



**MINUTES OF THE REGULAR MEETING OF THE
RIDGECREST CITY COUNCIL AND
RIDGECREST REDEVELOPMENT AGENCY**

**City Council Chambers
100 West California Avenue
Ridgecrest, California 93555**

**January 17, 2007
6:00 p.m.**

**Tape Recorded
Tape 07-01**

This meeting was tape recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded solely for the purpose of preparation of minutes.

CALL TO ORDER – 6:00 p.m.

ROLL CALL

PRESENT: Mayor Pro Tem Steven Morgan, Vice Mayor Thomas Wiknich, Council Members Daniel Clark and Ronald Carter

ABSENT: Mayor Holloway

STAFF: Harvey Rose, City Manager; Keith Lemieux City Attorney; Rita Gable, City Clerk; Jim Winegardner, Administrative Services Department Director/City Treasurer; Jim McRea, Community and Economic Development Department Director, Dennis Speer, Public Works Department Director; Joe Pollock, Assistant Public Works Director; Jim Ponek, Parks and Recreation Department Director; Michael Avery, Assistant City Manager/Chief of Police; and other personnel

APPROVAL OF AGENDA (moved forward for additions)

City Manager Rose stated that there is a duplication on the Rite Aid item in Closed Session.. He asked for addition of 4 items that arose subsequent to posting of the agenda as follows – Closed Session - Existing Litigation Luis Gaurano v. Michael Stickney, et. al AI; Consent Calendar - Minutes for December 6, 2006; Other Action Items - Award Of Contract To Lowest, Responsible And Responsive Bidder For Community Development Block Grant Road Construction Projects 17.01.1 And 17.05.01 and Report On City Council Election (survey conducted by then Candidate Thomas Wiknich).

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Moved by Council Member Clark, second Council Member Carter TO APPROVE THE AGENDA WITH THE ADDITIONAL ITEMS. No public comment. Carried with a voice vote of 4 ayes, 1 absent; Mayor Holloway absent.

CLOSED SESSION – 6:00 p.m.

GC54956.8 Real Property Negotiations – Sale of Real Property – 110 and 112 W. Ridgecrest Boulevard – APN 067-192-12, 26, 31, and 33 - Rite

GC54956.9 Conference with Legal Counsel – Existing Litigation – Matrix Motor Company

Added item

GC54956.9 Conference with legal Counsel – Existing Litigation – Luis Gaurano v. Michael Stickney, et. al

REGULAR SESSION – 6:30 p.m.

PLEDGE OF ALLEGIANCE led by Mayor Pro Tem Morgan

INVOCATION – Reverend Ed Jaynes

CITY ATTORNEY REPORT OUT OF CLOSED SESSION

As the City Attorney was detained in heavy traffic on Highway 14 City Manager Rose gave a brief report. In Closed Session Council received information regarding the Rite Aid project - staff will give a more detailed report under agenda item 9. The Existing Litigation items will be addressed in a continued closed session at the end of the meeting.

APPROVAL OF AGENDA

See above

PUBLIC COMMENT 6:34 p.m.

None

CONSENT CALENDAR

1. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of, November 15, 2006 Gable
2. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of, December 20, 2006 Gable

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Added item

- 2.a Minutes Of The Regular City Council/Redevelopment Agency Meeting Of, December 6, 2006 Gable
3. Council Expenditure Approval List (DWR) Dated January 5, 2007 In The Amount Of \$174,045.71 Winegardner
4. Agency Expenditure Approval List (DWR) Dated January 5, 2007 In The Amount Of \$3,694.71 Winegardner
5. Resolution No. 07-01, A Resolution Of The Ridgecrest City Council Authorizing City Manager Harvey Rose To Sign An Administering Agency-Federal Master Agreement No. 09-5385r Program Supplement Agreement No. 019-N For The Construction Of College Heights Boulevard From China Lake Boulevard To Dolphin Avenue Speer
6. Resolution No. 07-02, A Resolution Of The Ridgecrest City Council Authorizing The City Manager To Sign An Agreement With Econolite Control Products, Inc. For Replacement Of Detector Loops With Machine Vision Processors At Seven Signalized Intersections Within The City Of Ridgecrest Speer
7. Resolution No. 07-03, A Resolution Of The Ridgecrest City Council Authorizing The Submittal Of A Kern County Air Pollution Control District (KCAPCD) Motor Vehicle Emission Reduction Project (MVERP) Application For A Camry Hybrid Taylor

Moved by Council Member Wiknich, second Council Member Carter TO APPROVE THE CONSENT CALENDAR. No public comment. Carried with a voice vote of 4 ayes, 1 absent; Mayor Holloway absent.

ORDINANCES AND RESOLUTIONS

8. Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Pertains To Carrying Concealed Weapons Avery

Chief Avery stated

- In preparing new policies for the Police Department concerning the issuance of carried concealed weapons (CCW) permits, a flaw was discovered in the Ridgecrest Municipal Code
- Amending the code would bring the Ridgecrest Municipal Code in conformance with the State law
- This amendment was discussed with the City Organization Committee on November 8, 2006, and the Committee endorsed the amendment to be brought before full council for adoption. Additionally, the City Attorney has reviewed and endorsed the passage.

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Moved by Council Member Clark, second Council Member Carter TO WAIVE READING IN FULL AND TO INTRODUCE, BY TITLE ONLY, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE AS IT PERTAINS TO CARRYING CONCEALED WEAPONS. No public comment. Carried with a voice vote of 4 ayes, 1 absent; Mayor Holloway absent.

OTHER ACTION ITEMS

9. Report on Rite Aid Development Project

McRea

Mr. McRea

- The Redevelopment Agency executed a Disposition Development Agreement (DDA) with Halferty Development Company, LLC for the development of a RiteAid project at the corner of W. Ridgecrest Boulevard. and N. China Lake Boulevard
- The developer will begin demolition of the old JD's building on January 22
- Presented information regarding proposed realignment of traffic lanes on W. Ridgecrest Boulevard and driveways into and out of the RiteAid parking lot

Dorothy Brown, 221 N. Gold Canyon Drive

- Questioned left hand turn going east on Ridgecrest boulevard to RiteAid
- Most dangerous portion of Ridgecrest Boulevard is the block west of China Lake Boulevard

Council directed staff to continue with sale of the property

10. Resolution No 07- ; A Resolution Of The Ridgecrest City Council Approving A Contract For Expert And Professional Services Between The City Of Ridgecrest And Matrix Design Group

McRea

- The resolution as presented will authorize the City Manager to pay Matrix Design Group, (MDG) up to \$325,000.00 during FY 2006-07 and FY 2007-08
- This is for expert and professional services on behalf of the preparation of a General Plan update, EIR and new Zoning Ordinance.
- Cost of the contract for update of the General Plan is \$295K
- There is also \$30K for any possible change orders or information from Kern County such as maps
- Interviews were conducted with three RFP responders by Council Members Holloway and Morgan and Planning Commissioners Beres and Taylor some specifics will be added, e.g. length not to exceed X amount of funds Wiknich has some comments of contradictions in the exhibits – no penalty clause – seems to be protection for them then for us- some other concerns

Council Member Wiknich had several questions regarding provisions in the agreement – appears the agreement favors the contractor more than the City.

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Dave Matthews, 717 Kevin Court

- Wants to get some numbers straight – his paper and McRea do not agree
- What is exact number it will be - \$295K with \$30K backup
- Where is money coming from City – General Fund
- Why do we need this anyway – update has to be done and we have limited staff

Glenda Downing, Guam Street

- Asked if provisions mentioned by Mr. Wiknich – contractor or city's
 - Contractor that's why we are still working on it
- Why does City not have a boiler plate for contracts to protect itself
- Was it reviewed by attorney before being made public
 - All issues will be fixed before being signed

Dorothy Brown

- Has concern that no one in the City is doing this type of review
- Believes there was a discussion that someone should be able to do this
- Was supposed to hire a person to go out looking for funds and look at contracts for accuracy
- Needed to protect the City of Ridgecrest

City Attorney at 7:10 p.m.

City Attorney Lemieux – answered some of the previous questions

- Yes contractor did present this and it does favor them more than the City of Ridgecrest
- As this is basically a report to the City for planning purposes does not see there is much danger of third party injury/liability
- Has no problem going back to consult with the consultant
- Main risk is that City might not get the product they are paying for
- Might be able to negotiate an installment schedule to check on the progress of the work
- Early termination clause might be added as well as not to exceed certain funding level

Moved by Council Member Wiknich, second Council Member Carter TO TABLE THE RESOLUTION OF THE RIDGECREST CITY COUNCIL APPROVING A CONTRACT FOR EXPERT AND PROFESSIONAL SERVICES BETWEEN THE CITY OF RIDGECREST AND MATRIX DESIGN GROUP AND REQUEST STAFF TO REWORK THE CONTRACT. Public comment heard. Carried with a voice vote of 4 ayes, 1 absent; Mayor Holloway absent.

11. ZC-06-02, GPA-06-02, C. Vaughn; Planning Commission Recommendation To Reclassify Subject Property. Staff Recommendation To Forward Project To The Ad hoc Planning And Zoning Committee For Presentation Of Additional Information. TTM No. 6798; APN 508-010-04, Mahan & Springer
McRea

- The Planning Commission at their regular meeting of November 14, 2006, after discussion of the continuation of the project from September, took four actions on the above mentioned items

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- The applicant and their legal counsel are requesting the opportunity to present additional information to the City
- Staff is requesting this item be forwarded to the Ad hoc Planning and Zoning Committee for additional input and recommendations back to the City Council
- McRea read a staff report (which is not part of the agenda packet) and listed actions taken by the Planning Commission.

Council comment

Carter –

- Asked what is the new information that Ms. Vaughn has and shouldn't it be going back to Planning Commission?
 - Planning Commission has considered it 6 times and they don't want to see it if there is no substantial new information

Morgan –

- Respectfully disagreed with Mr. Carter – applicant should be able to present it to the City wherever they feel it should be reviewed
- One of the reasons for establishing the Ad hoc Planning and Zoning Committee was to check out and filter information for the Planning Commission

Public comment

Andy ?, 1559 W burns

- Feels it should go back to Planning Commission or Planning and Zoning Committee if she agrees to the extension

Glenda Downing, Guam Street

- Lives in the county
- Ms. Vaughn's 80 acres are surrounded by small portions of City of Ridgecrest
- The plan she initially submitted to Planning Commission was just shy of 300 homes on this acreage
- 7000K square feet to 10K square feet and 1/2 acre to 2 1/2 or 3-5 acre
- This parcel is surrounded by residents who have a lot of livestock
- She and her husband live on a private road maintained by them
- Ms. Vaughn's deficiencies were point out to her by the Planning Commission, the Navy and the neighborhood and traffic committee
- Infrastructure in the are is not sufficient to support the number of housing units she wishes to place there
- If allowed there will be increased dust and traffic
- Drainage problems will increase caused by the increased traffic on the unimproved roads – flooding in that area it severe when it rains
- There is potential danger from access from Springer and China Lake Boulevard

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Mayo Pro Tem Morgan stated that as this discussion was pointedly about which committee or commission should hear about the additional information, asked if Ms. Downing if she had an objection to moving this item to the Planning and Zoning Committee – she did not

Glenda Downing continued with her statements

- She stated that we (the City ?) need to understand that the proposed development was turned down by the Navy, Planning Commission, traffic commission, etc.
- City has bent over backward to accommodate Ms. Vaughn's requests
- She has provided no mitigation for any of the problems she would cause with this development
- She has not moved off her original position
- This will not be a benefit to the area
- Planning Commission has worked very hard with her to give her good advice and guidance
- Don't let her do this

Denny Roberts, 1606 S Mahan

- Moving it to Planning Commission seems like the only thing to do
- Please notify all of us when the next meeting is to be

Carole Vaughn

- Would like an opportunity to bring forth this new information
- Have spent a great deal of money on experts – environmental, legal, etc.
- Stated the Navy won't talk to her about her proposed development
- Feels that the Planning and Zoning Committee is the best forum to bring this to

Planning and Zoning Committee is scheduled for January 24 At 5:30 p.m.
Council Conference Room

Carter – in our packet it says this item will be returned to City Council after Planning and Zoning reviews it – if new information is forthcoming he feels it should go back to Planning Commission after Planning and Zoning looks at it

Council concurred to send to the Ad hoc Planning and Zoning Committee with a voice vote of 3 ayes, 1 no, 1 absent; Council Member Carter voted no, Mayor Holloway absent.

Added items

12. **Resolution No. 07-04, A Resolution Of The Ridgecrest City Council To Award A Contract To The Lowest, Responsible And Responsive Bidder For Road Construction/Reconstruction Projects For Community Development Block Grant Activities 17.01.1 And 17.05.01 (W. Upjohn Avenue, Sunset Street, Wilson Avenue and Church Avenue** Speer

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Joe Pollock gave the report

- Money for these projects is left over funds from the Sunset, Allen and Norma Street projects
- This is about 5/8 of a mile of street work total with some curb and gutter that will be done but not enough for sidewalks
- Have worked with Maverick Construction before and worked out well
- They were \$100K below the next lowest
- Kern County Community Development is reviewing for compliance

Dave Matthews

- Assume there will be some sidewalk work done
 - As you will recall we have had some problem with acquiring the right of way for some sidewalks in those areas especially on Church where the flooding is severe – the curb and gutters will help a lot in that area

Moved by Council Member Wiknich, second Council Member Morgan TO APPROVE RESOLUTION NO. 07-04, A RESOLUTION OF THE RIDGECREST CITY COUNCIL TO AWARD A CONTRACT TO THE LOWEST, RESPONSIBLE AND RESPONSIVE BIDDER FOR ROAD CONSTRUCTION/RECONSTRUCTION PROJECTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT ACTIVITIES 17.01.1 AND 17.05.01 (W. Upjohn Avenue, Sunset Street, Wilson Avenue and Church Avenue. Public comment heard. Carried with a voice vote of 4 ayes, 1 absent; Mayor Holloway absent.

13. Report On City Council Election Survey

Wiknich

- Took survey during his election campaign by various means – ads in DI and Swap Sheet, email list he keeps for his business, etc.
- Distributed copies of the summarized survey to Council
- Collected the information from October to December 2006
- Some replies were from county residents
- Read a couple of verbatim of replies
- Biggest thing that came out was – lots of folks told him thank you for asking
- Would like to recommend City take the lead in taking future surveys
- Can be done through the City web site
- Appreciate council has been open to hearing his results

Mayor Pro Tem Morgan mentioned that during the annual fairs the City had a booth and many jars with various labels – police, roads and street, playgrounds/parks, recreation, cultural center, etc. Booth visitors were given 10 pennies and asked to spend them on what they thought was the most important thing to them that the City needed to do. The reaction was always that there just was not enough pennies to cover it all. And, that was and is it exactly.

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Council Member Carter wants another in depth survey such as done a few years ago (April 2002).

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

Commented on the survey Mr. Carter mentioned – results were overwhelmingly to fix the infrastructure

Noted the Special Meeting City Council meeting on Saturday, January 20, 2006 in the Red Rock/Chimney Peak Room at Kerr-McGee Center starting at 8 a.m.

CITY ATTORNEY REPORTS

Apologized for being late – delay caused by Interstate 5 being closed at the Grapevine area

COMMITTEES, BOARDS AND COMMISSIONS

Council may make appointments to the various committees, boards and commission at this time if they have selected appointees.

Council Member Wiknich appointed Nellavan Jeglum and thanked Jim Smith for service and agreeing to stay until he made his selection.

Council concurred with the selection of Ms. Jeglum – she will be administered the Oath Or Affirmation of Allegiance at the Planning Commission meeting January 23, 2007

Economic Development Committee

Members: Chair Dan Clark, Chip Holloway, Mike Biddlingmeier, Howard Laire

Meetings: 1st Thursday of the month at 5:00 p.m.; Council Conference Room

Next meeting February 1

Legislative Committee

Members: Chair Chip Holloway

Meetings: probably quarterly - at 8:00 a.m.; Council Conference Room

Next meeting to be announced

Infrastructure Committee

Members: Chair Steve Morgan, Tom Wiknich, Jim Smith, Lois Beres

Meetings: 2nd Tuesday of the month at 4:00 p.m., Council Conference Room

Met January 9

- Delineators on China Lake Boulevard at Towne Center and Drummond Avenue
- Removed by CalTrans

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- Discussed how to help residential areas put on their own lighting districts
- Prop 1B funds – don't know how much or when but approximately 850K will come to us
- Creating a real street
- Capital improvement plan being worked on
- Prelim ideas for 1B funds is for Sunland
Next meeting February 13 4 pm

Ad Hoc Planning and Zoning Committee

Members: Chair Steven Morgan, Chip Holloway, and Jim Smith

Meetings: 4th Wednesday of the month at 5:30 p.m.

Next meeting January 24

City Organization Committee

Members: Chair Ron Carter, Steve Morgan

Meetings: 2nd Thursday of the month at 5:00 p.m.; Council Conference Room

Met January 11

- Discussed Department budget for PW
- Don't have enough funds to do what public and Council wants
- Appreciates all the work done in the breakdown of funds
- Thanked Kern County Fire Department for attending and for being here tonight
Next meeting to be announced

Quality of Life Committee

Members: Chair Dan Clark, Ron Carter, Howard Laire,

Meetings: 4th Thursday of the month at 5:00 p.m.; Kerr-McGee Center

Next meeting January 25

Redevelopment Advisory Committee

Members: Chair Mike Hogan, Vice Chair Nicole Guerrero, Bob Peoples, Gary Charlon, Ron Ketcham; Ex-officio Members Council Members Steven Morgan and Ron Carter, Planning Commissioner Lois Beres

Meetings: 3rd Tuesday of the month at 5:15 p.m., Council Conference Room

Next meeting to be announced

RACVB

Council Member Chip Holloway

Council Member Steve Morgan- Alternate

Meetings: 3rd Wednesday of the month, 8:00 a.m., RACVB Office

Next meeting to be announced

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Clark - Arts Council January

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Wiknich - got LAFCO agenda today – thanks for appointing me

Morgan - will be attending KernCOG, technical and city selection committees tomorrow.

Quad State met in Bakersfield the 14th – lawsuit against biological research – could take us back to step 1 – were given full intervener status to get all info on all lawsuits etc

MAYOR AND COUNCIL COMMENTS

Wiknich

- Thanked Deputy Chief Strand for going to a meeting and getting info to the people
- Still needs to make a few more appointments

Morgan

- Appreciate members support going through this meeting tonight and receiving public comment
- Will be getting a lot of comments and inputs in doing this General Plan Update
- Hope everyone will be attending meetings and participating
- This plan will take us 20 years down the road

Clark

- Chief Avery wants to invite community to open house 24 January 5-9 p.m.
- Thanked Mick Gleason, John O'Gara and Peggy Schoaf for the guided tour on the base last week – it was great
- Thanked Carter and Chief Avery, SGTs Paul Weaver and Robert Oberg fell – action plan to stop gangs
- Purpose is to stop the gangs before they get here
- Will share with council on Saturday
- Have good evening thank you all for coming

Carter

- Thanked citizens who participated tonight
- When you come forth and give input it helps us do our jobs
- Attended a focus group at Mesquite with students
- Requesting we create jobs for youth – School district, city, chamber
- Losing jobs for youth here
- With jobs they gain maturity grades improve
- February 2 another group will be happening
- Youth Advisory Committee got into great discussions
- Thank you very much

Recessed to close session at 8:29 p.m.

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CLOSED SESSION – continued

GC54956.9 Conference with Legal Counsel – Existing Litigation – Matrix Motor Company

Added item

GC54956.9 Conference with legal Counsel – Existing Litigation – Luis Gaurano v. Michael Stickney, et. al

Reconvened in Open Session at 8:44 p.m.

Council received information regarding Matrix Motor Company litigation – no action taken; received information regarding Luis Gaurano v. Michael Stickney, et.al litigation and gave direction to staff

ADJOURNMENT

Mayor Holloway adjourned the meeting at 8:45 p.m.

Rita Gable, City Clerk