's meeting was to analyze the 10-day report findings: 1) Identified questions regarding the risks of oil and gas drilling and/or the use of well stimulation technologies which could raise public health, safety, or otherwise environmental concerns; 2) Issues include the study of the activities involved in oil and gas production on

existing wells; 3) Identified regulatory or enforcement gaps in the Carson Municipal Code. State law permits to extend the moratorium for the first time for a period of ten months and fifteen days which when combined with the initial 45-day period equals one year.

City Attorney Wynder requested that all staff reports, beginning with the initial report, all actions oral and written communications that the Council received in opposition and support formally be entered into the record and made part of the administrative record.

Mayor Dear ordered all said documents made part of the record, with no objections heard.

City Attorney Wynder announced that the City received a letter today from the Law Firm of Latham & Watkins advising the City that Occidental Petroleum has committed to a particular method of oil and gas drilling. He clarified that the City was not targeting a specific project; the moratorium was citywide. He stated the City's ordinance was over twenty years old and the moratorium provides the opportunity to update the ordinance even though the City could do so without it. He summarized the Council's options.

City Attorney Wynder introduced the lawyers from his office who have worked extensively on this issue, Special Counsel Kathy Phelan and Assistant City Attorney Sunny Soltani.

At 11:36 P.M., Mayor Dear announced that the meeting has reached the deliberation session.

### **Deliberation**

Council Member Robles apologized to the residents of Carson for what he has done and would do. He disclaimed the item for discussion tonight had nothing to do with the Oxy Project even though most speakers referred to the Oxy project. He reiterated what City Attorney Wynder stated earlier regarding the moratorium which has absolutely nothing to do with the Oxy Project or the EIR Process which was continuing and not halted by the moratorium. Also, the moratorium was only for 10 months and 15 days. He has seen flyers being disseminated with misinformation to residents. He stated that he has not formed any opinions on the Oxy Project, neither for nor against thus has not disqualified himself from this item. He referred to a meeting he attended in downtown Los Angeles; and prior to his departure, he was advised by a union leader that if he did not oppose the moratorium, they would find another candidate to run against him. He quoted his hero, Emiliano Zapata, "Prefiero morir de pie que vivir de rodias" and translated means, "I prefer to die standing than live on my knees." He referred to a letter from the Law Firm of Olsen and Burg, Oxy's other attorney, which stated that it was their position that any City proposed regulations of oil and gas activities are preempted by the State.

### **Main Motion**

RECOMMENDATION for City Council

1. CONSIDER and PROVIDE direction.

ACTION: WITH FUTHER READING WAIVED, it was moved to ADOPT by 4/5ths vote Urgency Ordinance No. 14-1538U, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, EXTENDING THE 45-DAY MORATORIUM ESTABLISHED BY ORDINANCE NO. 14-1534U, ON THE DRILLING REDRILLING OR DEEPENING OF ANY

WELLS WITHIN THE JURISDICTION OF THE CITY OF CARSON THAT ARE ASSOCIATED WITH OIL AND/OR GAS OPERATIONS, AND DECLARING THE URGENCY THEREOF,” to ensure the public health, safety to and welfare is protected during the period of the extension for a period of 10 months and 15 days on motion of Council Member Robles and seconded by Council Member Davis-Holmes.

During discussion of the motion, Mayor Dear agreed with Council Member Robles but added that he supported Development Agreements to protect the people of Carson. He reiterated that the moratorium was on oil drilling and Carson sits on two oil fields which would be absurd to stop drilling in Carson or across America. He was completely against fracking and believed that any Development Agreement entered into with the City should clearly state that no fracking would occur; he would vote no on the extension of the moratorium. The City could use the Development Agreement process which the City has control over and could be enforced through court to create tools and resources for addressing the contamination within the City; he suggested a \$50 million bond or trust account be established to protect residents; in a Development Agreement and a contract have the authority to prohibit fracking where a City ordinance was triumphed by State law. The Preliminary Environmental Impact Report was distributed to and reviewed by the Mayor and Council.

Mayor Pro Tem Santarina thanked Council Member Robles for the facts shared and citizens for staying late; he added the Development Agreement would guarantee for a fair share to protect the citizens.

Council Member Davis-Holmes thanked Council Member Robles; she stated that she was elected to serve the residents of the City of Carson. Oxy has not referenced the environmental concerns; and her concern was if the moratorium was not passed, then the Development Agreement would not be able to be enforced and directed her question to the City Attorney.

City Attorney Wynder replied that if the moratorium was not extended it would expire on May 2, 2014.

Council Member Davis-Holmes further stated if passed, the moratorium could be cancelled. She referenced the Carousel Tract issues due to oil companies; the moratorium had nothing to do with jobs. Directed the residents to vote for someone who had their voice; and stated that she was elected to protect the residents of Carson.

Council Member Gipson expressed empathy for Council Member Robles; he acknowledged receiving numerous emails from both sides. He asked City Attorney Wynder if the moratorium does not receive sufficient votes and do we still have control over the project.

City Attorney Wynder shared their considered opinion that the moratorium does not affect the EIR process.

Council Member Gipson asked what the projected time frame was.

City Attorney Wynder consulted with staff and the period was three to five months from today. He addressed the issues if the moratorium expired then a two-fold process would occur. Staff would ask Council to rescind the minute order to direct staff to no longer negotiate a Development Agreement and to direct staff to negotiate contractual terms, important note the Development Agreement only applied to single project, not citywide. If Council was of mind to update the current ordinance and regulatory scheme, any application received prior to final approval would be processed under existing law. The EIR report would be heard before the Planning Commission, then the Council before a Public Hearing on the certification process; the Development Agreement would be brought before Council for public consideration and a formal action by Council to be approved and the Development Agreement would vest the rights to the parties and impose conditions. If the moratorium were to be extended, the only part of the process that would not move forward would be the Development Agreement. Staff would request additional studies, the assistance from scientific experts, other consultants, reach out to oil industries, Chamber of Commerce, homeowner associations and a new 10-day report would need to be issued prior to expiration of the existing moratorium then staff would provide specific recommendations for Council's consideration.

Council Member Gipson thanked City Attorney Wynder. A discussion ensued among Council Member Gipson and City Attorney Wynder wherein Council Member Gipson requested clarification about the project not involving fracking and could a no fracking stipulation be added to a Development Agreement. City Attorney Wynder confirmed that legal representation from Oxy and from the City Attorney's perspective was that there was to be no fracking, however, City Attorney Wynder would prefer to have the language in writing and the project description amended. The Development Agreement would be negotiated between parties and if agreed, may be other well stimulation technologies studied which have not been explored per the minute order.

At 12:45 A.M., on Wednesday, April 30, 2014, Mayor Dear reopened the Public Hearing.

**George J. Mhlsten, Latham and Watkins**

Confirmed Council Member Gipson's understanding that no fracking would be used in this project and further agreed not to use other well stimulation methods and Oxy was willing to put this in writing as a commitment for Occidental Petroleum.

(Council Member Davis-Holmes exited the meeting at 12:47 A.M., on Wednesday, April 30, 2014.)

**Council Member Gipson**

Stated that based on what the City Attorney stated, if the project moved forward, the City needs protection and a Development Agreement would need to be negotiated and the City not surrender its authority over the project.

(Council Member Davis-Holmes reentered the meeting at 12:48 A.M., on Wednesday, April 30, 2014.)

**Leticia Ortega, Carson, California**

Stated that even though there was no fracking in the Carousel Tract when the telephone company dug into the ground, oil arose. She was of the opinion that drilling still has the same effect.

At 12:49 A.M., on Wednesday, April 30, 2014, Mayor Dear closed the Public Hearing.

Council Member Gipson stated that the Carson City Council was extremely supportive to the Carousel Tract and was not of the opinion that the Oxy Project was the same. If the moratorium does not pass tonight, then safe guards need to be in place. He requested that the City Attorney find out how many jobs would arise from the project, if approved. City Attorney Wynder did not have the information readily available.

Mayor Pro Tem Santarina requested the Public Hearing reopened.

At 12:51 A.M., on Wednesday, April 30, 2014, Mayor Dear reopened the Public Hearing.

Mayor Pro Tem Santarina asked Mr. Mhlsten if the issues of impact to air quality, water quality, water use and impact to wildlife have been addressed.

**George J. Mhlsten, Latham and Watkins**

On behalf of Occidental Petroleum, they agreed that all issues would be addressed thoroughly in the environmental review process, in the context of the negotiations of the Development Agreement, and the litigation measures be included as enforceable obligations.

Mayor Pro Tem Santarina expressed concerns if risks to the environment arose such as transportation, drilling, pumping, and disposal activities.

**George J. Mhlsten, Latham and Watkins**

State that all activities would be addressed through the environmental review process, the mitigation measures with respect to those issues would become part of the mitigation program and fully enforceable by the City. He would expect that the City would hire an environmental monitor to ensure compliance as the project proceeds.

Council Member Robles asked about acidization or use of other stimulants.

**George J. Mhlsten, Latham and Watkins**

Responded that acidization was not anticipated in this project; fully compliant with SB 4. Legislation was passed last year, SB 4 defining well stimulation techniques and agreed that they would not use those techniques at this facility.

Council Member Gipson confirmed with Mr. Mhlsten that the City would not expend any of the taxpayer's money to hire a consultant; the expense would be paid for by Occidental Petroleum.

**Allen Smith**

Expressed concern that Council was discussing a contract when the purpose of tonight's meeting was solely to extend the moratorium.



At 12:57 A.M., on Wednesday, April 30, 2014, Mayor Dear closed the Public Hearing.

Mayor Dear inquired if there was a legal problem with the City enforcing a Development Agreement that would include no fracking at any time during the life of the project, to include a bond or fees coming to the Carson residents to guarantee that Occidental complied with the City, if any drilling.

City Attorney Wynder confirmed no problem would arise provided all issues were negotiated and binding commitments to each other were properly documented of all enforcement tools and ultimately the Development Agreement would be enforceable according to its terms.

Mayor Dear asked if Occidental or other company would conduct oil drilling at the proposed site without a City permit and/or without a Development Agreement.

City Attorney Wynder stated that it would require the review of the terms of the current status of their specific plan was and whether it had expired.

Mayor Dear stated the 20-year time period had expired.

**RECESS:**

The City Council was recessed at 1:01 A.M., on Wednesday, April 30, 2014, by Mayor Dear.

**RECONVENE:**

The City Council was reconvened at 1:08 A.M., on Wednesday, April 30, 2014, by Mayor Dear, with all members previously noted present.

City Attorney Wynder consulted with staff and legal counsel understood that the particular applicant's vested right to drill had expired, however, the existing specific plan on the site grants, the right to drill as a matter of the right of zone. The specific plan was subject to the Council's discretion to amend; the Council may amend the specific plan to prohibit hence the applicant wishes to negotiate with the City a new Development Agreement which would grant them a vested right irrespective of whatever land use amendments the Council may enter into. There were advantages to the City in developing and negotiating a Development Agreement and advantages to the applicant in negotiating a Development Agreement.

Mayor Dear thanked City Attorney Wynder for the confirmation.

Council Member Davis-Holmes inquired if negotiations transpired, how would she ensure that the bond agreement be a part of the Development Agreement.

City Attorney Wynder stated that it would be negotiated as part of the Development Agreement, mutually agreed to by the parties.

**Vote on Main Motion**

The motion failed to carry by the following vote:

Ayes: Council Member Davis-Holmes and Council Member Robles  
Noes: Mayor Dear and Mayor Pro Tem Santarina  
Abstain: Council Member Gipson  
Absent: None

Council Member Davis-Holmes asked the City Attorney if it was appropriate to request the City ordinance be developed to ban all fracking in the City of Carson.

City Attorney Wynder stated that it would be appropriate to request the topic be agendized at a future City Council meeting.

Council Member Davis-Holmes requested to be a topic on a future City Council agenda.

Mayor Dear concurred with his colleague and directed staff to add item to the agenda at the earliest opportunity to ban fracking which was hydraulic fracturing in the City of Carson.

A discussion ensued regarding other stimulation methods including acidization and the earliest date staff would have report available.

**UNFINISHED BUSINESS (None)**

**NEW BUSINESS DISCUSSION (None)**

**SECOND ORDINANCE READING (None)**

**CONCLUDING ORAL COMMUNICATIONS (MEMBERS OF THE PUBLIC)**

**The public may at this time address the members of the City Council/Housing Authority/Successor Agency on any matters within the jurisdiction of the City Council/Housing Authority/Successor Agency. No action may be taken on non-agendized items except as authorized by law. Speakers are requested to limit their comments to no more than five minutes each, speaking once.**

At 1:12 A.M., on Wednesday, April 30, 2014, Mayor Dear reopened Oral Communications- Members of the Public.

**Diane Thomas**

Thanked the residents of the City of Carson who came to voice their concerns; thanked Council Members Davis-Holmes and Robles for an outstanding job.

**Male speaker**

Thanked Council Members Davis-Holmes and Robles.

**Latrice Carter**

Thanked everyone to be able to see democracy in action; thanked the Mayor for never failing the residents and continuing to win; thanked Council Member Robles and Council Member Davis-Holmes for an outstanding job.

**Female speaker**

Thanked the City Attorney and staff for an outstanding job and was happy for their representation but she was sorry that not all the Council Members followed their recommendations and guidelines.

**Robert Lesley**

Agreed with the previous speakers and thanked Council Members Davis-Holmes and Robles for their courage. He was not sure what the other parties have said about the definition of conventional drilling; stated his definition and if the oil companies chose to not abide, the City Council had no recourse.

**Francis Haywood**

Thanked Council Members Davis-Holmes and Robles; reported that in 2011 or 2012 the Mayor came to her Homeowners Association meeting, Dominguez Hills Village, to talk about drilling that would be beneficial to the community which prompted her to conduct research; contacted the Mayor's office but did not receive a response and should have known the outcome.

**Female speaker**

Thanked Council Members Davis-Holmes and Robles for their vote.

**Male Speaker**

Stated that there was a lot of confusion, especially for him, as to where the State preempts the municipalities and if Mayor Dear were to read the California Constitutions, you would find that the municipalities within this case and cases concerning oil extraction; Municipality cities have rule and authority over the State; there were plenty of political precedence set in court rooms throughout the history of oil extraction in California.

**COUNCIL MEMBER REQUESTS TO ADD ITEMS TO FUTURE AGENDAS (None)**

**CONCLUDING COMMUNICATIONS (STAFF) - (None)**

**CONCLUDING COMMUNICATIONS (COUNCILMEMBERS) - (None)**

**UNFINISHED/CONTINUED CLOSED SESSION ITEMS (None)**

## **ADJOURNMENT**

The meeting was Adjourned at 1:22 A.M., on Wednesday, April 30, 2014, by Mayor Dear.

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Mayor Jim Dear

ATTEST:

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City Clerk Donesia L. Gause