



# CITY OF RIDGECREST

Telephone 760 499-5000

FAX 499-1500

100 West California Avenue, Ridgecrest, California 93555-4054

NOTICE OF CANCELLATION OF REGULAR MEETINGS OF THE  
RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY AND  
NOTICE OF SCHEDULING OF A SPECIAL MEETING OF THE RIDGECREST CITY  
COUNCIL/REDEVELOPMENT AGENCY

Notice is hereby given the regular meeting of January 18, 2012 of the Ridgecrest City Council/Redevelopment Agency/Financing Authority has been cancelled due to expected lack of quorum. The Council/Agency/Authority has scheduled a Special Meeting for January 11, 2012 at 6:00 p.m. in the City Council Chambers, 100 West California Avenue.

Date: January 9, 2012

  
Rachel J. Ford, CMC, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF KERN )  
CITY OF RIDGECREST )

AFFIDAVIT OF POSTING OF  
NOTICE OF CANCELLATION

I, Rachel J. Ford, declare as follows:

That I am the City Clerk of the City of Ridgecrest; that the City Council/Redevelopment Agency/Financing Authority of the City of Ridgecrest authorized cancellation of the meeting of January 18, 2012 due to expected lack of quorum. The Council/Agency has scheduled a Special Meeting for January 11, 2012 at the hour of 6:00 p.m., in the City Council Chambers. A copy of this notice was posted at a conspicuous place near the door of the room at which said meeting was to be held.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 9, 2012 at Ridgecrest, California.

  
Rachel J. Ford, CMC, City Clerk

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**City Council  
Redevelopment Agency  
Financing Authority**

**AGENDA**

**Wednesday**

**Special Joint Session**

**Regular Session 6:00 p.m.**

**January 11, 2012**

**City Hall  
100 West California Avenue  
Ridgecrest CA 93555**

**(760) 499-5000**

**Ronald H. Carter, Mayor  
Marshall G. Holloway, Mayor Pro Tempore  
Jerry D. Taylor, Vice Mayor  
Steven P. Morgan, Council Member  
Jason Patin, Council Member**

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**LAST ORDINANCE NO. 12-xx  
LAST RESOLUTION CITY COUNCIL NO. 12-xx  
LAST RESOLUTION REDEVELOPMENT AGENCY NO. 12-xx  
LAST RESOLUTION FINANCING AUTHORITY NO. 12-xx**

**CITY OF RIDGECREST**

**CITY COUNCIL  
RIDGECREST REDEVELOPMENT AGENCY  
FINANCING AUTHORITY**

**AGENDA**

Special Joint Council/Agency/Authority Meeting  
Wednesday January 11, 2012

**CITY COUNCIL CHAMBERS CITY HALL**  
100 West California Avenue  
Ridgecrest, CA 93555

**Special Joint Session – 6:00 p.m.**

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council/Ridgecrest Redevelopment Agency Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF AGENDA**

**SPECIAL JOINT SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation

**PRESENTATION**

1. Quad State Local Governments Authority Briefing Presented By Gerald Hillier, Executive Director Morgan

**PUBLIC COMMENT**

**CONSENT CALENDAR**

2. Resolution Scheduling The Public Hearing For Transit Unmet Needs Speer
3. Approval of and authorization for the Mayor to execute an indemnification agreement with Wal-Mart related to drainage design Wilson
4. Approve Draft Minutes Of The Regular City Council/Redevelopment Agency Meeting Of November 7, 2011 Ford
5. Approve Draft Minutes Of The Regular City Council/Redevelopment Agency Meeting Of November 16, 2011 Ford
6. Approve Draft Minutes Of The Regular City Council/Redevelopment Agency Meeting Of December 7, 2011 Ford
7. Approve Draft Minutes Of The Regular City Council/Redevelopment Agency Meeting Of December 21, 2011 Ford

**DISCUSSION AND OTHER ACTION ITEMS**

8. Discussion And Adoption Of Items Related To The Dissolution Of The Ridgcrest Redevelopment Agency Including The Adoption Of An Enforceable Obligations Payment Schedule, Expenditure Of Existing Tax Allocation Bonds, Declarations Of Successor Agency And Fiscal Emergency, And Creation Of A Housing Authority Wilson

**PUBLIC COMMENT**

**DEPARTMENT AND COMMITTEE REPORTS**

**Infrastructure Committee**

Members: Steve Morgan, Jerry Taylor, Craig Porter, James Sanders  
Meeting: 2<sup>nd</sup> Wednesday of the month at 5:00 p.m., Council Conference Room  
Next Meeting: January 11, 2012

**Quality of Life**

Members: Chip Holloway, Jason Patin, Craig Porter, Carter Pope  
Meetings: 1<sup>st</sup> Thursday of every even month at 12:00 p.m.; Kerr-McGee Center  
Next Meeting: February 2, 2012

**City Organization**

Members: Ron Carter, Jerry Taylor, Lois Beres, Christopher LeCornu  
Meeting: 3<sup>rd</sup> Tuesday of the month at 5:00 p.m.; Council Conference Room  
Next meeting: January 17, 2012

**Community Development Committee**

Members: Steve Morgan, Jason Patin, Christopher LeCornu, James Sanders  
Meetings: 1<sup>st</sup> Thursday of the month at 5:00 p.m.; Council Conference Room  
Next Meeting: February 2, 2012

**Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)**

Members: Ron Carter, Chip Holloway, Ron Strand  
Meetings: 2<sup>nd</sup> Monday of odd numbered months at 4:00 p.m., Kerr-McGee Center  
Next Meeting: March 13, 2012

**Ridgecrest Area Convention and Visitors Bureau (RACVB)**

Members: Chip Holloway, Jason Patin  
Meetings: 1<sup>st</sup> Wednesday of the month, 8:00 a.m.  
Next meeting: February 1, 2012 and location to be announced

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORTS**

**MAYOR AND COUNCIL COMMENTS**

**ADJOURNMENT**

**PUBLIC COMMENT – CLOSED SESSION**

**CLOSED SESSION**

GC54956.9 (B) Conference With Legal Counsel, Potential Litigation. Public Disclosure Of Litigant Would Prejudice The City Of Ridgecrest.

GC54956.9 (A) Conference With Legal Counsel, Existing Litigation. City of Ridgecrest v. Benz Sanitation Inc.

**CITY ATTORNEY REPORT**

- Closed Session
- Other

**ADJOURNMENT**



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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT:</b> A Resolution of the Ridgecrest City Council setting a Public Hearing for Unmet Transit Needs.
<b>PRESENTED BY:</b> Dennis Speer
<b>SUMMARY:</b> The Transportation Development Act of 1971 (TDA), as amended provides for the disbursement of funds from the Local Transportation Fund for various eligible transportation uses. The funds are distributed by the Kern Council of Governments (KCOG), in its capacity as the Regional Transportation Planning Agency. An eligible claimant wishing to receive TDA funding through KCOG must conduct an annual review of the transit needs of the individuals and groups in the community. This year's submittal of the Public Hearing documentation is due to Kern Council of Government by the end of April 2012. Subsequently, a public hearing must be held before the end of April 2012.  Since the public hearing must be duly noticed for thirty days prior to the public hearing date, staff is requesting that the hearing be scheduled for the Council Meeting of March 7, 2012 at 6:00 p.m.
<b>FISCAL IMPACT:</b> None
Reviewed by Finance Director
<b>ACTION REQUESTED:</b> Approve Resolution 12 - , setting the public hearing for Unmet Transit Needs, approving the Notice of Public Hearing, and directing the City Clerk to publish the notice.
<b>CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:</b>  Action as requested:

Submitted by: Dennis Speer

Action Date: January 11, 2012

(Rev. 6/12/09)

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**RESOLUTION NO. 12-**

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL  
SETTING THE PUBLIC HEARING FOR UNMET TRANSIT  
NEEDS FINDINGS**

**WHEREAS**, the City of Ridgecrest receives Transportation Development Act funds for various transportation uses; and

**WHEREAS**, a public hearing must be held to determine if there are any "Unmet Needs that are Reasonable to Meet" in the public transportation system; and

**WHEREAS**, a Notice of Public Hearing must be published thirty days prior to the hearing date; and

**NOW THEREFORE, BE IT RESOLVED** the City Council of the City of Ridgecrest, does hereby set the public hearing for unmet transit needs for March 7, 2012 at 6:00 pm, approve the Notice of Public Hearing, and direct the City Clerk to publish the notice.

**ADOPTED, AND APPROVED**, this 11<sup>th</sup> day of January, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Ronald Carter, Mayor

ATTEST:

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Rachel Ford, City Clerk

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**NOTICE OF PUBLIC HEARING**

6:00 p.m. MARCH 7, 2012

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BEFORE THE CITY COUNCIL OF THE CITY OF RIDGECREST IN THE COUNCIL CHAMBERS OF CITY HALL, 100 W. CALIFORNIA AVENUE, RIDGECREST, CALIFORNIA ON WEDNESDAY, MARCH 7, 2012 AT 6:00 P.M. OR AS SOON THEREAFTER AS THE MATTER MAY BE HEARD.

UNDER CONSIDERATION WILL BE THE DISBURSEMENT OF FUNDS FROM THE LOCAL TRANSPORTATION FUND FOR VARIOUS ELIGIBLE TRANSPORTATION USES. THE FUNDS ARE DISTRIBUTED BY THE KERN COUNCIL OF GOVERNMENTS (KCOG), IN ITS CAPACITY AS THE REGIONAL TRANSPORTATION PLANNING AGENCY.

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**CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Approval of and authorization for the Mayor to execute an indemnification agreement with Wal-Mart related to drainage design

**PRESENTED BY:**

Kurt Wilson – City Manager

**SUMMARY:**

The City of Ridgecrest and the Ridgecrest Redevelopment Agency have been engaged in a lengthy negotiation and development process to site a Super Wal-Mart facility. A key point of collaboration over the past several months has been the search for an equitable resolution to drainage issues related to the project. After lengthy discussions and negotiations between City staff and Wal-Mart representatives, the matter was referred to the legal representatives of each and resulted in this proposed indemnification agreement.

The agreement protects the interests of both parties and allows the project to move forward.

**FISCAL IMPACT:**

Reviewed by Finance Director

**ACTION REQUESTED:**

Approval of and authorization for the Mayor to execute the indemnification agreement.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested: Approve by Minute Motion an indemnification agreement between the City of Ridgecrest and Wal-Mart and Authorize the Mayor to sign the agreement.

Submitted by: Kurt Wilson

Action Date: January 11, 2012

(Rev. 6/12/09)

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## INDEMNITY AGREEMENT

THIS AGREEMENT made this \_\_\_ day of \_\_\_\_\_, 2011 by and between the CITY OF RIDGECREST, a Municipal Corporation (“City”) and WAL-MART STORES, INC., a Delaware corporation (“Developer”).

### W I T N E S S E T H:

WHEREAS, the City adopted Ordinance No. 10-01 on February 3, 2010 which approved the Ridgecrest Commercial Specific Plan (“Specific Plan”); and

WHEREAS, the Specific Plan area is located within Bowman Wash and the College Heights Wash. These drainage areas contain several subareas that contribute to two channels that converge at the southwest corner of the Specific Plan area. The City has designed and is in the process of implementing a Storm Drain Master Plan designed to accommodate a storm recurrence interval of 100 years; and

WHEREAS, the Specific Plan requires the construction of portions of the City’s Storm Drain Master Plan, more specifically described in Section 20-40.4(A)(3) and shown in Figures 14a through 14g of the Specific Plan; and

WHEREAS, there is a Development Agreement between the City and the person other than a governmental entity having a legal or equitable interest in the real property within the Specific Plan area, wherein this person agrees to construct these improvements and the City agrees to reimburse for these various improvements; and

WHEREAS, the Developer, the person other than a governmental entity having a legal or equitable interest in the real property within the Specific Plan area, will be constructing these storm drain improvements which are more particularly described in Exhibit “A” (“Storm Drain Improvements”);

WHEREAS, the Developer will construct the storm drain improvements pursuant to a plan that was devised by a licensed civil engineer and approved by the City pursuant to its discretionary authority under Government Code Section 830.6; and

WHEREAS, in consideration of Developer’s agreement to construct the Storm Drain Improvements subject to certain conditions imposed by City, which will ultimately be part of the City’s Storm Drain Master Plan and will confer a regional benefit by alleviating existing flooding conditions, City desires to defend and indemnify Developer from liability or loss in connection with its construction of the Storm Drain Improvements as provided in this Agreement.

NOW, THEREFORE, it is mutually agreed between City and Developer as follows:

1. Developer has presented a reasonable plan for development of the storm drains in the specific plan area which has been presented to the City, reviewed, and approved, pursuant to the City’s discretionary authority. Based on this, the City shall forever waive, defend, indemnify

and hold harmless Developer from and against all claims, liability, loss, damage, costs, or expenses (including reasonable attorneys' fees and court costs) arising from or as a result of the death of any person or any accident, injury, loss or damage caused to any person or the property of any person which shall occur in connection with the construction, operation, or use of the Storm Drain Improvements, or which shall be directly or indirectly caused by any acts done or omissions of Developer or Developer's representatives in connection with the construction of the Storm Drain Improvements to the extent that the Project is properly constructed based on the plans that have been presented to City. City shall not be responsible for (and such indemnity shall not apply to) any acts, errors or omissions due to the sole negligence or willful misconduct of Developer, or its officers, employees, contractors and agents. City shall not be responsible for any work of improvement undertaken by Developer that is not in conformity with the plans and specifications that have been presented and approved by the City.

2. Developer will promptly notify City in writing of any such claim, action, or proceeding within ten business days of the date that the Developer is served with same. Developer shall cooperate fully in the defense of any action or claim relating to the Storm Drain Improvements.

3. Developer may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding provided Developer bears its own attorney's fees and costs.

4. The term of this Agreement shall be until completion of all litigation, proceedings, or other actions relating to the Storm Drain Improvements and payment in full of all judgments, costs, and other awards thereunder by City or, alternatively, if no action, proceeding, or other challenge has been filed, the elapsing of all statutes of limitation applying to the foregoing actions, proceedings, or other matters which may be filed against Developer regarding the Storm Drain Improvements. Notwithstanding the foregoing, Developer may terminate this Agreement by written notice to City.

5. All notices to Developer under this Agreement shall be deemed valid and effective upon deposit in the United States mail, postage prepaid, certified and/or registered mail or by confirmed facsimile or electronic mail addressed as follows:

If to Wal-Mart:

Wal-Mart Stores, Inc.  
Attn: Real Estate Manager  
(Ref: Ridgecrest, California  
Store No. 1600-02)  
2001 SE 10th Street  
Bentonville, AR 72716-0550

If to City:

City of Ridgecrest  
Attn: City Manager  
100 West California Avenue  
Ridgecrest, CA 93555  
(760) 499-5000

With a Copy to:

Gresham Savage Nolan & Tilden  
Attn: Mark A. Ostoich, Esq.  
or Matthew Wm. Nelson, Esq.  
(Ref: Ridgecrest, California  
Store No. 1600-02)  
550 E. Hospitality Lane, Suite 300  
San Bernardino, CA 92408-4205

With a Copy to:

Wal-Mart Stores, Inc.  
Attn: George J. Bacso, Esq.  
(Ref: Ridgecrest, California  
Store No. 1600-02)  
2001 SE 10<sup>th</sup> Street  
Bentonville, AR 72716-0550

Notices shall be deemed effective upon receipt or rejection only.

6. Developer shall not assign its interest herein or any part thereof and any attempted assignment shall be void.

7. Time is of the essence with regard to each covenant, condition and provision of this Agreement.

8. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

9. This Agreement constitutes the entire Agreement between the parties with regard to the subject matter herein and supersedes all prior oral and written agreements and understandings between the parties with respect thereto.

10. This Agreement may not be altered, amended, or modified except by a writing executed by duly authorized representatives of all parties.

11. In the event any action or proceeding is instituted arising out of or relating to this Agreement, the prevailing party shall be entitled to its reasonable attorneys' fees and actual costs.

12. This Agreement may be executed in counterparts.

13. Waiver by a party of any provision of this Agreement shall not be considered a continuing waiver or a waiver of any other provision, including the time for performance of any such provision.

14. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors, and assigns.

15. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect and not be affected, impaired, or invalidated thereby.

16. City and Developer each acknowledge that each party and their respective legal counsel have reviewed this Agreement and agree that this Agreement is the product of negotiations between the parties. This Agreement shall be interpreted without reference to the rule of interpretation of documents that uncertainties or ambiguities therein shall be determined against the party so drafting the Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first hereinabove written.

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RON CARTER, Mayor of the  
City of Ridgecrest, California, "City"

WAL-MART STORES, INC., a Delaware  
corporation, "Developer"

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_



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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT:</b> Minutes of the Special City Council/Redevelopment Agency Workshop of November 7, 2011
<b>PRESENTED BY:</b> Rachel J. Ford, City Clerk
<b>SUMMARY:</b>  Draft minutes of the Special Council/Redevelopment Agency Workshop of November 7, 2011
<b>FISCAL IMPACT:</b> None Reviewed by Finance Director:
<b>ACTION REQUESTED:</b> Approve minutes
<b>CITY MANAGER 'S RECOMMENDATION:</b>  Action as requested:

Submitted by: Rachel J. Ford  
(Rev. 6-12-09)

Action Date: January 11, 2012

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

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

**November 7, 2011  
5:00 p.m.**

This meeting was 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 – 5:30 p.m.**

**ROLL CALL**

**PRESENT:** Mayor Ronald H. Carter; Mayor Pro-Tem Marshall ‘Chip’ Holloway; and Council Member Steven Morgan and Jason Patin

**ABSENT:** Council Member Jerry Taylor

**STAFF:** Kurt Wilson City Manager; Rachel J. Ford, City Clerk and other personnel

**APPROVAL OF AGENDA**

No changes

*Motion to Approve the Agenda Was Made by Council Member Morgan, Second By Council member Holloway. Motion Carried By Voice Vote Of 4 Ayes, 1 Absent (Council Member Taylor)*

**SPECIAL WORKSHOP – 5:00 p.m.**

**DISCUSSION AND OTHER ACTION ITEMS**

**1. Presentation – Status Of Strategic Plan And Unfunded Priorities Wilson**

- Kurt Wilson – gave staff report and power point presentation updating status of items on the strategic plan. Reviewed process used in developing the strategic plan and tasks identified to be accomplished in 2010-11. Briefly reviewed each task set and the status of completion. *(Copy Available In The City Clerk’s Office)*

*Council Member Jerry Taylor joined the meeting at 5:30pm*

- Steve Morgan – asked before moving into discussions of next fiscal year, when would staff be ready to give a final report?
  - Kurt Wilson – December time frame depending on council direction.

*Public Comment – Item 1*

- No member of the public presented comments.

**2. Discussion – Revenue Ballot Measure Options And Next Steps**

**Wilson/Godbe**

- Kurt Wilson – introduced Brian Godbe, consultant who conducted a 2011 Revenue Measure Feasibility Survey
- Brian Godbe – gave power point presentation to council and audience reviewing the voter support of a revenue measure of either a  $\frac{3}{4}$ ,  $\frac{1}{2}$  or  $\frac{1}{4}$  Cent Sales Tax or a Transient Occupancy Tax. *(Copy Available In The City Clerk's Office)*
- Public question – asked about criteria for declaring a fiscal emergency.
  - Kurt Wilson – based on staffing cuts and reduced revenues feel city has met the threshold but declaration would be a council policy decision.
- Rebecca Kneipp – asked about campaign funds to lobby for a measure
  - Brian Godbe – affirmed that public agencies may do public outreach and education but a community member or group had to support all campaign fundraising.
- Mike Neel – noted that a general fund tax goes to the general fund so there is no restriction that the funds be used for defined items such as streets and police.
  - Brian Godbe – true that legally there are no restrictions but there is an accountability component for council and future councils to use the funds as identified by the majority.
- Rebecca Kneipp – how were potential opposition statements developed?
  - Brian Godbe – worked with staff to develop based on issues raised in past by the public.
- Mike Neel – commented on the methodology used and possible changes to the data if there is a campaign. Opposition campaign could pick up votes same as a campaign in favor could pick up votes of those that are unsure at the beginning.
- Stan Rajtora – had the survey been geared to roads and public safety only with not general fund or parks, the data may have come back different.
- Brian Godbe – not sufficient support to try and pass both a TOT and sales tax.
- Jerry Taylor – a special sales tax disarms the no votes but is harder to get the 2/3 majority vote.
- Public Question – are there going to be any other tax measures on the ballot that would compete with a local tax measure.
- Brian Godbe – leaning toward a June ballot because there are tax measure slated for the November ballot
- Rebecca Kneipp – asked about cost of running a campaign.

**MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR**

**September 7, 2011**

**Page 3 of 3**

- Public Citizen – referenced State taking funds that used to be for our streets. Can state take a  $\frac{3}{4}$  tax that city votes in?
- Dave Matthews – asked if there was enough data and time to run another study showing the amounts collected at the different rates.
  - Kurt Wilson –  $\frac{3}{4}$  increase would be approximately \$2million to general fund.
- Public Citizen – commented on the federal restrictions to per diem which is lowering TOT.
- Al Huey – asked when the study was approved and what was the cost.
  - Kurt Wilson – was not brought to council and staff can provide the cost.

**PUBLIC COMMENT**

- Citizen – stated we need to worry about the base defense budget being cut to acquisitions which will affect Ridgecrest.
- Citizen – asked if this will be brought before full council?
  - Steve Morgan – yes a lot of public vetting.

**ADJOURNMENT at 6:35 pm**

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Rachel J. Ford, CMC, City Clerk

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

**SUBJECT:**

Minutes of the Regular City Council/Redevelopment Agency Meeting of November 16, 2011

**PRESENTED BY:**

Rachel J. Ford, City Clerk

**SUMMARY:**

Draft minutes of the Regular Council/Redevelopment Agency Meeting of November 16, 2011

**FISCAL IMPACT:**

None

Reviewed by Finance Director:

**ACTION REQUESTED:**

Approve minutes

**CITY MANAGER 'S RECOMMENDATION:**

Action as requested:

Submitted by: Rachel J. Ford  
(Rev. 6-12-09)

Action Date: January 11, 2012

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

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

**November 16, 2011  
5:30 p.m.**

This meeting was 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.

Pursuant To California Government Code 54953 (B) (1) An Additional Call In Location Has Been Established For A Council Member Who Will Attend This Meeting Via Teleconference At Quality Inn, 4303 Kitsap Way, Bremerton, WA 98312-2445

**CALL TO ORDER**

**ROLL CALL**

**COUNCIL PRESENT:** Mayor Ronald H. Carter; Vice Mayor Jerry D. Taylor (Via Teleconference); Council Members Steven P. Morgan And Jason Patin

**COUNCIL ABSENT:** Council Member Marshall 'Chip' Holloway

**STAFF PRESENT:** City Manager Kurt Wilson; City Clerk Rachel J. Ford; City Attorney Michael Silander (via teleconference) and other staff

**APPROVAL OF AGENDA**

Agenda Items added:

1. Closed Session Item Of Potential Litigation, Public Disclosure Of Litigant Would Prejudice The City Of Ridgecrest.
2. Presentation To Sister City Delegation
3. Additional Documents For Item 8, Owner Participation Agreement For AMG
4. Letter Of Opposition To Kern COG Pertaining To A Highway 14 Proposal

*Motion To Approve Agenda As Amended Was Made By Council Member Mogan, Second By Council Member Patin. Motion Carried By Roll Call Vote, 4 Ayes; 0 Nays; 0 Abstain; And 1 Absent (Council Member Holloway)*

## PUBLIC COMMENT – CLOSED SESSION

- No comments were presented to Council by the public.

## CLOSED SESSION – 5:30 p.m.

- |               |   |
|---------------|---|
| GC54956.8     | Real Property negotiations: City of Ridgecrest and Ridgecrest Redevelopment Agency Negotiators Kurt Wilson and James McRea          |
| GC54956.9     | Conference With Legal Counsel, Potential Litigation. Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest |
| GC54956.9     | Conference With Legal Counsel, Potential Litigation. Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest |
| GC54956.9 (A) | Conference With Legal Counsel; Existing Litigation; City Of Ridgecrest v. Benz Sanitation, Inc.                                     |

## REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation – Rev. Warren Campbell

## CITY ATTORNEY REPORTS

- Closed Session
  - Received reports on 3 items, no reportable action taken. Will return to closed session for 4<sup>th</sup> item at the end of meeting.
- Other
  - None

## PUBLIC COMMENT

- No comments were presented to Council by the public.

## PRESENTATIONS

1. Proclamation Posthumously Honoring Ridgecrest Police Department K-9 Officer Nitto Strand
- Council and Chief Strand Presented a Proclamation honoring K-9 Office Nitto to Officer Tom Dilly and Family

**1(a). Presentation to Sister City Delegates Council**

- Sister City Delegation from Tepatitlan Mexico and Ridgecrest City Council exchanges plaque's of appreciation for 36 years of cultural exchange.

**2. Presentation On The Status Of The Deviated Fixed Route Service Speer**

- Dennis Speer gave a PowerPoint presentation updating council on the Deviated Fixed Route Transit transition. *(Copy is available in the City Clerk's Office)*
- Jerry Taylor asked about part time drivers and active buses. Would like more detail during budget of the additional costs anticipated with the change to fixed route.

**CONSENT CALENDAR**

**3. Approve A Resolution Amending The Classification Plan Ford**

**4. Approve Draft Minutes Of The Regular City Council/Redevelopment Agency Meeting Of November 2, 2011 Ford**

Item 3 Pulled By Council Member Taylor

*Motion to Approve Draft Minutes Made By Council Member Morgan, Second By Council Member Patin. Motion Carried By Roll Call Vote Of 4 Ayes, 0 Nays, 0 Abstain, And 1 Absent (Council Member Holloway)*

**Item 3 Discussion**

- Jerry Taylor questioned the salary range attached to this item. Staff will provide update.

**Public Comment:**

- Dave Matthews questioned what the difference was in this job classification.
  - Staff Response – consolidation of additional duties due to short staffing levels.

*Motion To Approve A Resolution Amending The Classification Plan To Include A Job Specification For An Information Systems Analyst Was Made By Council Member Morgan, Second By Council Member Patin. Motion Carried By Roll Call Vote Of 3 Ayes, 1 Nay (Council Member Taylor) 1 Absent (Council Member Holloway)*

## PUBLIC HEARINGS

**5. Adopt A Resolution Of The Ridgecrest City Council Amending The Five Year Consolidated Plan And The Adopting The Fiscal Year 2012-2013 Annual Action Plan For Community Development Programs** Speer

- Dennis Speer gave staff report.
- Jerry Taylor stated he had a problem with Rocket Park getting a million dollars from us.

### Opened Public Hearing at 7:00pm

- Dave Matthews stated there are a lot of needs in the community and hearing about boys and girls club which is a private organization. Does not understand why the city is so heavily involved when there are other needs in all areas. not against the organization but other needs in the community that we don't need to pick out just this project. Would like the needs to be more comprehensive to the entire city.

### Closed Public Hearing at 7:03pm

- Jerry Taylor reaffirmed that he stands by his comment, has a problem giving money toward a park that is already getting a major gift from redevelopment. Would like something alternate for the investment.
- Steve Morgan commented that in past have used these grants for infrastructure and handicap, council has looked for other avenues to expand on the wide range available for the CDBG grant and warn the boys and girls club that this is probably the last opportunity. As money gets tighter it is harder to go outside the infrastructure of the city. with regard to a pocket park, it is in an area that is underserved by a park and available at a reduced cost. Asked for more information of why this site was selected.
- Jim McRea confirmed that the amount allocated to pocket park was because general plan identified several areas for pocket parks and for \$75,000 you can't get much. A requirement of this new development is to provide a park and a sump, this would provide that.
- Jason Patin agrees with general plan and we need the park. When we allotted the funds the developer was already obligated to provide the park. This isn't making sense because they are already obligated, would like to put this money somewhere else. Looking at the general park plan being developed and that park is in that. If this is taken care of with TAB funds, can we move this money somewhere else?
- Dennis Speer confirmed that what has been suggested falls within the 5-year plan. Council can do a project from 2014-15 and shift funds. Can amend the 5-year plan by resolution. These were proposed by staff.
- Steve Morgan gave explanation of project progression in future years.

- Jerry Taylor asked if there were other recommendations?
- Dennis Speer suggested wheel chair ramps but in fairness the plan approved in 2010 then the next projects that appeared are being presented tonight. Can commit to do a pocket park and not name that specific location.
- Jason Patin stated he doesn't want to put in another park that we will have to maintain. New ones should be maintained in landscape and lighting districts. New developments are required to do this. Propose we use the funds for something else.
- Steve Morgan commented that we could get seven wheel chair ramps. Asked how many lights we could get?
- Dennis Speer stated no more than 10.
- Steve Morgan asked if we move the money out of the pocket park we have to give CDBG something.
- Jerry Taylor asked if sidewalk was finished on Upjohn?
- Dennis Speer stated completed except where we have no right of way.
- Jerry Taylor commented that public cannot continually go in wheel chair from downs to China Lake blvd. also on Norma.
- Jason Patin asked if we can get an item approved and amend later?
- Dennis Speer confirmed yes, if application does not comply we would be given the opportunity to amend. Also if we cannot identify a project then money rolls to next year.
- Ron Carter stated he is open to moving \$75,000 to lights or ramps.
- Jerry Taylor would prefer to get wheel chair ramps and have recommendations for lighting come back at a later meeting.
- Jerry Taylor made Motion to approve with amending \$75,000 from pocket park to wheel chair ramps. Bring back for review in two months.

Public Comment:

- Carol Vaughn historical fact of past pocket parks which were not developed. Can't keep medians clean. If building parks then lighting and landscaping agreements should be built into the development agreements.

*Motion To Approve As Amended Allocating \$75,000 To Wheel Chair Ramps Instead Of A Pocket Park Made By Council Member Taylor, Second Council Member Patin. Motion Carried By Roll Call Vote 4 Ayes, 0 Nays, 0 Abstain, 1 Absent (Council Member Holloway).*

**DISCUSSION AND OTHER ACTION ITEMS**

6. **A Resolution Of The Ridgcrest City Council Approving Proposed Retro-reflectivity Sign Policy and Program As Required By The Federal Highway Administration And Authorize The Director Of Public Works To Make Future Changes As Needed** Speer

- Dennis Speer gave staff report
- Jason Patin asked if this is part of the sign ordinance
- Dennis Speer confirmed this is a mandated requirement, separate from ordinance.
- Kurt Wilson stated the program does not become part of the municipal code.
- Jerry Taylor asked for the cost.
- Dennis Speer confirmed \$100k for consultant to do the assessment of all signs. We are adopting a combination of night driving and purchase and use of meter to assess the sign. Until consultant is hired and current signs are tested won't have total cost.
- Jerry Taylor asked what the value of a consultant was.
- Dennis Speer state we do not have staff to do the sign-by-sign analysis.
- Jerry Taylor stated he would like this in infrastructure committee to better define cost.
- Steve Morgan commented it is important we get this in place before the beginning of the year to comply with the mandate.
- Jason Patin confirmed that it is a federal mandate and they didn't write a check to cover it.

#### Public Comment

- Dave Matthews asked if this covers all traffic signs. Related previous state control of highways and signs and the federal government is overstepping constitutional rights. Good idea and appreciate the reflectivity of traffic signs, however some newer vehicles have headlights that do not shine high enough to make signs visible, also look at the height of the signs. Need to start pushing back.
- Dennis Speer confirmed that yes, several phases in the program. Explained the phases and timelines.
- Howard Auld commented that the current stop signs are faded and hard to see and I really like the flashing lights around the stop signs and would like to see more of those.

*Motion To Approve A Resolution Approving The Proposed Retro-Reflectivity Sign Policy And Program As Required By The Federal Highway Administration And Authorizing The Director Of Public Works To Make Future Changes As Needed Made By Council Member Morgan , Second By Council Member Patin . Motion Carried By Roll-Call Vote Of 4 Ayes, 0 Nays, 0 Abstain, And 1 Absent (Council Member Holloway)*

#### **7. A Resolution Of The City Council Of The City Of Ridgecrest Summarily Vacating A Right-Of-Way Speer**

- Dennis Speer gave staff report
- Steve Morgan asked if we have walked the property?
- Dennis Speer confirmed yes

Public Comment:

- No comments were presented to the council by the public

*Motion To Approve A Resolution Vacating A Right Of Way At Downs Street And Bataan Street Made By Council Member Taylor , Second By Council Member Morgan . Motion Carried By Roll Call Vote Of 4 Ayes, 0 Nays, 0 Abstain, And 1 Absent (Council Member Holloway)*

**8. Redevelopment Agency Owner Participation Agreement (OPA) Approval And Modification From The Letter Of Commitment For AMG Senior And Market Rate Housing, 901 And 929 W. Church. APN 508-020-13 & 12**

**McRea**

- Jim McRea gave staff report to Council
- Jason Patin asked how much of the \$3 million would be grant funded and Jim McRea clarified that none of the funding came from grants; this would be a loan to be repaid with interest in 15 years.
- Jerry Taylor inquired about the interest rate and Jim McRea confirmed 4%.
- Developer stated they were able to get financing from the State on their first attempt. The costs had dropped to a point of being able to attain the funding approval. Plans have been submitted and the company is almost ready to pull permits on the senior component. Market rate component plans are completed and previous motions was reviewed and we are documenting the OPA. One point of note is that the project is to be built in 8-plex phases and we are requesting a two phase construction with each phase beginning after the previous phase is full. No financing involved. There is a concern with building 60 units which is a large number for this community. Current rents are low and company is concerned with flooding the market, so they will also do the market rate units in phases. There are no major points of contention in the two OPA. Concerned about meeting deadlines to close on time.
- Jason Patin inquired if phasing the development would comply with the original agreement and Jim McRea stated that only the market rate project is being phased and the senior will be built all at once which is the part Council is funding.
- Jason Patin finds it strange that the market rate study was not completed earlier.
- Developer stated that once the RDA case is ruled on we may be able to amend the previous resolution but cannot amend while the case is being heard in court. We (Developer) agreed to this and are going to build the senior units.
- Steve Morgan stated he understands the developer's dilemma, when we started this process you gave us some concerns about the types of housing and ability to sell them. You have been very cooperative with working with the Council. Understand the saturation of the market but we (council) still believe the market rate is important for younger incoming people to have and council is making you do this. If there is room to discuss after the court ruling we would be happy to meet with you.

- Developer assured Council that nothing has changed on the senior project and are confident that it will be the nicest senior project you will have in Ridgecrest.
- Steve Morgan commented that Council was under certain assumptions about the employment in this community which did not happen. If the developers do not meet the timeline they will lose their tax credits. Thanked developers for continuing to work with Council.
- Developer recommended they have the flexibility to have time to not have trigger points like breaking ground on a certain number of units until the hearing ruling is handed down.

PUBLIC COMMENT:

- No comments were presented by the Public

Jason Patin reminded public the Council didn't make the developers do anything, they came up with a proposal and Council said what they would like to see built.

*Motion To Approve An Owner Participation Agreement And Modifications From The Letter Of Commitment For AMG Senior And Market Rate Housing Located At 901 And 929 W. Church Street Made By Council Member Morgan , Second By Council Member . Patin Motion Carried By Roll Call Vote Of 4 Ayes, 0 Nays, 0 Abstain, And 1 Absent (Council Member Holloway)*

**9. Real Property Sale, And Disposition Development Agreement (DDA) To Construct And Develop Commercial Uses On Lot 13 And A Portion Of Lot 14, Or Other Potential Sites Of Parcel Map 10819, APN 33-070-013, & 014, Ridgecrest Business Park For Two Separate Projects** McRea

- Jim McRea gave staff report
- Steve Morgan stated that once again the state is limiting us from providing economic development thru the redevelopment agency. Council believes we will be victorious in the court case. Mr. Matthews stated earlier that we needed to push back and this is once instance where we are. We will do everything we can to let these projects move forward.
- Jason Patin appreciates Mr. Morgan's comments because we are trying very hard to get these projects done and the state is ignoring the fact that the public voted to not allow the state to continue to take our funds. Hopefully the supreme court will support that.
- Jerry Taylor would like to see this move forward. Location in business park allow them to spout out and accommodate other businesses.

*Motion To Approve Made By Council Member Morgan, Second By Council Member Patin. Motion Carried By Roll Call Vote Of 4 Ayes, 0 Nays, 0 Abstain, And 1 Absent (Council Member Holloway)*

**10. Discussion Of Timeline And Funding Options With Regard To A Federal Lobbyist** **Wilson**

- Kurt Wilson gave staff report recounting past discussions and process. This discussion is focused on how to fund
- Jason Patin explained that the economic development committee brought together different organizations interested in supporting a federal lobbyist. All agreed city should spearhead the effort to move forward. Asked for a commitment from council to find funding source and move forward. Next council meeting on December 7 would like the funding source and a lobbyist selected.
- Steve Morgan is in agreement we need to fund, major concern is what the lobbyist will do for us. Discussions with city manager regarding the methodology.
- Jason Patin stated that Council has not decided full process, discussed sending someone to Washington to meet groups and see firsthand how they operate. Also considered bringing several lobbyists here for presentations. Possible ADHOC committee. I like the idea of watching them in action.
- Steve Morgan agrees with the idea of sending a couple local representatives to go to Washington to meet with and observe the lobbyist. Would push the process forward. Years ago Ridgecrest sent representatives to DC which netted a million dollars for business park infrastructure which we tied on state funding. In 2000 council sent representatives to England which netted unknown number of hotel stays and purchases from military detachments who have since come here to utilize training facilities. Suggest we fund sending people to these lobbying firms to meet their staffs and give us the information to use to make our selection.
- Jason Patin commented that this was Kurt's idea, great idea to see how they operate. Need to move forward
- Jerry Taylor stated that it sounds positive, plan A is redevelopment but is there a plan B if those funds are not available?
- Jason Patin discussion at committee level with staff they were asked if they could find the money.
- Kurt Wilson stated that staff has explored a number of options. If that is the council's desire staff can report back a set of options. In the event that someone does go to DC to observe the firms there is a wide disparity of costs between firms. In the event you could narrow down that cost it would help staff.
- Jerry Taylor reminded that should be working this in parallel and suggest setting a number for staff which could be adjusted later. Even a range of numbers so we don't have to come back and delay if we are ready to move forward.
- Jason Patin is asking council to be committed. How does staff want the fund amount set.
- Kurt Wilson reaffirmed that we will try to come up with several options in a range of amounts.
- Ron Carter fully supports a lobbyist and like the brilliant idea of sending someone to Washington to observe these firms.

- Jerry Taylor agrees with Mr. Wilson and putting together options to make the decision easier.
- Ron Carter gave staff direction to move forward and make arrangement for someone to go to Washington to work with firms to get information.
- Jason Patin volunteered himself and Mr. Morgan if available.
- Steve Morgan commented the opportunity was open to someone else if interested

Public Comment:

- None presented

**11. Letter of Opposition to Kern COG regarding Highway 14 proposal Morgan**

- Steve Morgan explained proposal to be discussed at Kern COG tomorrow night. Technical transportation advisory committee suggested a modification of how funds will be spent will be voted on tomorrow. Staff and council disagrees with the recommendation. Issue is on highway 14 and 46 and recommendation is to delay improvements on 46 and stop widening of 14 completely. We have agreements with Inyo and Mono County and have leveraged dollars to widen the highway. There are three segments left to improve and we want to see it completed. We as a council are supporting alternative B which will continue the funding.

Public Comment

- Dave Matthews agrees with Council. Aren't the drawings completed and if they stop we just throw all this stuff away.
- Howard Auld encouraged the Council to go for it.

Jerry Taylor relayed a story about highway patrol noting people get confused when the road goes to two lane

*Minute Motion Made By Council Member Patin, Second By Council Member Taylor. Motion Carried By Roll Call Vote Of 4 Ayes, 0 Nays, 0 Abstain, And 0 Absent (Council Member Holloway)*

**PUBLIC COMMENT**

- Dave Matthews is impressed with visitors earlier. A lot of talk about economic develop, jobs, revenue that is not happen. If we are looking for lobbyist, we should look for one who will lobby the government to get out of the way and get rid of regulations that are holding this great country back. that is what I mean by pushing back. get the federal government out of the way and let the people do

their jobs and fulfill their dreams. Dollars go out of individual's pockets and get siphoned off before coming back to the cities. Time for a change.

- Barbara Auld announced December 7 at Springhill suites will be honoring WWII veterans in honor of the 70<sup>th</sup> anniversary of Pearl Harbor

## DEPARTMENT AND COMMITTEE REPORTS

### Infrastructure Committee

Members: Steve Morgan, Jerry Taylor, Craig Porter, James Sanders

Meeting: 2<sup>nd</sup> Wednesday of the month at 5:00 p.m., Council Conference Room

Next Meeting: December 14, 2011

- Jerry Taylor – held the meeting and will have another meeting on the 14<sup>th</sup>. Good discussion of project list for infrastructure. Wal-Mart is not being held up by city hall or council but by an issue in Wal-Mart's hands.

### Quality of Life

Members: Chip Holloway, Jason Patin, Craig Porter, Carter Pope

Meetings: 1<sup>st</sup> Thursday of every even month at 12:00 p.m.; Kerr-McGee Center

Next Meeting: February 2, 2011

- Jason Patin – met yesterday and continued discussions of all parks in the city and now has a master plan which will be coming to council with the findings and the cost if the entire plan were completed. If all committees with issues related to TAB need to come before council and begin whittling away to see what we can do. Quality of life is done until the list is pared down. happy with final product and the report will show what needs to be done and why.

### City Organization

Members: Ron Carter, Jerry Taylor, Lois Beres, Christopher LeCornu

Meeting: 3<sup>rd</sup> Tuesday of the month at 5:00 p.m.; Council Conference Room

Next meeting: December 15, 2011

- Jerry Taylor – have not met.

### Community Development Committee

Members: Steve Morgan, Jason Patin, Christopher LeCornu, James Sanders

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

Next Meeting: December 1, 2011

- Jason Patin – met with the organizations regarding a lobbyist. May have to reschedule December meeting.

**Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)**

Members: Ron Carter, Chip Holloway, Ron Strand

Meetings: 2<sup>nd</sup> Monday of odd numbered months at 4:00 p.m., Kerr-McGee Center

Next Meeting: January 9, 2011

- Ron Carter – met this past week and received report from teen court and how well it is working. Chief is working with all agencies and bringing them together. School district is creating pro-active programs for the youth.

**Ridgecrest Area Convention and Visitors Bureau (RACVB)**

Members: Chip Holloway, Jason Patin

Meetings: 1<sup>st</sup> Wednesday of the month, 8:00 a.m.

Next meeting: December 7, 2011 and location to be announced

- Jason Patin – have not met

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

- Steve Morgan – attended Quad-State association of governments meeting at Primm. One item was association itself. A lot of information coming down about the endangered species act which will not be fair. Are watching court cases and the act will impact our area with regard to open space in the desert. We should not ignore this. The quad-state is a valuable meeting to attend. Report coming out soon and will forward to staff to be made public.
- Jerry Taylor – Mr. Speer will be attending IWV water meeting tomorrow

**CITY MANAGER/EXECUTIVE DIRECTOR REPORTS**

- None

**MAYOR AND COUNCIL COMMENTS**

- Jason Patin – had a productive meeting tonight and thanked colleagues for moving forward with economic development. Thanked Chip Holloway for his time dealing with city business outside the area like the league of leaders meeting he is at right now. Love the sister city delegates coming here. Hope we make a strong effort to go there in April. Want to make their next visit even better and get more people involved. Veteran's day parade was great. A lot of entries and a lot of people watching. Thanks to all the veterans and the elks for putting the parade on. Want to thank everyone who is supporting the lobbyist effort. I

get frustrated when being forced by the government to do something and not providing the funding to accomplish. Constitutional issue. Burroughs won their last game and are going to playoffs so good luck to the team. Economic development is important. Trying to find ways to improve ridgecrest such as grant writing, branding, and lobbyist efforts. This council is committed to move forward and approach problems to get them done. Hoping there is a lot of participation at the Christmas parade on December 10.

- Steve Morgan – teamwork, may not always agree or have the same idea but you work it out and move forward. We don't always appear to do that but we are moving forward. Public apology to Mr. Taylor for comments made at last meeting. Fascinating the level of detail Mr. Taylor looks at things, thank you for bringing that level and it is necessary. Look forward to city organization committee during budget discussions and the level of detail will be necessary. Plan of finance is to have information to us by the end of January for us to begin looking at. Street sweeping comment, people are beginning to notice more that the sweeper is not operating. In the budget there are many costs to running the sweeper and is a cost savings not to run the sweeper. Appreciate those who have begun sweeping their own gutters. West Mojave plan II has bad news, one thing I worked hard on early in my council career was the West Mojave Plan. The plan has been litigated by the center for biologic diversity and other groups and has been trashed and put back into committee meetings so council will be going to meetings soon and it is vital we attend to stress city's point of view on how a species is handled. Environmental wants 5 to 1 mitigation which would be devastating and we cannot allow this to happen. Will be meeting with Mr. Shiller and report back. wish everyone a safe and happy thanksgiving. If you have room at your table then invite a military member who can't get home for the holidays. Very rewarding experience. Santa's art shop is December 3-4. Santa will be in the community those two days so the children should be working on their lists and being nice. Parents remind your children Santa expects an honest answer when asked if they have been naughty or nice. Christmas parade December 10.
- Jerry Taylor – asked Kurt to look at the time of council. Accept Mr. Morgan's apology and understand your passion. We did miss out on an opportunity and as we move forward don't want to lose other projects. Recent poll shows we need to build credibility with public to be able to move forward. Need public's help to work as a team to move forward. Appreciate early discussions of budget and challenge will be dealing with next budget. Wants answer regarding previous expenditures and would like that information before discussions of TAB funds. ARRA project list provided to congressman, infrastructure committee requested the list. Asked if Karen Harker provided list to Kurt Wilson. Great veterans day parade and appreciate chamber and elks and Peggy Breeden making that happen. Wished everyone a safe and happy holiday. Be safe.
- Ron Carter – veteran's day parade was fantastic and appreciate chamber and Peggy Breeden making that happen. Loved the jets flying over. Veteran's council set three goals. A stand-down event for medical, dental, grooming. A veteran's council for counseling and number one priority is medical. Right now

**MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR**

**November 16, 2011**

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veterans have to go to Bakersfield or Los Angeles and we are hoping to get something here for them. Have met with all elected officials who are very supportive. Great ideas and things already being put into action from our meetings. Appreciate Kevin McCarthy's support in our town. Major needs are not being taken care of and we are working to help with that. Recently met with WASC accreditation team for the schools. Appreciate everyone who came and we are moving forward.

- Jerry Taylor – past grant writer was successful in bringing in over one million dollars to the city.

Adjourned to closed session

**ADJOURNMENT at 10:30 pm**

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Rachel J. Ford, CMC, City Clerk



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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT:</b> Minutes of the Regular City Council/Redevelopment Agency Meeting of December 7, 2011
<b>PRESENTED BY:</b> Rachel J. Ford, City Clerk
<b>SUMMARY:</b>  Draft minutes of the Regular Council/Redevelopment Agency Meeting of December 7, 2011
<b>FISCAL IMPACT:</b> None Reviewed by Finance Director:
<b>ACTION REQUESTED:</b> Approve minutes
<b>CITY MANAGER 'S RECOMMENDATION:</b>  Action as requested:

Submitted by: Rachel J. Ford  
(Rev. 6-12-09)

Action Date: January 11, 2012

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

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

**December 7, 2011  
5:30 p.m.**

This meeting was 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**

**ROLL CALL**

Council Present: Mayor Pro-Tem Marshall 'Chip' Holloway; Vice Mayor Jerry D. Taylor; Council Members Steven P. Morgan and Jason Patin

Council Absent: Mayor Ronald H. Carter

Staff Present: City Manager Kurt O. Wilson; City Clerk Rachel J. Ford; City Attorney Keith Lemieux; and other staff

**APPROVAL OF AGENDA**

Items amended:

5. Replaced posted resolution with amended resolution eliminating ordinance language inadvertently left from original template
6. Replaced posted resolution with amended resolution eliminating ordinance language inadvertently left from original template

*Motion To Approve Agenda As Amended Made By Council Member Patin, Second By Council Member Morgan. Motion Carried By Voice Vote Of 4 Ayes, 0 Nays, 1 Absent (Mayor Carter), And 0 Abstain.*

**PUBLIC COMMENT – CLOSED SESSION**

- No comments presented by the public.

**CLOSED SESSION – 5:30 p.m.**

**MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR**

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- GC54956.9 (B) Conference With Legal Counsel, Potential Litigation. Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest
- GC54956.9 (A) Conference With Legal Counsel, Existing Litigation. City of Ridgecrest v. Benz Sanitation Inc.
- GC54957.6 Labor Negotiations –Mid-Management Group of Employees (MM); Confidential Group of Employees (CO); Management Group of Employees (MG) – Agency Negotiator City Manager Kurt Wilson

**REGULAR SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation

**CITY ATTORNEY REPORTS**

- Closed Session
  - Met on one item, Ridgecrest v. Benz Sanitation Inc. Received report, no reportable action taken.
- Other
  - No other reports.

**PUBLIC COMMENT**

- Robert Gould – member of Rotary Club and lives by Creed of Service before self. “Do Good In The World” charitable fund and has been focusing on eradication of Polio in the world. ‘Paul Hearst Fellow’ awarded to Rotarians who donate \$1000 or more and is being presented to Jerry Taylor for his honoring of Service Personnel with the Military Banner program.
- Dave Matthews – Santa arrived early and brought the North Pole cold weather with him. Pastor Monsignor Clary passed away, was well respected in the community. Also, December 7, 70 years after Pearl Harbor, was not a survivor but as a 10 year old youth it affected me greatly. Remember listening to a radio program that evening. Related life at that time and the news reels shown at the movies. As a young child, envisioned what was seen in the news reels would begin happening in our country. Mother said not to worry because God would keep us safe, hopes God will keep us safe another 70 years.

**PRESENTATIONS**

1. Proclamation Remembering The 70<sup>th</sup> Anniversary Of The Attack On Pearl Harbor And The United States Entry Into World War II Council

- Council Member Morgan read proclamation presented at an earlier luncheon to veterans of the military honoring and remembering those who served at Pearl Harbor on the 70<sup>th</sup> Anniversary.

**2. First Quarter Budget Report**

**Staheli**

- Tyrell Staheli gave a PowerPoint presentation to Council of the First Quarter Budget revenues and expenditures.
- Jerry Taylor asked for projections from the Hotel industry regarding the Transient Occupancy Tax
- Jason Patin stated that projections for the rest of this year do not indicate any change to what is already being seen here.

**CONSENT CALENDAR**

3. **Adopt A Resolution To Approve The Final Balancing Contract Change Order, Authorize The City Manager To Sign Notice Of Completion, Authorize The City Clerk To File The Notice Of Completion And Authorize The Release Of Retention On The Rader Traffic Signal At The Intersection Of South China Lake Boulevard And Rader Avenue**

**Speer**

4. **Quarterly Investment Report**

**Staheli**

5. **Approve A Resolution Of The City Council Of City Of Ridgecrest Calling For A Municipal Election To Consider The Direct Election Of A Mayor And Determining The Term Of The Mayor So Elected**

**Ford**

6. **Approve A Resolution Of The City Council Of City Of Ridgecrest Calling For A Municipal Election To Set Term Limits For City Council Members And Mayor**

**Ford**

- Items removed: 4, 5 & 6

Item 4 discussion:

- Mike Neel noted at end of September the RDA fund had \$46 million, what is the reason for holding that much money in the fund when borrowing in bonds?
- Tyrell Staheli stated that a majority is bond proceeds and once approval from council for proceeding in projects will expend the funds. Had over 10million before bonds and some proceeds from housing set aside.
- Jerry Taylor stated housing set aside has to be 20% over the life of the RDA so does accumulate.

Item 5 & 6 discussion:

- Jason Patin asked what the reason was for moving from the November ballot to the June ballot.

- Keith Lemieux stated the proponents originally wanted to avoid the excess cost of a special election.
- Jason Patin asked what the benefit was to spending an additional \$19,000 on the June ballot if not getting a return on the investment.
- Jerry Taylor asked if we were planning another initiative on that ballot.
  - Kurt Wilson stated that staff recommends one but have not had that conversation.
  - Keith Lemieux commented that the citizens who supported had a right to have it on before, but elected to postpone in the benefit of the city.
  - Kurt Wilson staff recommendation is to have another item on the June ballot.
  - Jerry Taylor asked if these pass, will they be on the ballot in November.
  - Keith Lemieux confirmed they would take effect immediately.
- Jerry Taylor had concerns but if city places a measure on the June ballot anyway, the cost would still be there.
- Keith Lemieux no additional cost if council places an item on the June ballot anyway.
- Tom Wiknich stated he was representing over 2000 people who signed the petitions, in the spirit of cooperation were willing to wait rather than spend 100k for special election. \$19,000 compared to some of the other things city is spending money on, please remember the people have requested this. We spent \$19,000 to put things on the ballot regarding trash without considering the cost. We have waited long enough. This is only before you because the county requested a date. Originally we did not know what election date would require a vote of the people. Respectfully request this be put on the June ballot.
- Dave Matthews commented that his initial questions have been answered but is wondering if the mayor passes do we have to change from general law to charter. What are the term limits?
- Steve Morgan stated that regardless of what office, if this passes you would only be able to serve 8 years consecutive.
- Dave Matthews commented that at the city level he believes there is an advantage to corporate knowledge and staying longer.
- Mike Neel commented that city revenue initiative is a fancy way of saying sales tax. There is a discrepancy in the numbers in scenario 2.
- Jason Patin stated his question was totally on the amount of money.

*Motion To Approve The Consent Calendar (As Amended) Made By Council Member Patin, Second By Council Member Morgan. Motion Carried By Voice Vote Of 4 Ayes, 0 Nays, 1 Absent (Mayor Carter), And 0 Abstain.*

## DISCUSSION AND OTHER ACTION ITEMS

7. Discuss, Prioritize And Designate Tax Allocation Bond (TAB) Streets Expenditures And Projects Speer

**MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR**

**December 7, 2011**

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- Dennis Speer – gave staff report and PowerPoint to Council.
- Kurt Wilson – highlighted the work done by staff to get as much done as possible and is pleased with the scenarios and cost reductions available in other options which would be less costly and could be done twice rather than the more expensive paving option.
- Chip Holloway – this is great news regarding micro-paving.
- Dennis Speer – if this were other funds we would not be able to micro-pave however the TAB funds are considered ‘clean’ money and may be used for micro-paving.
- Jerry Taylor – it is my understanding that these Bond funds are not a part of the ongoing lawsuit with redevelopment.
- Kurt Wilson – we do have a written opinion from attorney regarding this and will have a little more clarification shortly.
- Jerry Taylor – appreciates staff efforts and would like to move forward with the allocated streets projects and have our discussions. Look forward to seeing solid projects at future council meetings.
- Steve Morgan – requested information based on street studies, which streets is staff more inclined to use micro-paving over traditional? With this initial funding, where do you intend on going with the surfaces?
- Dennis Speer – not all roads are a candidate for micro-paving, for instance China Lake and Bowman was originally scheduled for micro-paving but after the engineering study found it was not a candidate for that type of component. Gave brief definitions of types of paving material and the types of traffic the surface can withstand.
- Steve Morgan – besides initial spending, questions we will get are going to focus on specific streets such as East Upjohn and Sunland. When will we begin addressing those?
- Dennis Speer – recommends following the PMS and allocating/budgeting funds to complete the recommended projects in the PMS.
- Steve Morgan – want to be sure we are as public in nature as possible in using the PMS.
- Dennis Speer – strongly advise following the PMS, there was a commitment to move forward which commonly follows main public streets, leaving many minor streets that are not addressed in the PMS.
- Jason Patin – was this \$3.6 million allocated in the bonds? When talking about additional funds for streets, the general budget is \$300,000 per year.
- Dennis Speer – that is a caveat that of the \$3.6 million, \$300,000 per year would be budgeted above the regular budgeted amount. Regular budget is between \$150,000 and \$300,000 annually.
- Jason Patin – these numbers are based on our regular maintenance costs?
- Dennis Speer – that is an estimate. Original study, if we spent everything necessary to rehab all the streets, we would still need \$1.5 million per year to maintain the streets.

**MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR**

**December 7, 2011**

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- Chip Holloway – would like infrastructure to bring forth that discussion and discussions about micro-paving residential streets and assessment districts in residential areas.

**Public Comments:**

- Tom Wiknich – Happy to see this discussion, the major list of projects for these TAB funds had Wal-Mart projects, so this is additional funding. Would like to see another publication of the RDA Project list for the public so they can see how the money is being spent. When considering the PCI index, you are also using the traffic count. If we do another traffic count on Upjohn, we may see an increase. When you see Sunland which is so bad no one will drive on it, you can't use the traffic count.
- Steve Morgan – that is a concern for the type of surface being put down, need to know that information.
- Tom Wiknich – please make sure that the projects being done benefit the majority of the people. Generally that is the arterial and semi-arterial streets and would like to see Sunland moved into the first year projects.
- Dave Matthews – not clear yet is the \$3.6 million the total TAB funds coming out for streets?
- Jerry Taylor – there is a letter that was developed with the bonds, which gives a loose commitment for the funds. Can't change that letter until court rules on redevelopment agency. Later we may be able to change the allocations.
- Dave Matthews – anyone familiar with Google Earth, if you do the street view tour of our roads, the videos were taken in the winter and you can really see the cracks in the pavement.
- Barbara Auld – relayed situation coming down college heights in the rain at night is dangerous, can't see and Norma is the same way. Would not want to see the roads like that, very scary. Can't see the white lines.
  
- Dennis Speer – direction from Council is to look at the 3.6 million and develop projects
- Kurt Wilson – plan A is to stay within those confines and can develop a Plan B
- Jerry Taylor – council packet has a yearly plan and I would like to see that developed and then Council can draw the line. Ask staff to take the multi-year list and prioritize and based on special council direction we can draw the line.
- Kurt Wilson – takes the \$3.6 and develops projects.
- Jason Patin – ok with the \$3.6 but to go further am not on-board because we don't have the total TAB list. We need solid plan with TAB funds before we continue spending.
- Jerry Taylor – has asked for that, not asking staff to spend money but to come back with a list of projects for good discussion. Need to have discussion of how to spend the entire \$24 million.

- Kurt Wilson – go forward with \$3.6 target to complete as many projects as possible and secondly a full discussion for the remainder of the funds which may include additional street projects.
- Steve Morgan – at what point will you come back, given a maintenance fund above and beyond the current budget, when will we have a discussion of saving residential streets. We are losing the components on residential streets and we will need to present something for residential streets?
- Dennis Speer – once we have the list and locked in the amount that will go to primary streets, the residential would be taken care of in the \$300,000 annually.
- Jerry Taylor – this list is basically \$15million and look forward to that being brought back.

*Motion To Prioritize \$3.6 Million For Immediate Distribution With Additional \$15 Million Future Projects Made By Patin, Second By Morgan, 4 Ayes, 0 Nays, 1 Absent (Mayor Carter) And 0 Abstain.*

#### **8. Discussion of Federal Lobbyist Selection**

**Wilson**

- Kurt Wilson gave staff report to council outlining the actions taken to identify potential Federal Lobbyist firms including a recent trip to Washington DC to fully review several firms and make recommendations to Council.
- Chip Holloway – found there is a large range of firms and tried to stick with those that would meet our needs. After returning, found that our questions have generated more questions. Not ready to make a full recommendation to council and feel a lobbyist needs to be included in the budget regularly.
- Jason Patin – January 1 is the date that every firm stated they would be able to start so that has become our target date to have someone lined up.
- Chip Holloway – feel the trip was successful because we were able to meet with many individuals who would not normally have come here to meet with us. Confident we will bring recommendation on the January 21 agenda.
- Jason Patin – thought we would meet with 8-10 firms and find one that shined, we ended up with 3-4 that we feel could all do the job. Now think it will come down to who will fulfill our needs the best. Just starting to narrow down those to find the one who will be fit our needs. Very difficult process and have new firms contacting us. Reiterated that the January 21 agenda is the goal to have a recommendation for Council. Found out more information about military missions that may affect us.
- Chip Holloway – at this time have a solid 5 that would each work well for us.
- Steve Morgan – regardless of what council members do, there will be those in the community who have already started blasting us for what we are trying to do. Reminded those businesses who have pledged their support that they need to bark back and support the council. We are finding out things that are happening with the military which will directly affect us. Very interested in finding out in the report, how many of these firms lobby for defense agencies and who are they. I don't want someone who is already working for the other entity. We need to be

cautious to find someone who is focused on us. Did any firm actually show you a plan? They knew you were coming. Did any of these firms do homework on us? Want to hear about that on the 21<sup>st</sup>. not wrapped up in the 'top 3' it is critically about fit and who fits our needs. When Ridgecrest took gambles a few years ago, participated in a business oriented trip to England and the City tagged along and the naysayers yelled about a \$7000 expenditure where the base representation and hotel industry and said we want you to come to china lake. That investment has rolled over hundreds of thousands of dollars in revenue. During the BRAC process we went to Washington DC and people said we wasted those funds but brought back a \$1million grant for the business park which is now beginning to show major profits. This effort is worthwhile.

- Jason Patin – reason we are hesitating with a top list, we are still getting responses from others and will have the information on the 21<sup>st</sup>.
- Jerry Taylor – appreciate everyone's involvement. Businesses in town are supporting our efforts to stabilize the business growth in the community. Concerns I have is 'what are we going after?' Is this business development for Navy or local? China lake alliance is to be working in this direction. I work to get money for navy facilities. This is about trying to get development here, not just Ridgecrest but with the entire West Coast. Eglund air force base is moving to Edwards which impacts Eglund. We need to try to allow things that are core to our area be built. Have we identified all the things that will affect us with regards to the military functions? Would like both the china lake alliance and local businesses to be brought to the table for the discussions.
- Chip Holloway – have reactivated the BRAC to assist with this decision. This is a balancing act to make sure we are not going too far in one direction. Reality is most funds in the community is because of the base and there are no earmarks. We are trying to align with individuals who can help us access opportunities that are out there and we are in a good position to get. Not going to rush to make a recommendation. If any jobs come to Ridgecrest then we are successful. Need to be engaged in this process. It does need to be a permanent budget item.
- Jason Patin – it is taking so long because we want to get all the input we can, we want to get lobbyist who are not on both sides of the discussions. We want the firm to be able to work on both sides of the fence and be able to participate in all the discussions.

#### PUBLIC COMMENT

- Barbara Auld – having been thru all the BRAC discussions and then didn't get what we were supposed to get. We went to sleep while all this was going on in the East Coast. We should have been doing this back then. If we don't do it now, then it is our entire fault if we go down the tube on both sides of the fence. Public needs to support you with encouragement and financial support. Need to have the information of what is going on back there and how it is affecting us here. Public needs to wake up and realize what is going on. Glad it is

happening, we have generations who want to stay here and unless we can build up the community then our prodigies won't be able to stay here.

- Carol Vaughn – glad to hear we are aware that we should have been doing this all along. There is a strong support among the businesses. If we were a normal community without the base constraints, we may not need this but we aren't. gave a view of what lobbyists could do for our community regarding infrastructure, schools, businesses, etc. A larger firm with resources to pull from is needed. Looked at the list that was presented which includes some very small firms. One person would not have the expertise we need, need to ensure the base doesn't lose more employees. PACS River has funds to pull what we need for ourselves. Do whatever we can to grow the community in work that is compatible with our major employer and then perhaps grow other business in the commercial industries. Agree with Jason that is doesn't matter today but is critical we make the decision by the first of January and needs to be a large firm with multiple expertise including defense. Agree with Steve that the firm selected doesn't have a conflict with our goals. Not sure of the rules of competitive clients.

## **PUBLIC COMMENT**

- Robert Gould – reminiscent of Pearl Harbor radio reports and compared World War II to what is currently being called a war in Iraq and Afghanistan. We as a people are not engaged in this war. Upset with the body count. Every death is a tragedy, but in WWII we lost more people in one day than what is being lost in 10 years in Afghanistan. We are not suffering and helping our people over there.
- Barbara Auld – been in this chamber many years with no complaints but tonight it is freezing in this room. Hope something can be done so we don't have to endure the frigidly in this room.
- Tom Wiknich – on the streets projects the description of these in the paper took a long time to decode, a chart or excel sheet would be nice. Encouraged the paper to print in that form.
- Robert Kirk – regards to problem at Pierce Elementary school, 4 pit bulls attacking children and wife and a teacher helped rescue. Began looking at leash laws which stipulated dangerous breeds. What can council do to toughen these laws for dangerous breeds? In this case the wife was lucky in only the jacket being bitten. Thanked the police who responded. This was a scary situation, one child bitten and a small dog was killed. More protection for the children is needed. Would like to see that these breeds of animals be muzzled when outside added to the ordinance. Have had problems with people walking pit bulls and other dangerous breeds in the parks without leashes. Friends dog attacked by pit bull even though it was on a leash. Again thanked police department who responded quickly. Suggested restriction of 1000 yards banned from schools. Believe people should put a muzzle on the dogs when outside. Thanked council for listening.
  - Jerry Taylor – will be on City Org January 17.

- Howard Auld – agree with everything Barbara Auld said. Family had occasion to pick up stray dog and take to the kennel. Report came back that the kennel was in good shape. Didn't get a lot out of the quarterly financial projection, part of the report dealt with wastewater fund and this is the first time I saw anything written about the wastewater fund. Brings forward to my thinking for past two years to get background information on the fund and how it is collected and used. This is the people's money. This is not a tax; it is only on the bill but is a fee for service. This is a topic close to my heart and would like to see more factual information on how that money is used. We've been paying a fee for 20 years, how much money came in and how much has been used and what the balance is. Concern there is enough money there in case of emergency.

## **DEPARTMENT AND COMMITTEE REPORTS**

### **Infrastructure Committee**

- Members: Steve Morgan, Jerry Taylor, Craig Porter, James Sanders  
Meeting: 2<sup>nd</sup> Wednesday of the month at 5:00 p.m., Council Conference Room  
Next Meeting: December 14, 2011

- Jerry Taylor – met November 9 and will be meeting next Wednesday. Working on the agenda so will be posted soon. Last meeting brought forward the TAB street projects and had discussion of design build of wastewater project. Also discussion of development of corp. yard. Kicking off in January the garage and corp. yard facilities.

### **Quality of Life**

- Members: Chip Holloway, Jason Patin, Craig Porter, Carter Pope  
Meetings: 1<sup>st</sup> Thursday of every even month at 12:00 p.m.; Kerr-McGee Center  
Next Meeting: February 2, 2011

- Chip Holloway – announced next meeting.

### **City Organization**

- Members: Ron Carter, Jerry Taylor, Lois Beres, Christopher LeCornu  
Meeting: 3<sup>rd</sup> Tuesday of the month at 5:00 p.m.; Council Conference Room  
Next meeting: December 20, 2011

- Jerry Taylor – December 20 meeting has been canceled. will meet and have discussions relative to budget on January 17 and will add the dog issue and ordinance leash law.

### **Community Development Committee**

**MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR**

**December 7, 2011**

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Members: Steve Morgan, Jason Patin, Christopher LeCornu, James Sanders

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

Next Meeting: January 5, 2012

- Jason Patin – has not met. Next meeting scheduled for January 5 is moved to January 12 at 5pm.

**Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)**

Members: Ron Carter, Chip Holloway, Ron Strand

Meetings: 2<sup>nd</sup> Monday of odd numbered months at 4:00 p.m., Kerr-McGee Center

Next Meeting: January 9, 2012

- Chip Holloway – has not met and anticipate the January 9 meeting to be moved.

**Ridgecrest Area Convention and Visitors Bureau (RACVB)**

Members: Chip Holloway, Jason Patin

Meetings: 1<sup>st</sup> Wednesday of the month, 8:00 a.m.

Next meeting: January 4, 2012 and location to be announced

- Chip Holloway – met this morning, read directors report (copy available in the clerk's office)

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

- None

**CITY MANAGER/EXECUTIVE DIRECTOR REPORTS**

- City Manager Kurt Wilson gave report to Council congratulating Mr. Taylor for the award received. Also more information about green waste will be coming out shortly. Additional cans will be available in January and a brochure will be released shortly with information.

**MAYOR AND COUNCIL COMMENTS**

- Jason Patin – attended the Pearl Harbor 70<sup>th</sup> Anniversary luncheon. Participated in the ceremony presenting the declarations to the survivors and the veterans. It was an honor to meet these people. Read today a report that social security office will not be traveling to Ridgecrest, can staff look into this and is there anything we can do to correct this?
  - Kurt Wilson – might be appropriate to take to Kevin McCarthy office.

City Clerk's office has moved to the open bay window in the upstairs lobby to be more accessible to the public. Went to Santa's Art Shop and encourage people to support. Monsignor Cleary was a presence in this community and everyone knew him as an amazing person and he did a wonderful outreach in this community. Will miss him. Wife is very pregnant so in case can't attend the next meeting will say Merry Christmas and Happy New Year.

- Steve Morgan – thanked Howard & Barbara Auld for allowing me to participate in the Pearl Harbor remembrance luncheon. Condolences to Nancy Bass for the loss of her husband. Monsignor Cleary was a special person to family, always appreciated when I was participating in the prayers, he would slip in a prayer for our leaders and our city council. Earlier this year I spent 4 hours sailing on the San Francisco bay on the Presidential private yacht, the presidential seal in has changed several times with the eagle facing the spear, now the eagle faces the olive branch but I believe it was the spear which made our county great. Thanked everyone who participated in Santa's Art Shop and encouraged everyone to participate next year. The British are here at the Carriage Inn and the economic development is being felt again, they do take product back with them. In the past month we have had entrepreneurs who have opened that have not received the publicity deserved. Listed each with their addresses which include 3 ladies clothing and the marketplace. Plead with everyone to patronize these shops and help them continue in this community. Also, the activity at the Rite-Aid building is going to be a Big Lots store, they are coming to Ridgecrest after the beginning of the year. Know that some of our outreach is making headway. Also, an interesting 1<sup>st</sup> district supervisor race coming and there are at least 15 people who have the desire for me to throw my hat in the ring and I am opening supporting Chip Holloway for his run for the position.
- Jerry Taylor – appreciate that we have new stores in the area, but 30 years ago the monsignor wed my wife and later baptized my daughter. He will be missed. Appreciate this award, definitely a surprise and want to thank the chamber of commerce who is the storefront for the program and thank all those who have contributed to the program. Also, appreciate Terry May for using his Saturday's spent to hang the banners. Have lost 2 to the wind but will have them replaced soon. Have over 44 banners up and another 12 in the printers. Thank the Rotary for not only recognizing me but the many other people who are participating. Looking forward to being able to get the street projects started, fought for Prop 22 but redevelopment currently tied up in the courts. May be unavailable for next council meeting and will let the Clerk know prior to posting. Appreciate citizen coming forward about the dog attack and we will address the issue on January 17. Thanked Tyrell for bring budget report and will be having more discussions. Asked these presentations to be given at the earliest convenience.
- Chip Holloway – apologize, have an infection that I picked up in Washington DC. Thanked Mr. Gould for his commitment in the community including Jerry Taylor and the Banner program which is generating a great deal of community pride. Mrs. & Mr. Auld thank you for letting me be a part of today's Pearl Harbor

**MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR**

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luncheon is a very humbling experience. The courage of that generation is why I am sitting up here today, concerned that today's generation is not sacrificing at all for the military members fighting. People camped out to complain about this country while others are dying to give them that right to complain. My prayers and sympathy are with Nancy Bass on the loss of her husband. Would like Kurt to get with RACVB board to discuss their insurance issues and see if there is anything we can do. Someone at China Lake needs to take the lead on a GSA website issue pertaining to Per Diem with Kevin McCarthy. Highest county rate to be used when multiple counties are located on a military installation.

**ADJOURNMENT in honor of Lee Bass and Monsignor Cleary at 9:02 pm**

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Rachel J. Ford, CMC, City Clerk

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT:</b> Minutes of the Regular City Council/Redevelopment Agency Meeting of December 21, 2011
<b>PRESENTED BY:</b> Rachel J. Ford, City Clerk
<b>SUMMARY:</b>  Draft minutes of the Regular Council/Redevelopment Agency Meeting of December 21, 2011
<b>FISCAL IMPACT:</b> None Reviewed by Finance Director:
<b>ACTION REQUESTED:</b> Approve minutes
<b>CITY MANAGER 'S RECOMMENDATION:</b>  Action as requested:

Submitted by: Rachel J. Ford  
(Rev. 6-12-09)

Action Date: January 11, 2012

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

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

**December 21, 2011  
5:30 p.m.**

This meeting was 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**

**ROLL CALL**

Council Present: Mayor Ronald H. Carter; Mayor Pro-Tem Marshall 'Chip' Holloway; Vice Mayor Jerry D. Taylor; Council Members Steven P. Morgan and Jason Patin

Staff Present: City Manager Kurt O. Wilson; City Clerk Rachel J. Ford; City Attorney Keith Lemieux; and other staff

**APPROVAL OF AGENDA**

- No changes

*Motion To Approve Agenda As Amended Made By Council Member Morgan, Second By Council Member Patin. Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.*

**PUBLIC COMMENT – CLOSED SESSION**

No comments presented

**CLOSED SESSION – 5:30 p.m.**

GC54956.9 (A) Conference With Legal Counsel, Existing Litigation. City of Ridgecrest v. Benz Sanitation Inc.

GC54956.9 (B) Conference With Legal Counsel, Liability Claim Of Molly Kromer. Claim No. 11-06

**REGULAR SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation

**CITY ATTORNEY REPORTS**

- Closed Session
  - City of Ridgecrest v. Benz – received report, no action taken.
  - Kramer claim against the city denied and City Clerk will issue letter.
- Other
  - none

**PUBLIC COMMENT**

- Christina Witt – complimented Council for doing a good job. Spoke on photographing the efforts of Council Member Morgan for the annual fireworks. Presented a collage to the Lions Club
- Howard Auld – recommended to council that the wastewater topic be taken to a committee to gather factual information regarding the wastewater situation.
- Al Huey – read a prepared speech pertaining to issues facing the country and highlighted the foundation of religion that the country was built on. December 25 is celebration of birth of Christ and invited anyone who would like to attend, to worship this Sunday at his church.

**CONSENT CALENDAR**

- |  |        |
|--|--------|
| 1. <u>Redevelopment Agency Annual Report</u>                                     | McRea  |
| 2. <u>Program Supplement – Intersection of Downs &amp; Ward to Inyokern Road</u> | Speer  |
| 3. <u>Willdan Agreement – City Corp. Yard Project</u>                            | Speer  |
| 4. <u>Quad Knopf Agreement Amendment – Downs Street Project</u>                  | Speer  |
| 5. <u>Approval Of Public Benefit Discretionary Fund Expenditures</u>             | Wilson |

Items pulled from consent calendar:      None

*Motion To Approve Consent Calendar Made By Council Member Holloway, Second By Council Member Patin. Motion Carried By Roll-Call Vote Of 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.*

## DISCUSSION AND OTHER ACTION ITEMS

### 6. Discussion of Selection Of A Federal Lobbyist Firm Holloway/Patin

- Jason Patin gave overview of the process undertaken to this date. Announced recommendation to move forward with the Nossaman Firm
- Chip Holloway spoke on additional steps taken in verifying references and benefits each candidate firm offered. Highlighted the qualities of Shelby Hangenauer who will be assigned as the Ridgecrest representative. Presented statistics of the firm such as staffing and past successes.
- Jason Patin added that community input was received and utilized in making the decision to retain Nossaman Firm.
- Chip Holloway stated that this companies track record was exceptional.
- Steve Morgan spoke about past experience with Shelby Hanenauer and the success of that project however wanted to see a client list and the cost. Clarified that the requested motion would be to move forward and come back with a contract.
- Kurt Wilson confirmed that staff is to move forward with negotiations and bring back a contract at the next meeting on January 18 which would have a start date of February 1.
- Jason Patin – wants to give a cap for cost and move forward tonight.
- Kurt Wilson – if that is council’s direction, can do that process.
- Steve Morgan – not willing to move forward with a blanket dollar figure and wants to understand the cost for product. Cannot vote tonight.
- Jerry Taylor – understands Morgan’s concern and wants to understand the cost and relation to the budget.

### Public Comment

- David Knight – stated that comments made tonight would not constitute due diligence with monetary impact. Spoke on theory of government operating to solve local problems and how the practice does not work that way in reality. Focused on two reasons special interest funding should be abolished. Listed references where more reasons against hiring a lobbyist for federal funding.
- Christina Witt – recited past budget problems for roads and wastewater. Struggling for funding for streets, lights, and wastewater and seems irresponsible to commit unavailable funds for a lobbyist. Understands the concept but questioned where the funds to pay for the lobbyist would come from. Agrees with council member Morgan and Taylor in finding out how much it will cost and if there are funds available.
- Dave Matthews – agreed with Mr. Knight on his presentation. Asked council if these firms had experience rolling back federal regulations. If we stop giving money to Washington then have funds to pay for lobbyist.

## MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR

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- Nathan Ahle – chamber of commerce supports City for hiring a federal lobbyist. Would rather see funds come back to this community rather than other communities. Chamber happy to help however they can.
- Renee Westalusk – supports the idea of hiring a lobbyist. Asked about the length of the contract and if not satisfied will there be any remedy to get out of the contract. What is the firm's record, do they lobby both parties?
- Barbara Auld – applauds council for their hard work but need to get more details. Reminded that Ridgecrest wouldn't exist without the base and relayed the beginning history of Ridgecrest. Need a federal lobbyist to fight for us. Gave the history of the BRAC lobbying efforts. Need to do this in light of how the system works. Need to protect the City for future generations to make this a viable, stable community. Support the City and Base together. Public and Council needs more information before making a final decision. Sounds like a good choice.
- Eric Braun – listed credentials and is a current client of Nossaman. Spoke on their experiences with this firm and supported the process undertaken by Council Members. Compared this action with house maintenance. If not playing a role in political advocacy then are allowing others to make the decisions for us. Understands the need to see costs, but hope understands that seeing what the firm can deliver is not as tangible as cost. As a client, is very happy with outcomes from Nossaman. Spoke on past successes with lobbying efforts in the community. Thanked the council for their efforts.
- Howard Auld – agreed with the need but also agreed with the need for specifics.

### Council Comments

- Steve Morgan – doesn't want anyone to believe that he is trying to delay this process, does not know the company and wants more information to make an informed decision. Consortium in Chesapeake Bay is spending hundreds of thousands of dollars actively arguing against us, touting a UAV flight area that is smaller than ours and has no land mass but they are talking about it to their legislators and committees. Having us there to give the facts is a necessity. We actively gave accurate and logical information, got a result we wanted and we relaxed, and the games screwed us. Want to thank council members patin and Holloway for what appears to be outstanding work and believe that after public and council gets time will be able to move forward.
- Chip Holloway – understand both Jerry and Steve's concerns. Is frustrating because there should be a certain level of trust. Time is of the essence. The Chesapeake consortium is spending close to seven figures to lobby against us. I have no problem moving forward. Not being evasive of the price but you do not negotiate a contract in a public arena. Comfortable giving Kurt a price not to exceed. Willing to move forward with a ballpark range
- Ron Carter – in favor of moving forward. Had discussion and willing to find a lobbyist to fight for our community.

- Jason Patin – spent a month on this and am willing to move forward. Did not say wanted to give a blank check. Comfortable with a range already given to us. No problem moving forward today.
- Jerry Taylor – appreciate everything said this evening. Do not have the information that names the firm. Should have been properly presented to us. No problem telling Kurt to begin negotiating but not ready to vote on something as final. Giving direction is fine.
- Kurt Wilson – if understand position of moving forward with this specific firm and negotiating a contract. Need consensus that this is the firm to move forward with and negotiate or negotiate/execute.
- Jerry Taylor – no problem giving direction to move forward but not execute.
- Chip Holloway recommend giving Kurt authority to enter into 90 day contract to begin January 1 and come back with full contract. Would like to have someone on board when congress comes back into session. Kurt's limit is \$30,000
- Kurt Wilson – could conceivably have a 90 day contract as early as tomorrow. Reminded a 30 day exit clause would be in any contract.

*Council gave direction to city manager to enter into a contract with 30 day opt-out for the balance of this fiscal year.*

**7. Acceptance of and Scheduling A Public Hearing of the Planning Commission Decision Appeal of Derrill Whitten Speer**

- Dennis Speer gave staff report.
- Ron Carter and Steve Morgan will not be at the January 18 meeting. Chip Holloway, Jason Patin, and Jerry Taylor will be here.

*Motion To Accept An Appeal Of The Planning Commission Decision Of Derrill Whitten And To Schedule A Public Hearing Of The Appeal For January 18, 2012 Made By Council Member Patin , Second By Council Member Holloway . Motion Carried By Roll-Call Vote Of 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.*

**PUBLIC COMMENT**

- Eric Braun – commended council on their vision and believe they made an excellent choice.
- Barbara Auld – thanked council for their time and what they are doing. We need to protect the city and the base. Thank you for the time taken to let the public know what is going on. Shelby has family in Lancaster.
- Dave Matthews – wish council, city staff, city employees merry Christmas and a happy and prosperous new year. Thanked the elves who decorated city hall. Kathy Armstrong and her assistants do a really nice job. See you next year.
- Renee Westalusk – thanked council for moving ahead and for listening to the community.

## DEPARTMENT AND COMMITTEE REPORTS

### Infrastructure Committee

Members: Steve Morgan, Jerry Taylor, Craig Porter, James Sanders  
Meeting: 2<sup>nd</sup> Wednesday of the month at 5:00 p.m., Council  
Conference Room  
Next Meeting: January 11, 2011

- Steve Morgan – announced next meeting

### Quality of Life

Members: Chip Holloway, Jason Patin, Craig Porter, Carter Pope  
Meetings: 1<sup>st</sup> Thursday of every even month at 12:00 p.m.; Kerr-McGee  
Center  
Next Meeting: February 2, 2011

- Jason Patin – has not met

### City Organization

Members: Ron Carter, Jerry Taylor, Lois Beres, Christopher LeCornu  
Meeting: 3<sup>rd</sup> Tuesday of the month at 5:00 p.m.; Council Conference  
Room  
Next meeting: January 17, 2011

- Jerry Taylor – budget and leash law on the agenda. Ron carter added veterans advisory committee

### Community Development Committee

Members: Steve Morgan, Jason Patin, Christopher LeCornu, James  
Sanders  
Meetings: 1<sup>st</sup> Thursday of the month at 5:00 p.m.; Council Conference  
Room  
Next Meeting: January 5, 2012

- Steve Morgan – meeting date changed to January 12

### Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)

Members: Ron Carter, Chip Holloway, Ron Strand  
Meetings: 2<sup>nd</sup> Monday of odd numbered months at 4:00 p.m., Kerr-  
McGee Center  
Next Meeting: January 9, 2012

- Ron carter - Announced next meeting

**Ridgecrest Area Convention and Visitors Bureau (RACVB)**

Members: Chip Holloway, Jason Patin

Meetings: 1<sup>st</sup> Wednesday of the month, 8:00 a.m.

Next meeting: January 4, 2012 and location to be announced

- Chip Holloway – announced next meeting.

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

- none

**CITY MANAGER/EXECUTIVE DIRECTOR REPORTS**

- Kurt Wilson – thanked the staff for all they have endured over the past year. Planning for next year and looking forward to sharing with council. Next meeting hope to have a resolution to the redevelopment issue.

**MAYOR AND COUNCIL COMMENTS**

- Ron Carter – wished everyone happy holidays. Thanked chip and Jason for the amount of time they spent researching the lobbyists.
- Jason Patin – thank city staff for their work. A lot of things pushed thru and staff has accomplished a lot with limited staffing. Council has tasked staff with a lot this year and they have always come thru. Spoke on the necessity of a lobbyist. Reality is there is a lot of money in Washington going to other communities and this is a way to bring our tax dollars back to us. Thanked Mayor for mentioning the time spent on this project. This was the most intense project I have ever worked on, went to Washington and didn't get to play tourist, it was all business. We knew this would be a tight schedule and are committed to doing what is best for this community. Attended the optimist club function at the fire station for children and was really blessed to see the looks on the children's faces as they received gifts. Wife is expecting another baby around the 30<sup>th</sup> and expressed gratitude and love for wife.
- Jerry Taylor – wish everyone merry Christmas and happy new year. Asked about the status of ARRA project for energy savings.
  - Kurt – on track
  - Jerry – asked that staff reach out to local businesses with regard to the ARRA project. Also assured that hesitation on the lobbyist is not negative just wants to do due diligence.
- Steve Morgan – have no reservations to the concept of a lobbyist but did not have any information and had not researched this company. Because of the Brown Act could not discuss with any other council members, but will research the company and assume there is more information on this company that the city manager will now be able to provide to the entire council. Appreciate all the hard work by staff and council. Quoted Agnes Farrow on Christmas. As a council,

works hard in the hope that hard work and effort will give the best opportunity to succeed and hopefully promote harmony in the community. To City Manager and staff who put up with more stuff than any normal human being should have to put up, deal with issues, handle the emotional hits they take personally in doing their duty I appreciate them. Also wish the Christmas spirit would last 12 months. Unfortunate that we are nice during thanksgiving and Christmas but then we forget. Quoted Helen Keller the only blind person at Christmas is he who has not Christmas in his heart.

- Chip Holloway – in closing lobbyist discussion, letter to editor said spent \$50,000 in past but reality is \$20,000 which netted cash benefit of over \$300,000 and intangibles will continue. Related experience in retail business when customers didn't come into the store the store could not afford to advertise. That is the Chicken/Egg syndrome. Feel confident we made the right decision. Appreciate Jason for his work on this process and Kurt for working with us closely during the process. This is example of how Brown act halts progress in California and limits being able to have conversations among council members. Jason and Chip attended the Friends of Jawbone meeting. Jawbone has expanded and encouraged people to stop and visit. A new DRCEP plan that supersedes the WEMO plan which is an extension of the 20+ year process to simplify desert use. Thanked staff. Had the staff Christmas party that was funded entirely by staff. Every year there is a white elephant gift exchange and he won the coveted toilet seat award. Has signed it next to council member Morgan's name who had it last year. Lastly, explained upbringing in Louisiana and a company that started there and has now evolved into Zaps potato chips. Presented a bag for each council member.
- Jason Patin – mentioned restaurant opening in Ridgecrest, Salvadorian food at the former Junk Food Junction at the Buggy Bath.
- Ron Carter – thanked colleagues and merry Christmas to everyone.

**ADJOURNMENT at 7:41 pm**

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Rachel J. Ford, CMC, City Clerk



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**CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Discussion and Adoption of items related to the dissolution of the Ridgecrest Redevelopment Agency including the adoption of an enforceable obligations payment schedule, expenditure of existing Tax Allocation Bonds, declarations of successor agency and fiscal emergency, and creation of a Housing Authority.

**PRESENTED BY:**

Kurt Wilson – City Manager

**SUMMARY:**

Redevelopment was authorized by the State decades ago and is a state function performed at the local level. Redevelopment Agencies (RDA) in California serve as the economic engine creating jobs and eliminating blight throughout California. Assembly Bill (AB) 1X 26 was recently passed by the California Legislature and signed by the Governor and called for the elimination of all redevelopment agencies throughout the State. The California Redevelopment Association (CRA) and the League of California Cities (League) litigated the elimination bill AB 1X26 and a related bill (AB 1X27 which would have reconstituted RDA's in exchange for a large 'voluntary' payment to the State) in the California Supreme Court. While the Court sided with CRA and the League on AB 1X27, the Court did not concur on AB 1X 26 and, consequently, the Ridgecrest Redevelopment Agency joins every other RDA in California in ceasing to exist as of February 1, 2012.

While RDA's lack the authority to levy new taxes, they are funded by the incremental share of property taxes that they create by maintaining the existing property tax rate and increasing the value of existing property. They leverage that revenue stream to fund blight reduction efforts and they perpetuate their existence through economic development activities. The abrupt end to a complex agency causes several logistical challenges requiring immediate attention.

1. The property tax increment will outlive the agency and will be needed to retire existing debt obligations and fulfill other contractual obligations. As defined in the legislation, a 'successor agency' will take on the responsibility of retiring the debt and closing out all functions of the Redevelopment Agency. Their actions will be overseen by an oversight board, whose membership is prescribed in the legislation, the California Department of Finance, and the State Controller's Office. The City of Ridgecrest, as the sponsoring agency for the Ridgecrest Redevelopment Authority, will assume the role of successor agency by default unless the City, by January 13, 2012, affirmatively expresses their intent not to be the successor agency. No action is required to take on this role, however, action could be taken as a precautionary measure.

2. The mechanism for creating low and moderate income housing opportunities as required by separate mandates has historically been entrenched with the RDA's which provided 20% of the tax increment for this purpose. As identified in the legislation, the Council has the ability to designate the housing function. In order to maintain local control, one option would be to create (or recreate) a local housing authority and subsequently designate that agency as the successor for housing issues.
  
3. The purpose of the legislation was to create a financial boost for the State. In order to accomplish this, the State is taking the funds that would otherwise have been spent locally on economic development and blight elimination. The exception is that funds required to administer the servicing of existing debt and the liquidation of all assets will be made available to the successor agency for those purposes. For planning purposes, the adoption of an enforceable obligations payment schedule identifies the debts and quantifies the amount of money required for that purpose. The previously adopted schedule will expire prior to the transition.
  
4. The RDA previously issued Tax Allocation Bonds to fund a variety of local projects. Spending the proceeds from that sale has been complicated by ambiguity of the legislation and an order issued by the Supreme Court. Spending the money for its intended purpose must conform with both.
  
5. Rather than directly employ staff as employees of the RDA, it was far more cost effective to perform these duties with City staff whose functions were financially offset by the RDA. The loss of those funds and functions has an immediate detrimental impact on the City budget and creates a fiscal emergency.

**FISCAL IMPACT:**

To Be Determined

Reviewed by Finance Director

**ACTION REQUESTED:**

Recommended action:

1. Adopt a resolution in support of the City of Ridgecrest becoming the 'successor agency' of the Ridgecrest Redevelopment Agency.
2. Adopt a resolution creating the Ridgecrest Housing Authority.
3. Adopt a new 'enforceable obligations payment schedule'.
4. Adopt a resolution declaring a fiscal emergency

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested: Adopt resolutions becoming a 'successor agency'; creating the Ridgecrest Housing Authority; and Declaring a Fiscal Emergency, and adopt a new 'Enforceable Obligations Payment Schedule' as presented.

Submitted by: Kurt Wilson  
(Rev. 6/12/09)

Action Date: January 11, 2012

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST ELECTING TO SERVE AS THE SUCCESSOR AGENCY TO THE RIDGECREST REDEVELOPMENT AGENCY AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH**

**WHEREAS**, the Ridgecrest Redevelopment Agency (“Agency”) is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, et seq. (“CRL”) and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (“City Council”) of the City of Ridgecrest (“City”); and

**WHEREAS**, Part 1.85 of the Community Redevelopment Law (“Part 1.85”) as adopted by ABx1 26 (“AB 26) provides for the statewide dissolution of all redevelopment agencies, including the Agency, and provides that, thereafter, a successor agency will administer the enforceable obligations of the Agency and otherwise wind up the Agency’s affairs, all subject to the review and approval by an oversight committee; and

**WHEREAS**, the City desires to affirm and make its election to become the successor agency, pursuant to Part 1.85; and

**WHEREAS**, by making such election, the City is not making that certain election to perform certain housing activities as described in Health and Safety Code Section 34176(a); and

**WHEREAS**, the City has duly considered all other related matters and has determined that the City’s election to serve as successor agency to the Agency is in the best interests of the City and Agency and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST:**

Section 1. The foregoing recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

Section 2. The City Council hereby elects to serve as the successor agency to the Agency; such election is made pursuant to Part 1.85, Chapter 3 of AB 26 and does not include any election described under Health and Safety Code Section 34176(a).

Section 3. This Resolution shall be effective immediately upon adoption.

Section 4. The City Clerk shall certify to the adoption of this Resolution.

**APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2012.

**CITY OF RIDGECREST:**

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Mayor

**ATTEST:**

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City Clerk

STATE OF CALIFORNIA    )  
COUNTY OF KERN        ) ss.  
CITY OF RIDGECREST    )

I, \_\_\_\_\_, City Clerk of the City of Ridgecrest, hereby certify that the foregoing resolution was duly adopted by the City Council of said City at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2012, and that it was so adopted by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
City Clerk

(SEAL)

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST, CALIFORNIA, DECLARING THAT THERE IS A NEED FOR A HOUSING AUTHORITY TO FUNCTION IN THE CITY, DECLARING THAT THE MEMBERS OF THE CITY COUNCIL SHALL BE THE COMMISSIONERS OF THE HOUSING AUTHORITY AND DESIGNATING THE FIRST INTERIM CHAIRMAN OF THE HOUSING AUTHORITY.**

WHEREAS, the Housing Authority Law is codified in Health and Safety Code Sections 34200 et seq. (the "Law"); and

WHEREAS, Section 34240 of the Law provides that in every City there is a public body corporate and politic known as the Housing Authority of the City; and

WHEREAS, Section 34240 of the Law additionally provides that the Housing Authority shall not transact business or exercise its power unless the City Council of the City declares by Resolution that there is a need for a Housing Authority to function in the City; and

WHEREAS, Section 34242 of the Law provides for the adoption of a Resolution declaring that there is a need for a Housing Authority to function in the City if the City Council finds either: (1) that unsanitary or unsafe inhabited dwelling accommodations exist in the City; or (2) that there is a shortage of safe or sanitary dwelling accommodations in the City available to persons of low income at rentals they can afford; and

WHEREAS, Section 34290 of the Law provides that the City Council may declare by Resolution that the City Council shall be the Commissioners of the Housing Authority; and

WHEREAS, Section 34277 of the Law provides that the Mayor of the City shall designate the interim Chairman of the Housing Authority from among the Housing Authority Commissioners, and thereafter the Housing Authority shall select his/her successor among its commissioners; and

WHEREAS, it is the intent of this resolution to form a Housing Authority to develop or acquire and subsequently operate one or more rental housing projects within the corporate limits of the City of Ridgecrest.

NOW, THEREFORE, the City Council of the City of Ridgecrest, California does hereby resolve as follows:

**Section 1.** Findings. The City Council finds that there exist in the City both unsanitary and unsafe inhabited dwelling accommodations and a shortage of decent, safe, sanitary and affordable dwelling accommodations in the City which are available to persons of low income.

**Section 2.** Need for Housing Authority. There is a need for a Housing Authority to function in the City, and the Housing Authority hereby is permitted to transact any business and exercise any power inferred thereon by the provisions of the Housing Authority Law, commencing with Section 34200 of the Health and Safety Code.

**Section 3.** City Councilmembers to Serve as Housing Authority Commissioners. Pursuant to Section 34290 of the Health and Safety Code, the City Council of the City of Ridgecrest finds that the appointment of the members of the City Council, as the Commissioners of the Housing Authority will serve the public interest and promote the public safety and welfare in an effective manner and, therefore, the City Council Members of the City of Ridgecrest are hereby declared to be Commissioners of the Housing Authority and all the rights, powers, duties, privileges and immunities which are adjusted by the Housing Authority Law and such a Housing Authority shall be vested in such Commissioners, except as otherwise provided by the Housing Authority Law.

**Section 4.** Designation of Interim Chairman. The Mayor of the City of Ridgecrest shall serve as the interim Chairman of the Housing Authority, until a permanent Chairman is selected.

PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 201\_ by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Mayor  
City of Ridgecrest

ATTEST:

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City Clerk  
City of Ridgecrest

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
 Per AB 26 - Health and Safety Code Section 34169(h)

Project Name / Debt Obligation	Payee	Description	Funding Source(s)*	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by Month						Total
						Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	
1) 2002 Tax Allocation Bonds	U.S. Bank	Bonds issued to fund nonhousing projects	RPTTF	905,000	482,250						22,625	\$ 22,625
2) 2010 Tax Allocation Bonds	U.S. Bank	Bonds issued to fund housing/non projects	RPTTF & LMIHF	33,375,000	2,880,061						932,531	\$ 932,531
3) Waste Water Loan	Ridgecrest/WW Enterprise	Loan to Finance Business Park	RPTTF	200,000	205,000						205,000	\$ 205,000
4) Waste Water Loan	Ridgecrest/WW Enterprise	Loan to Finance the Ridgecrest Alt Energy Proj	RPTTF	3,142,700	644,254						644,254	\$ 644,254
5) Building Lease (2005 COP)	US Bank via City of Ridgecrest	Building Lease	RPTTF	8,080,000	748,256						571,628	\$ 571,628
6) Employee Costs***	Employees of the Agency		RPTTF	887,784	887,784	73,982	73,982	73,982	73,982	73,982	73,982	\$ 443,892
7) Administrative Overhead***	City of Ridgecrest	Administrative Overhead	RPTTF & LMIHF	396,460	396,460	33,038	33,038	33,038	33,038	33,038	33,038	\$ 198,228
8) ISF Charges***	City of Ridgecrest	ISF Charges	RPTTF LMIHF	126,231	126,231	10,519	10,519	10,519	10,519	10,519	10,519	\$ 63,114
9) Legal Services	Lemieux and O'Neil	Legal Services	RPTTF & LMIHF	30,000	30,000	2,500	2,500	2,500	2,500	2,500	2,500	\$ 15,000
10) Legal Services	Stradling, Yocca, Carlson	Legal Services	RPTTF & LMIHF	6,000	6,000	500	500	500	500	500	500	\$ 3,000
11) Jail Operations	Kern County	Jail Operations	RPTTF	265,000	265,000			81,000			184,000	\$ 265,000
12) 2002 Tax Allocation Bonds	US Bank	Bond Trust Administration Fee	RPTTF	3,000	3,000	3,000						\$ 3,000
13) 2010 Tax Allocation Bonds	US Bank	Bond Trust Administration Fee	RPTTF & LMIHF	1,538	1,538							\$ -
14) 2002 Tax Allocation Bonds	BLX Group	Arbitrage Analysis	RPTTF	2,250	2,250							\$ -
15) Perason Prk/Upjohn Park Upgrade***	City of Ridgecrest	RDA Match of Project MF1101 Cost	Bonds	325,000	325,000			325,000				\$ 325,000
16) LJ & KM Sports Complex MP***	City of Ridgecrest	RDA Match of Project MF1102 cost	Bonds	3,350,000	3,350,000		1,000,000	1,000,000	1,000,000	350,000		\$ 3,350,000
17) R/C Blvd: Mahan -China Lake***	City of Ridgecrest	RDA Match of Project ST0101 Cost	Bonds	1,000,000	1,000,000			1,000,000				\$ 1,000,000
18) Alleyway @ City Hall***	City of Ridgecrest	RDA Match of Project ST1107 Cost	Bonds	50,000	50,000			50,000				\$ 50,000
19) Corporate Yards***	TBD	TAB project Corporate Yards	Bonds	3,000,000	3,000,000			3,000,000				\$ 3,000,000
20) College Heights Infrastructure***	City of Ridgecrest	TAB project College Heights Infrastructure	Bonds	1,600,000	1,600,000			1,600,000				\$ 1,600,000
21) PMS Study***	City of Ridgecrest	TAB reimbursement for PMS Study	Bonds	45,000	45,000	45,000						\$ 45,000
22) PMS Designated Micro Paving***	City of Ridgecrest	TAB reimbursement for PMS Designated MP	Bonds	300,000	300,000						300,000	\$ 300,000
23) Old Town Enhancement Program***	Kosmont	Old Town Enhancement Program	Bonds	40,000	40,000	12,000		20,000		8,000		\$ 40,000
24) Balsam St Market	Smith	Balsam Street Market	Bonds	10,000	10,000		10,000					\$ 10,000
25) Civic Center Solar Realignment Project	Agency	Reimbursement Agency for Solar Project	Bonds	500,000	500,000						500,000	\$ 500,000
Totals - This Page				\$ 57,640,963	\$ 16,898,084	\$ 180,539	\$ 1,130,539	\$ 7,196,539	\$ 1,120,539	\$ 478,539	\$ 3,480,577	\$ 13,587,272
Totals - Page 2				\$ 14,015,000	\$ 14,015,000	\$ -	\$ -	\$ 7,310,000	\$ 850,000	\$ 5,855,000	\$ -	\$ 14,015,000
Totals - Other Obligations				\$ 32,697,270	\$ 2,661,853	\$ 29,300	\$ 65,300	\$ 65,300	\$ 65,300	\$ 1,184,427	\$ 29,300	\$ 1,402,927
Grand total - All Pages				\$ 104,353,233	\$ 33,574,937	\$ 209,839	\$ 1,195,839	\$ 14,571,839	\$ 2,035,839	\$ 7,517,966	\$ 3,509,877	\$ 29,005,199

\* "LMIHF" - Low and Moderate Income Housing Fund  
 "Bonds" - Tax allocation bond proceeds  
 "Res." - Reserve balances  
 "ACA" - Administrative cost allowance  
 "RPTTF" - Redevelopment Property Tax Trust Fund  
 "Other" - Other revenue sources (interest earnings, etc.)

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
 Per AB 26 - Health and Safety Code Section 34169(h)

	Project Name / Debt Obligation	Payee	Description	Funding Source(s)*	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by Month						
							Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Total
1)	Norma Improvements Bowman to CL***	TBD	Street Improvements to South Norma	Bond	800,000	800,000				800,000		\$ 800,000	
2)	College Heights/CL Signal***	TBD	College Heights/CL Signal	Bond	50,000	50,000				50,000		\$ 50,000	
3)	Additional Infrastructure CIP***	TBD	Additional Infrastructure CIP	Bond	3,310,000	3,310,000			3,310,000			\$ 3,310,000	
4)	Economic Dev. Business Ret Grant***	TBD	Economic Dev. Business Ret Grant	Bond	2,750,000	2,750,000			2,750,000			\$ 2,750,000	
5)	Old Town Enhancement Project***	TBD	Old Town Enhancement Project	Bond	450,000	450,000			450,000			\$ 450,000	
6)	Aquatics Project***	TBD	Aquatics Project	Bond	800,000	800,000			800,000			\$ 800,000	
7)	Other projects and exp not identified***	TBD	Other projects and exp not identified	Bond	5,855,000	5,855,000				5,855,000		\$ 5,855,000	
8)												\$ -	
9)												\$ -	
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<b>Totals - This Page</b>					<b>\$ 14,015,000</b>	<b>\$ 14,015,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 7,310,000</b>	<b>\$ 850,000</b>	<b>\$ 5,855,000</b>	<b>\$ -</b>	<b>\$ 14,015,000</b>

\* "LMIHF" - Low and Moderate Income Housing Fund  
 "Bonds" - Tax allocation bond proceeds  
 "Res." - Reserve balances  
 "ACA" - Administrative cost allowance  
 "RPTTF" - Redevelopment Property Tax Trust Fund  
 "Other" - Other revenue sources (interest earnings, etc.)

**OTHER OBLIGATION PAYMENT SCHEDULE**  
 Per AB 26 - Section 34167 and 34169 (\*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month						
						Jan	Feb	March	April	May	June	Total
1)	Section 33676 Payments	Comm College	Payments per former CRL 33676	604,155.00	43,294.00				21,647.00			\$ 21,647.00
2)	Section 33676 Payments	Unified SD	Payments per former CRL 33676	4,244,325.00	304,151.00				152,075.50			\$ 152,075.50
3)	Section 33676 Payments	Kern County Water Ager	Payments per former CRL 33676	248,580.00	17,043.00				8,521.50			\$ 8,521.50
4)	Pass Through Agreement	County	Payments per former CRL 33401	24,949,335.00	1,722,194.00				861,097.00			\$ 861,097.00
5)	Statutory Payments	County	Payments oer CRL 33607.5 and .7	2,155,275.00	79,571.00				39,785.50			\$ 39,785.50
6)	Agency Agreement for Police Services	City of Ridgecrest	Police Services Reimbursement	351,600.00	351,600.00	29,300	29,300	29,300	29,300	29,300	29,300	\$ 175,800.00
7)	County Administrative Costs	County of Kern	County Administrative Costs	144,000.00	144,000.00		36,000.00	36,000.00	72,000.00			\$ 144,000.00
8)												\$ -
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25)												\$ -
26)												\$ -
27)												\$ -
28)												\$ -
<b>Totals - Other Obligations</b>				<b>\$ 32,697,270.00</b>	<b>\$ 2,661,853.00</b>	<b>\$ 29,300.00</b>	<b>\$ 65,300.00</b>	<b>\$ 65,300.00</b>	<b>\$ 1,184,426.50</b>	<b>\$ 29,300.00</b>	<b>\$ 29,300.00</b>	<b>\$ 1,402,926.50</b>

\* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)  
 If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.  
 \*\* Include only payments to be made after the adoption of the EOPS.  
 \*\*\* All payment amounts are estimates

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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF RIDGECREST  
DECLARING A FISCAL EMERGENCY IN THE CITY OF RIDGECREST**

**WHEREAS**, for the 2011/2012 fiscal year, the City of Ridgecrest responded to a shortfall in revenue in the amount of \$3.3 million by balancing its budget and reducing costs through employee furloughs, outsourcing, job sharing, hiring freezes, project cancellations, department budget reductions, and sale of properties; and

**WHEREAS**, the State Legislature, in an effort to appropriate money from the City, passed an enactment to dissolve the Ridgecrest Redevelopment Agency, along with a second enactment to demand payment from the City in order to avoid the dissolution; and

**WHEREAS**, the California Supreme Court found that the first of these enactments was valid while the second enactment was invalid with the effect that the Ridgecrest Redevelopment Agency would be dissolved without even the opportunity to pay to have it to continue; and

**WHEREAS**, the City is partially dependent on money obtained through the Redevelopment Agency to provide important public services such as police protection, low and moderate income housing, and various works of civic improvement; and

**WHEREAS**, the significant cost-saving measures the City has employed to address its declining revenue will not be sufficient to compensate for the loss in revenue caused by the elimination of the Ridgecrest Redevelopment Agency.

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ridgecrest as follows:**

**Declaration of Fiscal Emergency.**

The City Council of the City of Ridgecrest finds and declares the existence of a fiscal emergency within the City. The City Council directs City staff to investigate the steps needed to resolve this fiscal crises with a report to be presented to the City Council as early as practicable.

**PASSED, APPROVED AND ADOPTED** on \_\_\_\_\_, 2012.

AYES:  
NAYS:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Rachel J. Ford, City Clerk

(SEAL)

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