



**City Council
Successor Redevelopment Agency
Financing Authority
Housing Authority**

AGENDA

Wednesday

Regular

**Closed Session 5:30 p.m.
Regular Session 6:00 p.m.**

April 2, 2014

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

(760) 499-5000

**Daniel O. Clark, Mayor
Marshall 'Chip' Holloway, Mayor Pro Tempore
James Sanders, Council Member
Lori Acton, Council Member
Steven P. Morgan, Council Member**

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LAST ORDINANCE NO. 14-xx
LAST RESOLUTION CITY COUNCIL NO. 14-19
LAST RESOLUTION FINANCING AUTHORITY NO. 14-xx
LAST RESOLUTION OF THE HOUSING AUTHORITY NO. 14-xx
LAST RESOLUTION OF THE SUCCESSOR REDEVELOPMENT AGENCY NO. 14-xx

CITY OF RIDGECREST

CITY COUNCIL REDEVELOPMENT SUCCESSOR AGENCY HOUSING AUTHORITY FINANCING AUTHORITY

AGENDA

Regular Council
Wednesday April 2, 2014

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

Closed Session – 5:30 p.m.
Regular 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 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

PUBLIC COMMENT – CLOSED SESSION

AGENDA - CITY COUNCIL - REGULAR

April 2, 2014

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CLOSED SESSION

GC54956.8 Local Agency Real Property Negotiations – Negotiation For Purchase – APN 067-050-15 Located At 602 West Ridgecrest Blvd.
- Agency Negotiator Loren Culp, City Engineer And Gary Parsons,
Economic Development Program Manager

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Closed Session
- Other

PUBLIC COMMENT

PRESENTATIONS

CONSENT CALENDAR

1. Adopt A Resolution To Amend The Professional Services Agreement With The Engineer Of Record, Mark Thomas & Company, For Additional Survey, Design And Bid Document Revisions For The West Ridgecrest Boulevard Project And Authorize The City Manager, Dennis Speer, To Approve The Amendment Speer
2. Adopt A Resolution Requesting Authorization To Accept From Oriole Homes Incorporated A Security Agreement, A Performance Bond, And Materials And Labor Bonds To Replace The Security Agreement From D. R. Horton Ventures Incorporated On Tract 6740 And Authorize The Mayor To Sign The New Security Agreement Speer
3. Adopt A Resolution Announcing Proclamations And Scheduling Date And Time Of Presentation For The Month Of April Ford
4. Adopt A Resolution Of The City Council Of The City Of Ridgecrest Supporting California Safe Digging Month For The Month Of April 2014 Ford
5. Approve Draft Minutes Of The Regular Meeting Of The City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Dated March 19, 2014 Ford

AGENDA - CITY COUNCIL - REGULAR

April 2, 2014

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DISCUSSION AND OTHER ACTION ITEMS

- 6. Adopt A Resolution To Approve The Selection Of Utility Cost Management LLC To Conduct A One-Time Audit Of Utility Usage And Billings McQuiston**
- 7. Receive For File The Year End Budget Projections For Fiscal Year 2013-14 McQuiston**

COMMITTEE REPORTS

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

Members: Jim Sanders, Dan Clark
Meetings: 3rd Tuesday of the Month at 4:00 P.M., Kerr-McGee Center
Next Meeting:

Veterans Advisory Committee

Members: Dan Clark
Meetings: 1st and 3rd Tuesday of the Month At 6:00 p.m., Kerr McGee Center
Next Meeting:

Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Chip Holloway
Meetings: 1st Wednesday Of The Month, 8:00 A.M.
Next Meeting: at location to be announced

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

CITY MANAGER REPORT

MAYOR AND COUNCIL COMMENTS

ADJOURNMENT

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

SUBJECT:

A Resolution To Amend The Professional Services Agreement With The Engineer Of Record, Mark Thomas & Company, For Additional Survey, Design And Bid Document Revisions For The West Ridgecrest Boulevard Project And Authorize The City Manager, Dennis Speer, To Approve The Amendment

PRESENTED BY:

Dennis Speer, Public Work Director

SUMMARY:

The City of Ridgecrest is ready to begin the construction of West Ridgecrest Boulevard from Mahan Street to China Lake Boulevard. The City has been working with the engineering firm Mark Thomas & Company for the design of the West Ridgecrest Boulevard Project for the last three years and during the bid period.

As with any federal project that is to remain on the federal schedule, additional work may be discovered while the project is out to bid. In order to meet the federal project milestones the West Ridgecrest Boulevard Project required additional survey, design and bid document work while the project was out to bid. Two addendums were issued during the bid period due to recent improvements constructed at the intersection of Inyo Street and West Ridgecrest Boulevard and revisions to Caltrans American Disability Act (ADA) standards.

These two major issues along with other minor issues resulted in substantial additional survey, design and bid document revisions in order to finalize the bid sets.

Funding for this expense will be taken from the TAB Funds and budgeted from the line item 018-4760-430-2106 ST010.

Staff recommends that the City amends the professional services agreement with the engineer of record, Mark Thomas & Company, for the work for this major arterial street project.

FISCAL IMPACT: \$56,572.

Reviewed by Finance Director

ACTION REQUESTED:

Adopt The Resolution To Amends The Professional Service Agreement With The Engineer Of Record, Mark Thomas & Company, For The Additional Survey, Design And Bid Document Revisions For The West Ridgecrest Boulevard Project And Authorizes The City Manager, Dennis Speer, To Approve The Amendment

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Loren Culp

Action Date: April 2, 2014

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RESOLUTION NO. 14-

A RESOLUTION TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH THE ENGINEER OF RECORD, MARK THOMAS & COMPANY, FOR ADDITIONAL SURVEY, DESIGN AND BID DOCUMENT REVISIONS FOR THE WEST RIDGECREST BOULEVARD PROJECT AND AUTHORIZE THE CITY MANAGER, DENNIS SPEER, TO APPROVE THE AMENDMENT

WHEREAS, the City of Ridgecrest is about to start construction on the West Ridgecrest Boulevard Project; and

WHEREAS, The City has contracted with the engineering firm Mark Thomas & Company, for the design of the West Ridgecrest Boulevard Project for the last three years and during the bid period; and

WHEREAS, Two addendums were issued during the bid period due to recent improvements constructed at the intersection of Inyo Avenue and West Ridgecrest Boulevard Project and revisions to Caltrans American Disabilities Act (ADA) standards; and

WHEREAS, These two major issues along with other minor issues resulted in substantial additional survey, design and bid document revisions in order to finalize the bid sets; and

WHEREAS, the proposed fee of \$56,572.00 is to be budgeted with TAB Funding and expended from account number 018-4760-430-2106 ST0101;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby approves Amending The Professional Services Agreement With The Engineer Of Record, Mark Thomas & Company, For Additional Survey, Design And Bid Document Revisions For The West Ridgecrest Boulevard Project And Authorizes The City Manager, Dennis Speer, To Approve The Amendment

APPROVED AND ADOPTED THIS 2th DAY OF APRIL 2014 by the following vote.

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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MARK THOMAS & COMPANY

Providing Engineering, Surveying & Planning Services

March 20, 2014

Mr. Loren Culp
City of Ridgecrest
Public Works Department
100 West California Avenue
Ridgecrest, CA 93555

OFFICES

Cupertino
Fresno
Irvine
Pleasanton
Sacramento
Salinas
San Carlos
San Jose
Walnut Creek

RE: PROPOSAL FOR BIDDING ADDENDUMS AND SUPPLEMENTAL TOPOGRAPHY FOR W. RIDGECREST BLVD

Dear Mr. Culp:

Mark Thomas & Company, Inc. (MTCO) would like to thank you for the opportunity to work on the West Ridgecrest Boulevard Reconstruction Project and look forward to the upcoming construction of the project.

As discussed, during the bidding phase of the project, changes in design resulted in the need for the additional work outlined below. These changes required two addendum submittals, which included significant changes to the plans, specifications, and estimates. Additionally, recent construction on Ridgecrest Boulevard required the need for supplemental topography so the design of the roadway would properly accommodate existing improvements.

The following is the proposed scope for the submittal of two addendums and supplemental topography.

SCOPE OF WORK:

Bidding Addendum #1 – The scope of bid addendum #1 requires significant revisions to the project plans, specifications, and estimate to comply with the changes requested by the City.

1.0 Plan Revisions

- 1.1 Typical Section Sheets** – Revisions include changing construction limits of curb, gutter, and sidewalk per the site visit markups from the City.
- 1.2 Roadway Detail Sheets** – Revisions include changes to the slopes of ramps, driveways, and sidewalks to match the Caltrans Revised Standard Plans.
- 1.3 Layout Sheets** – Revisions include changing limits of curb, gutter, and sidewalk, profile revisions at Downs Street to minimize the cross slope in the north-south direction, and the addition of driveways requested by the City for Southern California Edison and at the City maintenance yard.
- 1.4 Construction Detail Sheets** – Revisions include grading all ADA accessible routes (driveways, pedestrian ramps, sidewalks) to meet the new requirements of the Caltrans Revised Standard Plan, grading the Downs Street and Norma Street intersections to minimize the cross slope change in the north-south direction, grading 4 additional driveways for the Southern California Edison parcel and City maintenance yard, the addition of a drainage inlet, and resizing of pipes for the basin at station 45+50.

1.5 Utility Sheets – Revisions include revising sewer rim grades based off the revised grading discussed in 1.4 Construction Details, the addition of a drainage inlet, and adding storm drain pipe near the basin at station 45+50.

1.6 Traffic Handling/Striping and Signage Sheets – Revisions include various minor changes per the comments received by the City

1.7 Quantity Sheets –Revisions include quantifying limits of construction based off the changes discussed above.

1.8 Electrical and Signal Sheets – Revisions include coordination and plan revisions with the decorative luminaire per the City comments (GFI outlets, match Balsam luminaire, identify supplier), and moving pole and electrical box locations based off new project limits.

1.9 Landscape Sheets – Revisions include plan and quantity revisions due to the changes in project limits.

2.0 Specification Revisions - Revisions to the bid specifications are necessary due to the changes outlined in section 1.0 Plan Revisions. Additionally, the City requested the following bid items be added to the specifications:

- Permits/Insurance/Bonding
- Soils and Materials Testing
- Construction Surveying
- Coordination with Utilities
- Site Clean up

3.0 Estimate Revisions and Quantities

Due to the change in limits of curb, gutter, and sidewalk, quantities and estimates for the project need to be revised.

Bidding Addendum #2 - The scope of bid addendum #2 requires minor plan revisions, specification revisions, the addition of the federal wage rates, and development of general cross sections for the contractor to bid on.

1.0 Plan Revisions

1.1 Roadway Detail Sheets – Revisions include revising the depth of sidewalk shown in the details.

2.0 Specification Revisions – Revisions include changes in the specifications to make them comply with the constructability review performed by Willdan. This resulted in minor changes to 11 sections of the specifications.

3.0 Addition of Federal Wage Rates – Revisions include incorporating the federal wage rates into the contract documents.

4.0 General Cross Sections – Based off the grading changes outlined in Addendum #1 Section 1.4 above, the general cross sections need to be revised to reflect the changes in grading. This required updating approximately 150 cross sections. These sections will be provided to the contractor for bidding purposes.

Supplemental Topography

- 1.0 Supplemental Topography** – This task includes mobilization and field surveying of new improvements on Ridgecrest Boulevard west of Inyo Street. This is necessary to refine design and to provide an accurate plan set for the contractor to bid on.
- 2.0 Survey Data Gathering** – This task includes providing the project surveyor the required information to perform the field surveys, incorporation of points into AutoCAD, and the surface creation of new area.

SCE Legal Description and Exhibit

- 1.0 SCE Legal Description and Exhibit** – This task includes preparation of a strip easement legal description and exhibit within existing City R/W. The legal description will be signed by a California Licensed Surveyor. It is assumed that either the City, or SCE will obtain the necessary signatures, and process the document through the county recorder’s office.

Construction Project Revisions

- 1.0 Construction Project Revisions** – This task includes revising the plans, as directed by the City, on a time and material basis. Recent changes in utility coordination and direction changes with the geometric configuration at Balsam Street are some of the anticipated plan changes.

FEE:

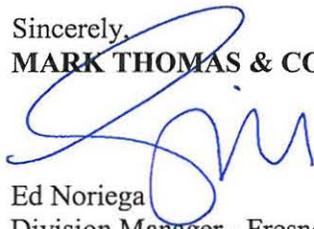
The proposed scope shall be provided on a Time and Materials basis not to exceed \$56,572. The major tasks and fee are as follows:

Bidding Addendum #1	\$ 32,601
Bidding Addendum #2	\$ 6,742
Supplemental Topography	\$ 3,025
SCE Legal Description and Exhibit	\$1,510
Construction Project Revisions	\$10,000
<u>Reimbursables (5%)</u>	<u>\$2,694</u>
Total Fee	\$56,572

For a breakdown of the fee proposal, please attached Exhibit A.

If you have any questions, please contact me at (559) 447-1938. Thank you for the opportunity to continue working with you.

Sincerely,
MARK THOMAS & COMPANY, INC.



Ed Noriega
Division Manager - Fresno

EXHIBIT A

Design Wrap-Up for City of Ridgecrest - W. Ridgecrest Blvd Reconstruction																		
PROJECT TASK	Mark Thomas & Company Inc.						Mark Thomas & Company Inc.						Fehr & Peers	DL 252	Subconsultant Markup 5%	TOTAL		
	Engineering Manager	Project Surveyor	Project Engineer	Design Engineer	Engineering Tech	Admin	SUBTOTAL	Engineering Manager	Project Surveyor	Project Engineer	Design Engineer	Engineering/Survey/CADD Technician					Admin	MTCO Subtotal
							\$ 210.00	\$ 121.00	\$ 138.00	\$ 99.00	\$ 60.00	\$ 62.00						
A. Bidding Addendum #1																		
1.1 Plan Revisions - Typical Section Sheets	1			20		21	\$210			\$1,980			\$2,190		\$2,190			
1.2 Plan Revisions - Roadway Detail Sheets	1			2		3	\$210			\$198			\$408		\$408			
1.3 Plan Revisions - Layout Sheets	1	10	18			29	\$210	\$1,380	\$1,782				\$3,372		\$3,372			
1.4 Plan Revisions - Construction Detail Sheets	1	16	24	16		57	\$210	\$2,208	\$2,376	\$960			\$5,754		\$5,754			
1.5 Plan Revisions - Utility Sheets	1			4		5	\$210			\$240			\$450		\$450			
1.6 Plan Revisions - Traffic Handling/Striping and Signage Sheets	1		5			6	\$210		\$495				\$705		\$705			
1.7 Plan Revisions - Quantity Sheets	1			18	20	39	\$210			\$1,080	\$1,240		\$2,530		\$2,530			
1.8 Plan Revisions - Electrical and Signal Sheets			2			2			\$198				\$198	\$8,000	\$8,598			
1.9 Plan Revisions - Landscape Sheets			2			2			\$198				\$198	\$1,730	\$2,015			
2.0 Specification Revisions	4		32			36	\$840		\$3,168				\$4,008	\$590	\$4,628			
3.0 Estimate Revisions and Quantities				16	16	32				\$960	\$992		\$1,952		\$1,952			
Subtotal Task A	11	26	105	54	36	232	\$2,310	\$3,588	\$10,395	\$3,240	\$2,232	\$21,765	\$8,590	\$1,730	\$32,601			
B. Bidding Addendum #2																		
1.1 Roadway Detail Sheets			1			1			\$99				\$99		\$99			
2.0 Specification Revisions	2		11			13	\$420		\$1,089				\$1,509		\$1,509			
3.0 Addition of Federal Wage Rates			2			2			\$198				\$198		\$198			
4.0 General Cross Sections			40	8	8	56			\$3,960	\$480	\$496		\$4,936		\$4,936			
Subtotal Task B	2		54	8	8	72	\$420		\$5,346	\$480	\$496	\$6,742			\$6,742			
C. Supplemental Topography																		
1.0 Supplemental Topography		20				20		\$2,420					\$2,420		\$2,420			
2.0 Survey Data Gathering		5				5		\$605					\$605		\$605			
Subtotal Task C						25							\$3,025		\$3,025			
D. SCE Legal Description and Exhibit																		
1.0 SCE Legal Description and Exhibit		10		5		15		\$1,210		\$300			\$1,510		\$1,510			
Subtotal Task D				5		15				\$300			\$1,510		\$1,510			
E. Construction Project Revisions																		
1.0 Construction Project Revisions													\$10,000		\$10,000			
Subtotal Task E													\$10,000		\$10,000			
Reimbursable (5%)													\$2,152	\$430	\$2,694			
CONTRACT SERVICES TOTAL													\$35,194	\$9,020	\$1,817	\$542	\$56,572	

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

SUBJECT:

Request Authorization To Accept From Oriole Homes Incorporated A Security Agreement, A Performance Bond , and Materials and Labor Bonds To Replace The Security Agreement From D. R. Horton Ventures Incorporated On Tract 6740 And Authorize The Mayor To Sign The New Security Agreement

PRESENTED BY:

Dennis Speer, Public Works Director

SUMMARY:

The Developer, D. R. Horton Ventures Incorporated, of Tract 6740, which is located at the northwest corner of Kendall Avenue and College Heights Boulevard, wishes to sell the Tract 6740 to Oriole Homes Incorporated.

Oriole Homes Incorporated, the buyer of Tract 6740, has provided a Performance Bond in the amount of \$3,555,030.96 and a Labor and Material Bond in the amount of \$1,777,515.48 for completion of the required improvements associated with Tract 6740. These amounts have been reviewed and confirmed by the City Engineer as an accurate estimate of the construction costs. A security agreement between the Developer and the City of Ridgecrest has been prepared and has been review and approved by the City Attorney.

Staff recommends that the Council authorize the replacement Security Agreement for Oriole Homes Incorporated for Tract 6740 and authorize the Mayor to sign the security agreement.

FISCAL IMPACT: None

Reviewed by Finance Director

ACTION REQUESTED:

Accept From Oriole Homes Incorporated A Security Agreement, A Performance Bond, and Materials and Labor Bonds To Replace The Security Agreement From D. R. Horton Ventures Incorporated On Tract 6740 And Authorize The Mayor To Sign The New Security Agreement

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Loren Culp
(Rev. 02/13/12)

Action Date: April 2, 2014

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RESOLUTION NO. 14-

REQUEST AUTHORIZATION TO ACCEPT FROM ORIOLE HOMES INCORPORATED A SECURITY AGREEMENT, A PERFORMANCE BOND, AND MATERIALS AND LABOR BONDS TO REPLACE THE SECURITY AGREEMENT FROM D. R. HORTON VENTURES INCORPORATED ON TRACT 6740 AND AUTHORIZE THE MAYOR TO SIGN THE NEW SECURITY AGREEMENT

WHEREAS, D. R. Horton Ventures Incorporated located at the northwest corner of Kendall Avenue and College Heights Boulevard, wishes to sell the tract 6740 to Oriole Homes Incorporated; and

WHEREAS, Oriole Homes Incorporated has provided a Performance Bond and a Labor and Material Bond; and

WHEREAS, These amounts have been reviewed and confirmed by the City Engineer as an accurate estimate of the construction costs; and

WHEREAS, A security agreement between the Developer and the City of Ridgecrest has been prepared and has been review and approved by the City Attorney; and

WHEREAS, Orioles Homes Incorporated, has entered into a security agreement with the City of Ridgecrest which insures the completion of the public improvements associated with Tract 6740.

NOW THEREFORE, Be It Resolved that the City Council of the City of Ridgecrest Accept From Oriole Homes Incorporated A Security Agreement, A Performance Bond, and Materials and Labor Bonds To Replace The Security Agreement From D. R. Horton Ventures Incorporated On Tract 6740 And Authorize The Mayor To Sign The New Security Agreement.

APPROVED AND ADOPTED this 2nd day of April 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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RECORDING FOR THE BENEFIT OF
RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

CITY OF RIDGECREST
100 W. CALIFORNIA AVENUE
RIDGECREST, CA 93555

SECURITY AGREEMENT

This agreement, made and entered into this 2nd day of April 2014, by and between the City of Ridgecrest, hereinafter referred to as City, and Oriole Homes Incorporated, hereinafter referred to as Developer.

WITNESSETH

WHEREAS, Developer is engaged in the development of Tract 6740, hereinafter referred to as Development, within the City of Ridgecrest and wants to comply with Conditions of Approval therefore; and

WHEREAS, City requires certain off-site improvements, more particularly described herein, as Conditions of Approval for the Development;

IN CONSIDERATION OF THE MUTUAL CONVENANTS AND CONDITIONS CONTAINED HEREIN, THE PARTIES HERETO MUTUALLY AGREE AS FOLLOWS:

1. Developer agrees to construct off-site improvements on College Heights Boulevard and Kendall Avenue, more particularly described in Exhibit "A", attached hereto and incorporated herein.
2. Developer agrees to construct said improvements in full, at his own expense, in good and workmanlike manner, and in accordance with such plans for said improvements as approved by the City Engineer and filed in the office of the City Engineer. The above referenced plans shall be part of this agreement and are incorporated herein by reference.
3. Developer agrees to diligently proceed with construction of said improvements and to complete same within 365 calendar days from the date of execution of the agreement by the City.
4. Developer is aware and agrees herewith that certain portions of said improvements, as indicated on Exhibit "A", are required to be completed prior to issuance of any occupancy permits for any units within the Development.

5. Developer further agrees to be responsible for any and all loss, damage or injury occurring from the construction of the improvements and agrees to hold City, its officers, employees and agents harmless from any liability for loss, damage or injury arising out of the nature of the work or the acts or omissions of the Developer, or Developer's contractors, subcontractors, agents or employees.
6. Developer shall have insurance coverage and shall furnish certificates of Public Liability and Property Damage Insurance, naming City as additional insured as respects performance of the terms of the agreement, prior to commencement of any work within Public right-of-way with a minimum coverage of \$500,000 and \$1,000,000 for public liability and property damage.
7. It is mutually agreed that, upon written request of Developer, and with approval of the City Council, the time of completion herein provided may be extended for the improvements in whole or part.
8. In the event that Developer fails or neglects to complete the improvements within the time specified, that after notice to Developer, City may take whatever steps deemed necessary by City to construct or complete the improvements, utilizing such security as herein set aside for this purpose. It is expressly understood that such action by City shall not relieve Developer from any previously existing liability for any breach of duty in regard to the said improvements.
9. Developer agrees to guarantee said improvements against any and all defects arising from faulty materials or workmanship for a period of one year from the date of acceptance of said improvements by City.
10. It is further understood and agreed that this agreement constitutes the off-site improvements agreement for Tract 6740.
11. Developer agrees to cause monuments to be set as shown on Final Map and in conformance with the Subdivision Map Act and City standards.
12. Developer agrees to furnish the following security at the time of execution of this agreement:
 - A. Performance Bond, conforming to the requirements of Section 66499.1 of the Subdivision Map Act in the amount of 100% of the estimated cost of improvements.
 - B. Labor and Materials Bond, conforming to the requirements of Section 66499.2 of the Subdivision map Act in the minimum amount of 50% of the estimated cost of improvements.

Or

- A. An Instrument of Credit or a cash deposit conforming to Section 66499(a), (2) or (3), in the amount of 50% of the estimated cost of improvements, guaranteeing faithful performance by Developer of this agreement.

The amount of 100% of the estimated cost of improvements, guaranteeing faithful performance will be required if reductions in that guarantee are being requested by the Developer as work progresses.

- B. An Instrument of Credit or cash deposit conforming to Section 66499(a), (2) or (3), in the amount of 50% of the estimated cost of improvements to insure to the benefit of laborers and materialmen upon such work and improvements conditioned upon the payment of such laborers and materialmen for labor or material performed or rendered under the terms of said contract, and for amounts due under the Unemployment Insurance Act with respect to such work or labor as provided by Section 4202 and by Sections 66499-66499.10 of the Government Code of the State of California.

CITY OF RIDGECREST

Daniel O. Clark, Mayor

DEVELOPER

Oriole Homes, Inc.

ATTEST:

_____ Dated: _____

Rachel Ford, City Clerk

ATTACH NOTARY CERTIFICATES

Exhibit "A"

The figures presented herewithin are estimated costs necessary to complete construction of improvements as itemized on Exhibit "B" attached for Tract 6740.

- | | |
|---|----------------|
| 1. Sewer Improvements
These improvements will provide sanitary sewer service to all properties within the subdivision. | \$ 454,987.00 |
| 2. Storm Drain Improvements
These improvements will provide storm drainage improvements within the subdivision. | \$ 235,716.00 |
| 3. Street Improvements
This item includes improvements on College Heights Boulevard, Kendall Boulevard and all streets within the subdivision. The work to be performed is rough grading, construction of asphalt paved street sections, curb, gutter, sidewalk and street lights including associated appurtenances needed to serve all properties within the subdivision. | \$1,456,822.80 |
| 4. Street Lights
These improvements will provide street lights within the subdivision. | \$ 184,000.00 |
| 5. Water Improvements
These improvements will provide water service to all properties within the subdivision. | \$ 475,600.00 |
| 6. Wall Improvements
These improvements will provide block wall per plans. | \$ 140,400.00 |
| 7. Survey Monuments
These improvements will provide survey monuments within the subdivision. | \$ 15,000.00 |
| 8. Contingency
A 20% contingency factor has been included for all items. | \$ 592,505.16 |

The cost including contingency for construction of improvements is \$3,555,030.96.

The Instrument of Credit guaranteeing faithful performance is 100% of the above total to wit:
\$ 3,555,030.96

The Instrument of Credit guaranteeing labor and materials is 50% of the above total to wit:
\$1,777,515.48

Exhibit "B"

Items to be completed in Tract 6740

By Imad Aboujawdah, Civil Design and Drafting, Inc., as of October 23, 2009

Sewer Improvements

4" Sewer Lateral – 2010 L.F.	@ \$ 35.00	\$ 70,350.00
5004 LF of 8" PVS Pipe CL 150	@ \$ 52.00	\$ 260,208.00
26 Manholes	@ \$ 4217.00	\$ 109,642.00
5004 LF of TV Inspection	@ \$ 1.75	\$ 8,757.00
67 Tees and Wyes	@ \$ 90.00	\$ 6,030.00
Total Sewer Improvement Cost:		\$ 454,987.00

Storm Drain Improvements

69 LF of 12" PVC Pipe CL 150	@ \$ 80.00	\$ 5,440.00
111 LF of 24" R.C.P.	@ \$ 114.00	\$ 12,654.00
798 LF of 36" R.C.P.	@ \$ 127.00	\$ 101,346.00
5 Manholes	@ \$ 4100.00	\$ 20,500.00
Junction Structure	@ \$ 4000.00	\$ 4,000.00
25 EA. Parkway Culvert S=2'	@ \$ 300.00	\$ 7,500.00
2 EA. C.B. W=20'	@ \$ 12,000.00	\$ 24,000.00
1 EA. C.B. W=10'	@ \$ 8,000.00	\$ 8,000.00
2 EA. C.B. W=7'	@ \$ 6,500.00	\$ 13,000.00
43 CY 6" Concrete Lined Channel	@ \$ 132.00	\$ 5,676.00
350 LF Retaining Wall with 6' Screening on top	@ \$ 96.00	\$ 33,600.00
Total Storm Drain Improvement Cost:		\$ 235,716.00

Street Improvements

185,000 SF of AC (3.5")	@ \$ 2.08	\$ 384,800.00
43,000 SF of AC (5")	@ \$ 2.08	\$ 89,440.00
153,148 SF Crushed Agg. Base 4"	@ \$ 0.85	\$ 130,175.80
31,350 SF Crushed Agg. Base 11"	@ \$ 2.33	\$ 73,045.50
43,645 SF Cold Planing	@ \$3820 + 0.90/SF	\$ 43,100.50
6060 LF of 6" Curb and 2' Gutter	@ \$ 19.50	\$ 118,170.00
1630 LF of 8" Curb and 2' Gutter	@ \$ 20.90	\$ 34,067.00
5100 SF - Cross Gutter	@ \$ 8.74	\$ 44,574.00
44,442 SF of Sidewalk 4" Thick	@ \$ 5.00	\$ 222,210.00
32,832 SF of Driveway Residential	@ \$ 7.50	\$ 246,240.00
17 Curb Ramps	@ \$ 3,000.00	\$ 51,000.00
Temporary Basin	@ \$ 20,000.00	\$ 20,000.00
Total Street Improvement Cost:		\$ 1,456,822.80

Street Light Improvements

46 Street Lights	@ \$ 4,000.00	\$ 184,000.00
Total Monument Cost:		\$ 184,000.00

Water Improvements

4750 LF of 8" PVC Pipe CL 150	@ \$ 48.00	\$ 228,000.00
1022 LF of 12" PVC Pipe CL 150	@ \$ 80.00	\$ 81,760.00
2750 LF of 1" Service Connection	@ \$ 10.00	\$ 27,500.00
70 Service Meter Assembly	@ \$ 700.00	\$ 49,000.00
10 - 8" G.V.	@ \$ 1,700.00	\$ 17,000.00
3 - 12" G.V.	@ \$ 3,400.00	\$ 10,200.00
7 - 6" F.H. Complete	@ \$ 4,200.00	\$ 29,000.00
2" Air Valve	@ \$ 3,500.00	\$ 3,500.00
2 - Flush Out	@ \$ 3,500.00	\$ 7,000.00
4 - 8" Tee	@ \$ 300.00	\$ 1,200.00
2 - 12" Tee	@ \$ 345.00	\$ 690.00
8" Cross	@ \$ 325.00	\$ 325.00
2 - 12 x 8 Hot Tap	@ \$ 10,000.00	\$ 20,000.00
8" Blind Flange	@ \$ 200.00	\$ 200.00
12" Blind Flange	@ \$ 225.00	\$ 225.00
Total Water Improvement Cost:		\$ 475,600.00

Perimeter Wall Improvements

1560 LF - 6' High Screen Wall	@ \$ 90.00	\$ 140,400.00
Total Wall Cost:		\$ 140,400.00

Survey Monuments

Survey Monuments	@ \$ 15,000.00	\$ 15,000.00
Total Monument Cost:		\$ 15,000.00

20% Contingency Cost **\$ 592,505.16**

TOTAL **\$3,555,030.96**

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

SUBJECT: Approve A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of April And Scheduling Date And Time For Presentation

PRESENTED BY:

Rachel J. Ford, City Clerk

SUMMARY:

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various events and observations. The resolution lists proclamations that have been processed and will be presented at the following events.

- National Donate Life Month – April 2014
Proclamation to be mailed upon adoption to the League of California Cities

FISCAL IMPACT: None

None

Reviewed by Finance Director

ACTION REQUESTED:

Approve resolution recognizing proclamations for the month of March

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve resolution recognizing proclamations for the month of March

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

Action Date: April 2, 2014

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RESOLUTION NO. 14-xx

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL
ANNOUNCING PROCLAMATIONS PREPARED FOR THE
MONTH OF APRIL 2014 AND SCHEDULED DATE OF
PRESENTATION**

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various event and observations. The following proclamations have been processed and will be presented at location, date and time shown below:

Proclamation Titles

- National Donate Life Month – April 2014
Proclamation to be mailed upon adoption to the League of California Cities

APPROVED AND ADOPTED THIS 2nd day of April 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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*A Proclamation of
The City Of Ridgecrest, California
Recognizing National Donate Life Month*

WHEREAS, organ, tissue, marrow and blood donation are life-giving acts recognized worldwide as expressions of compassion to those in need; and

WHEREAS, more than 121,000 individuals nationwide and more than 21,000 in California are currently on the national organ transplant waiting list, and every 90 minutes one person dies while waiting due to the shortage of donated organs; and

WHEREAS, the need for donated organs is especially urgent in Hispanic and African American communities; and

WHEREAS, more than 600,000 units of blood per year are needed to meet the need in California; and

WHEREAS, at any given time, 6,000 patients are in need of volunteer marrow donors; and

WHEREAS, a single individual's donation of the heart, lungs, liver, kidneys, pancreas and small intestine can save up to eight lives; donation of tissue can save and heal the lives of up to 50 others; and a single blood donation can help three people in need; and

WHEREAS, millions of lives each year are saved and healed by donors of organs, tissues, marrow and blood; and

WHEREAS, the spirit of giving and decision to donate are not restricted by age or medical condition; and

WHEREAS, over ten million Californians have signed up with the state-authorized Donate Life California Registry to ensure their wishes to be organ and tissue donors are honored; and

WHEREAS, California residents can sign up with the Donate Life California Registry when applying for or renewing their driver's licenses or ID cards at the California Department of Motor Vehicles; and

NOW, THEREFORE, BE IT RESOLVED that in recognition of National Donate Life Month, the month of April 2014 is hereby proclaimed "**DMV/Donate Life California Month**" in the City of Ridgecrest, and in doing so we encourage all Californians to check "YES!" when applying for or renewing their driver's license or I.D. card, or by signing up at www.donateLIFecalifornia.org or www.doneVIDAcalifornia.org.

Proclaimed this 2nd Day of April 2014

Daniel O Clark
Daniel O Clark, Mayor

Marshall 'Chip' Holloway
Marshall 'Chip' Holloway
Mayor Pro Tem

James S. Sanders
James Sanders
Council Member

Lori Acton
Lori Acton
Council Member

Steven P. Morgan
Steven P. Morgan
Council Member

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

SUBJECT:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST SUPPORTING CALIFORNIA SAFE DIGGING MONTH FOR THE MONTH OF APRIL 2014

PRESENTED BY:

Rachel J. Ford, City Clerk

SUMMARY:

A request was received by Laura Morales of the League of California Cities, encouraging all cities and counties to adopt a resolution recognizing the month of April 2014 as California Safe Digging Month

The 811 "Call Before You Dig" program is a vital public education and awareness program dealing with the safety of subsurface excavation, and education is the key to promoting safe digging practices. Excavators, homeowners, and professional contractors can save time and money while making California's communities a safer place to live and work by dialing 811 in advance of all digging projects.

This simple step taken prior to digging will help preserve not only the underground utility lines from damage; it will also prevent service interruptions and possible injury or death to workers.

Staff request is to approve a resolution supporting the League of California Cities request to proclaim the month of April as California Safe Digging Month.

FISCAL IMPACT:

No Fiscal Impact

Reviewed by Finance Director

ACTION REQUESTED:

Adopt a resolution supporting the month of April 2014 as California Safe Digging Month

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Rachel J. Ford

Action Date: April 2, 2014

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Resolution No. 14-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST SUPPORTING CALIFORNIA SAFE DIGGING MONTH FOR THE MONTH OF APRIL 2014

WHEREAS, Excavators, homeowners, and professional contractors can save time and money while making California's communities a safer place to live and work by dialing 811 in advance of all digging projects; and

WHEREAS, The 811 "Call Before You Dig" program is a vital public education and awareness program dealing with the safety of subsurface excavation, and education is the key to promoting safe digging practices; and

WHEREAS, The five steps to a safe excavation are: survey and mark, call before you dig, wait the required time, respect the marks, and dig with care; and

WHEREAS, Utility lines are often buried only a few inches underground, making them easy to strike and cause damage and harm even during shallow excavation projects; and

WHEREAS, More than 170,000 underground utility lines are struck each year in the United States and approximately 33 percent of all digging damages in the United States result from not calling 811 before digging; and

WHEREAS, Undesired consequences, such as service interruption, outages, damage to public and private infrastructure and property, damage to the environment, personal injury, and death, are risked by failing to call 811 before digging or safely marking utility lines; and

WHEREAS, Calling 811 to be connected to a "One Call Center" before digging, respecting the color-coded lines that demarcate underground utilities, and digging with care around the marked lines will help keep Californians safe and prevent damages and destruction; and

WHEREAS, As California's economy recovers from the recent recession and the state's economic recovery stimulates new construction, new construction requires supporting infrastructure, and California's underground utility infrastructure is jeopardized by unintentional damage caused by those who fail to call before digging; and

WHEREAS, Underground Service Alert of Northern California and Nevada, in cooperation with California's public and private utilities, provide an effective damage prevention service that protects California's citizens, communities, public services, environment, and underground facilities at no cost to the caller; and

WHEREAS, The free notification service provided by Underground Service Alert of Northern California and Nevada has dramatically reduced the number of accidents causing property damage, personal injury, and interruption of vital services;

WHEREAS, California public agencies should enforce California Government Code 4216 regarding safe excavation practices, permitting and civil penalties.

NOW THEREFORE BE IT RESOLVED, by the City of Ridgecrest proclaims April 2014 as California Safe Digging Month and encourages all excavators, homeowners, and professional contractors to call 811 in advance of all digging projects.

APPROVED AND ADOPTED this 2nd day of April, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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

SUBJECT:

Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of March 19, 2014

PRESENTED BY:

Rachel J. Ford, City Clerk

SUMMARY:

Draft Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of March 19, 2014

FISCAL IMPACT:

None

Reviewed by Finance Director:

ACTION REQUESTED:

Approve minutes

CITY MANAGER 'S RECOMMENDATION:

Action as requested: Approve Draft Minutes

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**MINUTES OF THE REGULAR MEETING OF THE
RIDGECREST CITY SUCCESSOR AGENCY,
FINANCING AUTHORITY, AND HOUSING AUTHORITY**

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

**March 19, 2014
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 Dan Clark; Vice Mayor Marshall 'Chip' Holloway, Council Members Jim Sander; Lori Acton, and Steven Morgan

Council Absent: None

Staff Present: City Manager Dennis Speer; City Clerk Rachel J. Ford; City Attorney Michael Silander; and other staff

APPROVAL OF AGENDA

1. Pull Item No. 2, a presentation by the Army Recruiter Station
2. Amend Item No. 5 to include the following additional Respect For Law proclamations
 - China Lake Police Department – 2013 Officer of the Year
 - Ridgecrest Police Department – 2013 Officer of the Year
 - Kern County Sheriff Department – 2013 Officer of the Year
 - California Highway Patrol – 2013 Officer of the Year
 - Kern County Fire Department – 2013 Officer of the Year
 - These Proclamations will be presented at the annual Respect for Law dinner on March 28, 2014 at 7:00 pm at the Elks Lodge.

APPROVAL OF AGENDA *(continued)*

3. Amend Item No. 7 Title on the Ordinance to read [“Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Municipal Code Section 9-8 With Respect To Vacant, Distressed and Boarded Buildings, Registration and Monitoring Fees”](#)

[Copies Of The Amended Resolution And Ordinance Have Been Provided At The City Clerk's Desk](#)

Motion To Approve Agenda As Amended Made By Council Member Acton, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes (Mayor Clark, Council Members, Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; 0 Absent

PUBLIC COMMENT – CLOSED SESSION

- No comments were presented for Closed Session items

CLOSED SESSION

GC54956.9 (d) (4) Conference with Legal Counsel – Existing Litigation – City Of Ridgecrest v. Matasantos

GC54956 Local Agency Real Property Negotiations – APN 0330-060-03, 940 North China Lake Blvd. – Agency Negotiators Dennis Speer, City Manager And Gary Parsons, Economic Development Program Manager

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Closed Session
 - GC54956.9 (d) (4) Conference with Legal Counsel – Existing Litigation – City Of Ridgecrest v. Matasantos. Report received no reportable action.
 - GC54956 Local Agency Real Property Negotiations – APN 0330-060-03, 940 North China Lake Blvd. – Agency Negotiators Dennis Speer, City Manager And Gary Parsons, Economic Development Program Manager. Report received, no reportable action, direction to staff was given.
- Other
 - None

PUBLIC COMMENT opened at 6:14 p.m.

Dave Matthews

- Related story of fish fry and mayor's invitation to Kathy Armstrong to attend
- Spoke on incident pertaining to Waste Management pertaining to a problem with bulky item pickup.

Tom Wiknich

- Requested report on Kern COG meetings
- Announced new entertainment service coming to Ridgecrest, KZGN-TV with local news, weather, and local interests. Expect to be on-air by mid-summer (July or August). Asking for input from community on what they would like to see on live TV.
 - Lori Acton – asked if might be able to broadcast Bakersfield news and streaming on internet
- Working on Bakersfield programming but have copyright issues to be worked out.
- Presented a handout to Council (copy available in the city clerk's office)

Jack Wolfe

- Suggested media broadcast could be used to broadcast Council meetings
- Spoke on benefits of living in Ridgecrest and anticipation of new developments
- Spoke on situation with emergency room for medical treatment.
- Commented on Ridgecrest Hospital service to the City with Life-Flight emergency services
- Life-Flight nurse present at the Council meeting.
- Spoke on Ridgecrest Hospital accreditations.
- Spoke on issue with Lab testing and emergency room refusal with City Police response. Litigation pending which will drag police in and sample is supposed to be destroyed tonight.
- Expressed hope the issue would be resolved in the near future.

Closed Public Comment at 6:29 p.m.

PRESENTATIONS

1. Presentation By Council Of Special Recognition To City Volunteer Kathy Armstrong

Council presented a plaque of appreciation and Key to the City to Kathy Armstrong

2. Presentation To Council By The US Army Recruiting Station Ridgecrest

- Item No. 2 pulled prior to approval of the agenda

CONSENT CALENDAR

3. Adopt A Resolution To Request Authorization To Award A Construction Contract To Griffith Construction Company For Road Reconstruction And Rehabilitation Of West Ridgecrest Boulevard From Mahan Avenue To South China Lake Boulevard And Authorize The City Manager, Dennis Speer To Execute The Contract Speer
4. A Resolution To Accept Funding From The Transit System Safety, Security, And Disaster Response Account Under The California Transit Security Grant Program (CTSGP) For A Transfer Station Security Camera System And Authorize The City Manager, Dennis Speer Or His Designee To Execute All Documents To Obtain CTSGP Funding Speer
5. Adopt A Resolution Approving A Proclamations For The Month of March And Scheduling Date And Time Of Presentation Ford
 - Item No. 5 amended to include 'Respect For Law' proclamations to the 2013 Officer of the Year for Ridgecrest Police Department, China Lake Police Department, Kern County Sheriff Department, California Highway Patrol, and Kern County Fire Department
6. Approve Minutes Of The Regular City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated March 5, 2014 Ford

Items Pulled From Consent Calendar

- Item No. 3

Motion To Approve Consent Calendar As Amended Made By Council Member Holloway, Second By Council Member Morgan. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Clark, Council Members Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; And 0 Absent

Item No. 3 discussion

Tom Wiknich

- Asked about the bid information
 - Dennis Speer – responded. Copy available in the city clerk's office

Dave Matthews

- Asked if there were any local bidders
 - Dennis Speer – no local bids received

Item No. 3 Discussion (continued)

Motion To Approve Item No. 3 By Council Member Morgan, Second By Council Member Acton. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Clark, Council Members Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; And 0 Absent

ORDINANCES

7. Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Municipal Code Section 9-8 With Respect To Vacant, Distressed and Boarded Buildings, Registration and Monitoring Fees Strand

Cpt. Paul Wheeler

- Presented staff report

Dan Clark

- Updated Council on the process used to develop the ordinance.

Steve Morgan

- Page 2 sentence beginning with Long Term needs to be revised (page 2, paragraph 1, middle of sentence 2)
- 9.8-2 - Definitions – “choose’ to leave buildings vacant
- 9.8-2 Definitions – vacant building asked about the 90 day time frame and if it can be extended or is arbitrary. Want to make it clear that if a person is making an attempt to get the property leased can get a waiver
- 9.8-3 vacant distressed boarded last sentence of section a) missing the word property
- Same section #2 again mentions 90 day
- Under fee waiver section b) if we have someone not local but has someone watching and maintaining the property, is not clearly defined in b) 2.
 - Dan Clark – commented this was addressed later in the ordinance
- Thinking about further action warranted by the city for someone who is not doing their best to maintain a property and we collect the fee, how are we going to adjudicate it after that
 - Paul Wheeler – There is a process in Code Enforcement to have property abated
- Need to reference that in this document

Chip Holloway

- Fees charged have to be equal to the expenditure
 - Paul Wheeler – responded with formula used.
- Suggested registration fee be one-time fee and monitoring fee be as needed

Lori Acton

- Asked to hear from realtors

Dan Clark

- Read the fee waiver section of the ordinance
- If owner is doing due diligence then gets a waiver, this targets vacant absentee owners who leave buildings in disrepair and depreciate the values of the neighborhoods. Compassionate to those who own multiple rentals and are competent in maintaining the property.
- As former teacher who has to deal with kids being exposed to drugs, finding drug dealers are moving into vacant homes without owners knowledge. Asking property owners to keep property in good repair and show diligence in keeping property rented.

Public Comment

Dave Matthews

- Agree with the Mayor. Remember this coming up in the last infrastructure meeting over a year ago
- Understand the intent of the changes to the ordinance
- Lived here for 46 years and have seen my share of vacant buildings, some for long periods of time
- Multiple reasons why a building may become vacant, sometimes due to economic downturns, manufacturing or base related service buildings that lose contracts, sometimes buildings are purposely left vacant as a tax write off.
- Economic hard times very often are the cause for any vacant property
- My concern about code enforcement is there are a lot of unemployed and homeless in town
- If someone has property and chooses to let the property degrade, I agree. People do not choose to get into a situation where they can't keep the property up.
- Some people may have to pay the fee or go without food and I am concerned about those people
- Make sure there is leeway to give someone a break if they can't afford the fee or do anything with the building.

Stan Rajtora

- Three comments on ordinance and would like to read statement into the record
- Thanked Mr. Morgan for bringing up the word 'chooses'
- Have never chosen to leave a property vacant and if could come up with a way to pay the mortgage, taxes and insurance would be glad to do it.
- First sentence of page two paragraph one. Same sentence Mr. Morgan spoke about. Grammar is bad and lack of economic development is an issue which causes vacant properties

MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR

March 19, 2014

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Stan Rajtora *(continued)*

- Page 2 ‘substantial cost to city to monitor vacant buildings’ asked what kind of cost really is, wording is vague
- Handouts to council and requested to read into record (copy available in city clerk’s office)
- Exemplified property that can’t be rented or sold due to the current low housing situation
- Solution is to create jobs.
- If code enforcement already allows for elimination of blight then should use it rather than this ordinance. This ordinance is focusing on the fee rather than eliminating blight.
- Three solutions. Jobs, Jobs, and more Jobs
- Already a code on record that will eliminate blight
- Don’t like blight and think the city should eliminate blight but this is not the solution

Chip Holloway

- Asked for difference between honest and not honest landlord
- If you honestly work at trying to sell, lease, or maintain your rentals then City does not want to talk to you

Stan Rajtora

- Exemplified work history on the base.

Chip Holloway

- If you are actively trying to rent your property we are not concerned with you, fully aware of people who have been actively trying to rent units for over a year but there are others who are not maintaining or actively trying to rent their units. This ordinance protects good property owners. Have seen units with dog feces on the floors and broken windows and need to be cleaned up.

Stan Rajtora

- Why should people have to register and pay fees if they aren’t doing something wrong?
- Neighborhoods know where the problem properties are and those are reported to code enforcement

Dan Clark

- There are people who are content to let properties sit without trying to rent them.
- Every one of the items you listed in your statement fit the waiver situation
- We are going after those owners who are a problem in the community

Stan Rajtora

- This problem is getting worse and city needs to do something to help and get involved in a positive helpful manner by generating jobs.
- Would like to city try to use the existing code before passing something like this. Then come back and explain why this ordinance is necessary
- Do not think this ordinance will change anything.

Carol Vaughn

- We do property management and have a lot of negligent landlords
- Exemplified persons working at china lake who purchased property in good faith and then jobs went down and had to leave
- Most single family homes the mortgages do not equal the rents and the owner does not have spare money
- Asking handyman doing repairs to split the payment into multiple months so the owners can pay the mortgage
- These owners are not going to have the funds to pay another fee, they can barely pay the costs they have now.
- This will result in homes being given back to the bank
- These are owners who care about their property and would like to sell them but when we do not have jobs then no one is here to buy the property
- Prices are down and people are hurting.
- Many landlords do not choose to leave their properties vacant. You can't have a tenant when there is no one coming here to work.
- Spoke on issue about the paperwork. Property managers do not have the time in their day to do more paperwork.
- Not going to ask for a waiver, too much work for staff. You are asking for huge amount of paperwork for people already over-worked
- You know where the real problems are, take care of those with code enforcement.
- Spoke on the Oasis property and the availability of the landlord. Code enforcement already on the books and city can do something about it.
- This is a new thing that requires a lot of work and extra money from people who do not have to give it.
- People cannot afford another fee for anything, all you will see is more houses being turned back to the bank by landlords who have already bent over backward to try and keep their houses.

Ronald Porter

- Agree with everything previously said
- Do not leave in democracy but a represented republic.
- Spoke on property ownership as foundation right of the country and now city is trying to take that away
- Public needs to be involved, this ordinance will not help but will harm a lot

MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR

March 19, 2014

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Ronald Porter *(continued)*

- This ordinance sets an assessment for the extra service provided.
- Spoke on notice of vacant property giving police authority to walk the property at any time.
- Boarded rental protects the property from unlawful entry. Does not always mean the property is abandoned
- This is a special assessment and should go to public vote
- Problems today with government bodies is they solve problems dictatorial rather than being helpful
- Country based on freedom and liberty including property ownership
- Feel council is trying to do what is best for the city
- Requiring someone to live within 60 miles or have a property manager
- Waiver, with city manager having final say is wrong. Waivers should always go before council in public view.
- Possibility of creating liability because making owners pay for extra service. If special service isn't performed then could have liability problem
- Questioned on attaching fees for collection, should go thru court and have due process
- Objects to separate fine for each day a problem occurs
- Assessment should be listed and how you came up with the fee.
- Suggested having a public meeting and not pass this

Teresa Jacobs

- Agree with carol Vaughn. Reason owners use property manager is they want the property rented
- Vacant for more than 90-day's for any reason...
 - Chip Holloway – b) reverses it and the confusion indicates this does need to be taken back and re-worded
- Waiver has to be approved so is not an option

Speaker

- Agree with document needing re-wording
- Concerned with the word vacant
- Pays exorbitant fee and other taxes and fees
- Not intentionally leaving property vacant, actively trying to rent it
- Believe there is a need to clean up blight
- Concerned about why the current code is not able to address the problem
 - Paul wheeler – code enforcement is working to resolve the problems with blight. Ordinance currently looks to cost approximately \$180 a year. Cost for code enforcement cost to owners is \$500.

Speaker *(continued)*

- Problem needs to be addressed not people who are the problem
 - Lori Acton – ordinance needs to be updated; we know there are good renters. Individuals who are doing what they can to keep property maintained don't have anything to worry about. This targets people who intentionally allow their property to become blight.
- Asked why the need for a waiver
 - Paul Wheeler – owners are responsible for buildings that are vacant or distressed for over 90 days and registration only kicks in when a property has code violations and the owner is not actively trying to correct the problems or rent the building. Those are the ones that have to register, only kicks in when it is determined that a property is not being offered for rent or sale and there are code violations
 - Lori Acton – when we see a property in that condition, can't we send a letter to the owner and only then do we require a waiver.
 - Chip Holloway – the only time they have to respond is when they get a letter from us.
 - Paul Wheeler – how this triggers is up to council. If you want it thru code enforcement then we can do this.
 - Chip Holloway – every realtor or property managers keep a list of properties. Suggested this list be given to police.
 - Lori Acton – not looking at it to get people, just to see if the property is actively being marketed

Tom Wiknich

- Have had people tell me I choose to not rent that property as a code enforcement officer.
- There are people who do not care about the property and will let it fall down.

Suzette Caulfield

- Realtor in town and have reviewed this ordinance but there are a lot of questions that still need to be resolved
- There are a lot of vacant properties in town, the question is how do we let the City know if a property is actively being marketed
- The concept of providing the lists to city has merit. We try to keep an eye on all of our properties but we often find people in the house who are not supposed to be there and have to warn realtors to be careful when showing a property
- Page 2 vacant building definition – are you going to let an unauthorized person in the house for 90 days before you do something about it? Suggested putting notification by owner as part of the sentence
- Any reason is not the verbiage to use when vacant for 90 days. There are other reasons for a property to be vacant. If I was gone an extended period of time I would notify the police without the waiver process, this is a clarity issue.

MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR

March 19, 2014

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Suzette Caulfield *(continued)*

- Owners are usually referred to as the person responsible, legal owner of the house is an individual being foreclosed on, if they can't pay the mortgage how can they pay these fees and once the bank takes over will they be responsible for non-payment of the fees. How will you take care of this if there is a transfer of ownership during the time period?
- Designation of responsible agent does not release owner from obligation on page 4, are notices going out to the owner on assessors role and how will you know if the address is correct, how much time will be spent tracking down the right person and how much time will be spent by a bank to clean up a property in preparation for sale. Process that this ordinance may not integrate with.
- Concerned about city manager specially assessing against the property
- Under penalties identified any person in violation. Exemplified 10 violations on 10 separate properties found in one day. If you assess enough, will the city end up owning the property?
- If going to fine the property owner, don't fine them as an individual across the boards. Owner would owe \$100 versus \$1000 due to verbiage
- Who is responsible for the 15 day notification if property is sold? Who receives the notification, how are fines to be paid.
- Would support an ordinance that supports the process but there is extra paperwork in here and legal issues brought up.
- A lot of individuals who might like an opportunity to sit down and have input on this.

Ron Porter

- The way this is written the day you get notification of default or pending tax assessor under 9-8-2 and page 3 conflicting
- This is punishing the innocent for someone else's crime.

Jerry Allred

- How is this going to help or is it going to help
- Thought the measure 'I' funding was to pay for a code enforcement officer to oversee this.
- Does this include vacant land, lots, and areas? That could cause a lot of trouble.
- If you have vacant land you do not have to register. Properties includes lands
 - Dan Clark – this is for buildings
- Properties does not mean just buildings
- If the language is added 'after notification'
- If it is 90 days and I am notified and I have to come in and pay the fee is not clear
- Will this process trigger a building code inspection?
- Are we talking ADA standards?
- Once you get a bunch of people looking, today's code was not the code of the past and won't meet tomorrow's code, it is a moving target
- Are sprinklers going to be required in commercial buildings

MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR

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Jerry Allred *(continued)*

- Where will it end? This ordinance is not specific.
- This will only help lower appraised values
- Cannot build a new structure on what it will appraise for because of the new codes
- RDA free money was never supposed to be paid back and had to build 150 terrible houses we are going to have to take care of. Go bulldoze it. Talking about the Oasis. Originally was to be torn down but because we had to keep them to get the free money we still have a problem housing situation.
- Infrastructure meeting was one of the best helpful meetings because it allowed citizens who have a hard time speaking in public an opportunity to receive information.
- Been involved on the Ridgecrest Blvd. committee, once the committee stopped we received zero information and have not been approached since then or received information.
- Commented on balsam street branding issues
- Thinks this ordinance needs to be addressed and is offended by it.

Steve Morgan

- Need to work on this a lot more

Lori Acton

- Need to go back and shore it up so public has a better understanding

Jim Sanders

- Concerned about what incentive someone would have to register property if they are abandoning it. Like the concept and think it is needed
- Concerned about appealing to the city manager rather than city council. Is there a legal precedent or did it get copied from another city's code
- Asked Mr. Porter to email his constitutional concerns
- Asked what new services are being provided, understanding is the service provided will be the code enforcement officer will check every 90 days to ensure the property is not being squatted or vandalized
- Strongly agree with suggestion this be tied to nuisance abatement. Planning department did try to take care of nuisance abatement and a couple times there was property that was abandoned by the owners and they had no intention of taking care of it ever again.
- Nuisance abatement is a long and costly process for city and property owners and would like to keep from getting to that point
- Need to explore other options of keeping track of vacant property

Holloway

- Have had ordinances and sometimes it gets frustrating because there are 3 readings but at times like these we need 10 readings.
- This ordinance needs a lot of work, there were good points to the legal terms
- Won't collect anything on a foreclosed home unless we made the bank liable
- Majority of our problems are the foreclosed and distressed homes
- Gave example of situations as a realtor being paid by the bank to knock on doors to see if someone was living in a house
- All for fixing this document and don't mind staff reaching out to the experts to find out what is feasible
- We have to do something, not doing something is not an option
- People who have rental property have to have a business license

Dan Clark

- Agree with colleagues
- Received great input, have to go back and re-work it
- Asked public to download the ordinance and think about ways to improve it, do not want to de-tooth it.
- I have a rental and am willing to register it if it helps fix the problems in the community.

Morgan

- Can allow staff to rework and bring back to council
- Council has authority to create an Ad Hoc committee and believes this would be a well-received path and the most acceptable method to deal with this.
- Do not feel there will be a problem getting 2 council members to sit on the committee and work with staff and public. Let everyone in the community who wants to participate be a part of the committee

Dan Clark

- Council Members Acton and Morgan volunteered to participate as committee members and requested City Attorney involvement.

Motion To Create Ad Hoc Committee As Stated Made By Council Member Holloway, Second By Council Member Acton. Motion Carried By Voice Vote Of 5 Ayes (Mayor Clark, Council Members Holloway, Sanders, Acton, And Morgan); 0 Noes; 0 Abstain; And 0 Absent

COMMITTEE REPORTS

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

Members: Jim Sanders, Dan Clark
Meetings: 3rd Tuesday of the Month at 4:00 P.M., Kerr-McGee Center
Next Meeting: To Be Announced

Jim Sanders

- Meeting held but had a glitch with email notification so will be redoing the meeting

Veterans Advisory Committee

Members: Dan Clark
Meetings: 1st and 3rd Tuesday of the Month At 6:30 p.m., Kerr McGee Center
Next Meeting: To Be Announced

Dan Clark

- No report

Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Chip Holloway
Meetings: 1st Wednesday Of The Month, 8:00 A.M.
Next Meeting: Date and Location To Be Announced

- No report

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Steve Morgan

- Kern COG working on program active transportation program call for projects which has a pot of money that will be administered by Kern COG. Staff is urging members to develop projects for the active transportation program
- Not much going on at the next meeting

CITY MANAGER REPORT

Dennis Speer

- Town hall meeting scheduled April 1 at 6:00 pm at Kerr McGee and encourage citizens to attend to discuss goals.

MAYOR AND COUNCIL COMMENTS

Steven Morgan

- Council member Acton will meet immediately following this meeting to schedule the first Ad Hoc meeting
- Surrounding community, Trona is celebrating their 100th anniversary and daily independent outlined the entire event from March 28-30. Tours of historical places and encourage everyone to try and help them celebrate.
- Jack Barnwell, I admire your moxie. I can only imagine the comments written to the editor but your letter to the editor in yesterday's edition and you state credibly many aspects of how people will get letters to the editor during the upcoming election season. I wish you luck, having been thru several of those in the past. I appreciate the fact the daily independent's stand of requiring name and address before they will print their letters. I hope you succeed. Thank you publicly for the outstanding methodology and gives great credibility to the daily independent
- Thanked Mr. Patin for going over water usage in city parks, is working diligently on it.

Lori Acton

- Encouraged attendees to have a cupcake in celebration of her birthday
- Really appreciate the input on tonight's ordinance, it is refreshing to have dialogue and excited to be on the Ad Hoc committee. Will get this on social media.
- Baseball season is underway and encouraged citizens to get out and watch.
- SNORE is combining to bring a race in our area. Working hard to get them here, this is a great event and an opportunity to meet the drivers
- Attending the bluejacket dinner, special honor to present proclamations
- Encouraged citizens to attend Trona events

Jim Sanders

- Economic development strategy, would be helpful as council to have discussion in future to discuss strategy for economic development. Myriad of things cities have done in the past and we need to decide what is acceptable and what we want to do in our city in the area of economic development. RDA is gone so this would be good thing to have discussion and form a list of policies of what is acceptable as a city
- League of California cities meeting on April 3

Chip Holloway

- Attended Cal COG annual conference and state has a 295 billion dollar deficit in infrastructure funding. Want to show some of these PowerPoint at a short meeting, feel it is very important

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Chip Holloway *(continued)*

- Caltrans initiative transportation user fee road repair act estimates revenues of 3 billion or over 25 billion in 10 years. Revenue allocation will give 25% to local agencies and counties and 10% to transportation. This would be a 6% increase for local government so may be something to support.
- City of Los Angeles council proposed a ½ cent sales tax to fill deficit. This problem is not unique to Ridgecrest. Cities do not receive enough revenue in gas tax to maintain roads.
- Town hall meeting survey last draft in today and hope to get it out next week. The survey will be out there long after this first town hall meeting, expect to have several meetings to get citizen input.

Dan Clark

- Charter v. general law was a platform for my election. Want to bring this back for discussion and asked Chip to discuss the league of California cities charter cities tool kit
 - Chip Holloway – would like to wait for it, not out yet. Do have opportunity to have former Bakersfield City Council Member who has been involved to discuss the various ways to do this. Think it is worth exploring but not rush into until League finishes the tool kit.
- It has been almost 2 years they have worked on the toolkit. I made obligation to community to explore the concept and willing to wait a little longer but in the next month or so would like to begin the discussions
- Petroglyph festival preparations under way. Golf tournament fundraiser will include a car, cash or home stereo system for a hole in one on the par 3's. Thanks to Mike Thomas for taking over and putting this together.
- Asked council members to be involved and participate.
- Flyers available at the clerk's desk and about 6 weeks before tournament. Tournament is on April 26 at 8:00 a.m. and cost is \$60.00 per person
- May 17 pancake breakfast at the elks lodge between 7 a.m. and 11 a.m. and invited council to help serve.
- April 1 strategic planning town hall at 6pm and invited public to come be a part of the process to set goals for the city.
- Have parade CD's for colleagues.
- Recognize Ernie Bell as new superintendent for sierra sands school district.
- Applications for league of California cities board at large are available
- Will be in the parade for Trona's 100th celebration, will be driving Model T
- Trona has produced phenomenal people who have done great service to this community.

Steve Morgan

- 3 community members willing to put their life on the line I would be happy to serve with them on the Petroglyph Festival fundraiser golf team

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Chip Holloway

- Presented a need arose item to oppose Senate Bill 1017 which would triple the oil tax for County of Kern. Will have City Manager sign letter of opposition on behalf of Council

ADJOURNMENT at 10:14 p.m.

Rachel J. Ford, CMC
City Clerk

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KZGN TV Station Press release March 19, 2014

Tom and Shannon Wiknich including GUNS4US announce a new entertainment service to Ridgecrest and the Indian Wells Valley. Coming this summer will be Ridgecrest's 1st local TV station that will be called KZGN TV. KZGN is locally owned and will be providing a community based LIVE over the air TV broadcast over the IWV TV booster and through Mediacom cable. It will also be streamed over the internet. The new TV channel will carry live news, weather, and sports about Ridgecrest and the surrounding area. There will be daily live programs from about 5:00 PM to 7:00 PM. There are also plans for an area specific interview/investigative type program. We will also make the station available to potential groups and business's to provide a presentation of their efforts or products.

Our station manager will be Fritz Freiberg. He has years of experience working at KZIQ radio in Ridgecrest as well as other radio stations. Putting on live TV programs is not like radio. It is very labor intensive. So, the station will be providing some new jobs as well.

The station will also be taking advertising. Many advertising options will be available. From short 30 second spots to full length ½ hour programs.

Since the station will be operating 24 hours per day, we won't have live studio programs to fill all that time. All programming decisions have not yet been made. We would like the community to provide their inputs to us for the type programs they would like for us to provide. Until we get all station the Emails and web sites working, people can contact me at GUNS4US for more info or to provide your thoughts on future programs. I can be contacted at GUNS4US 760-375-1004 or thru email guns4us@earthlink.net

Finally, again I stress. This will be a community oriented TV Station focusing on Ridgecrest and the surrounding areas. Please let us know your thoughts. We want to hear from you.

Tom & Shannon Wiknich
GUNS4US
760-375-1004
guns4us@earthlink.net

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MINUTES 03/19/2014 - ATTACHMENT B - SUBMITTED BY STAN RAJTORA

This Wednesday the city council is going to act on a proposed new ordinance regarding vacant rental properties. While I have for some time thought the city made a mistake in canceling the city committees, I feel more strongly now than ever. This ordinance should have been vetted by knowledgeable citizens. It is clear that the city staff or whoever wrote this ordinance has no understanding of the residential rental market or the current state of the Ridgecrest economy. Now is the worse possible time for the City of Ridgecrest to implement such a punitive law on those who invest in our community.

The facts:

The vacancy rate, which is normally 5½%, has now risen to 11½%

Rents, in general, are down with the many rental owners barely able to meet their costs

Low rent is an ongoing problem dating back to the 1990's

Repairs are barely affordable when the rental property is occupied

The cost of repairs for vacant rental property is a hardship for many landlords

Many rental property owners are in danger of defaulting on their rental property

Declining jobs, the cause for the low rent, has driven rental property value down

Declining rental property values makes the property impossible to sell

Boarding up a rental unit may be the only feasible alternative

The recent significant hike in sewer tax fees is just adding to the already high burden

Rental owners have no authority or resources to impact Ridgecrest jobs

Let's put the real problem into proper perspective:

The number of rental units in this town is the result of employment at China Lake many years ago

The number of local jobs has decreased both on base and in the community

Available rental units significantly outnumber the number of renters

The vacancy rate will not improve until the Ridgecrest economy improves

Current rents are half the revenue needed to justify building new units

The current glut of rental housing was partially caused by the construction of two totally unnecessary RDA “affordable” housing developments

Ridgecrest City Council has the authority and resources to perform economic development, but rarely does

Recent Ridgecrest retail development has helped city revenues but not created jobs

Imposing a fee will not eliminate the blight

We are all in the same depressed economic condition - No one deserves to be singled out for abuse

The City of Ridgecrest has had a negative impact on the rental housing market both by creating unnecessary rental units and by the lack of any action on their part to bring jobs to our community. Now, a proposed city ordinance wants to punish the honest rental owners for a situation the city helped create via lack of economic insight and lack of appropriate action. The rental owners deserve better treatment, much better. The very least the city could do is avoid adding to the current hardship this group has had to endure. I hope you think long and hard before giving it any consideration. It deserves none. It puts another hardship on people who trustingly invested in our community and are suffering due to our economic downturn and instability. The city needs to address the cause of the problem, not the symptom.

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

SUBJECT:

Resolution to Approve the Selection of Utility Cost Management LLC to Provide Utility Billing Audit Services for the City of Ridgecrest

PRESENTED BY:

Rachelle McQuiston, Finance Director/Agency Treasurer

BACKGROUND:

The City Council has directed staff to pursue cost savings opportunities. Utility costs for the City exceed \$400,000 annually; identified as a possible cost savings opportunity. To this end, the City of Ridgecrest solicited proposals for competitive pricing to conduct a one-time audit of utility usage and billings. A request for proposal (RFP) was issued on October 21, 2013, the City of Ridgecrest solicited proposals for a firm to review the city's utility bills for cost savings. A selection committee reviewed, called references, and scored the two proposals, and selected Utility Cost Management LLC as the best qualified.

Staff requests Council's approval of the selection of Utility Cost Management LLC and authorize the Finance Director to execute agreement.

FISCAL IMPACT:

No Fiscal Impact

Reviewed by Finance Director

ACTION REQUESTED:

Receive and File

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Rachelle McQuiston Finance Director

Action Date: 04/02/2014

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RESOLUTION NO. 14-

A RESOLUTION TO APPROVE THE SELECTION OF UTILITY COST MANAGEMENT LLC TO CONDUCT A ONE-TIME AUDIT OF UTILITY USAGE AND BILLINGS

WHEREAS, the City of Ridgecrest pursues cost savings opportunities; and

WHEREAS, the City of Ridgecrest spends over \$400,000 annually on utilities;
and

WHEREAS, the City solicited proposals from qualified firms to perform utility audit services; and

WHEREAS, the selection committee reviewed and analyzed the proposals; and

WHEREAS, the selection committee contacted references and ranked the firms;
and

WHEREAS, the selection committee Utility Cost Management LLC as the vendor best qualified to provide this service;

NOW, THEREFORE, BE IT RESOLVED, that the City of Ridgecrest hereby approves the selection of Utility Cost Management LLC and authorizes the Finance Director to execute agreement upon Review and Approval of the City Attorney.

APPROVED AND ADOPTED, this 1st day of April 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Daniel O. Clark, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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UTILITY BILL AUDITING SERVICE AGREEMENT

As of _____, 2014, the City of Ridgecrest, hereinafter called (“City” or “Agency”) and Utility Cost Management LLC , hereinafter called (“Consultant”), agree as follows:

Purpose and Services. Consultant shall provide Utility Account Auditing Services pursuant to the following terms:

1.0 Applicable to City’s Utility Accounts. Unless otherwise stated in an addendum initialed by both parties, this Agreement will apply to all water, sewer, garbage, gas and electricity accounts (and any related utility user taxes, other taxes, assessments, surcharges or fees) with respect to which City:

- a. is receiving utility service as of the Effective Date (as defined below),
- b. has received utility service within three years prior to the Effective Date,
- c. receives utility service within one year after the Effective Date, or
- d. has permitted or authorized (Consultant) to obtain a copy of the utility bill.

2.0 City to Provide Utility Bills. On or promptly after City’s execution of this Agreement, the City will provide Consultant with a copy of at least one month’s bills for all of City’s Utility Accounts.

3.0 Consultant Authorized to Obtain Information on Utility Accounts. Consultant is hereby authorized to obtain and review information relating to the Utility Accounts. If site visits are necessary, the Consultant will first obtain proper authorizations.

4.0 Consultant’s Findings Letter. Consultant will use its best efforts to identify the basis for any refunds, credits or Future Savings (as defined below) on City’s Utility Accounts. Consultant will send one or more “Findings Letters” to City that generally sets forth the basis for any refunds, credits, or Future Savings identified by Consultant.

5.0 Steps to Obtain Refunds or Savings. Consultant is authorized by City to take steps to obtain the refunds, credits or Future Savings identified in the Findings Letter. Such steps may include, but are not limited to, communicating, negotiating and dealing with utility providers (or, in the case of utility user taxes or other governmental charges, the appropriate government entity), and seeking relief from the California Public Utilities Commission in a complaint proceeding or other proceeding.

6.0 Cooperation by City. The City will cooperate with Consultant, as reasonable, in Consultant’s efforts to carry out the purposes and intent of this Agreement. Such cooperation will include, but not limited to, providing information upon request by Consultant concerning City’s utility expenditures, utility service and operations.

7.0 Consultant’s Compensation

- a. **Refunds or Credits.** If the City receives a refund or credit that was identified in the Findings Letter, then the city will pay to Consultant XX% of the amount refunded or credited. The amount of the refund or credit for this purpose will include all amounts

refunded or credited (including any portion attributable to interest) for any overcharges that were incurred by the City prior to the date that the overcharges no longer appeared on the City's utility bill. Payment of Consultant's XX% compensation is due within 30 days of the date Consultant mails invoice to the City.

b. Future Savings. If the City obtains Future Savings that were identified in the Findings Letter, then the City will pay the Contractor XX% of such Future Savings that accrue during a Three-Year Savings Period. "Future Savings" is the amount by which the City's charges on its Utility Accounts are reduced as a result of a change in the billing rate, calculation, method or procedure. Future Savings will be calculated as the difference between the amount the City was billed on its Utility Accounts during the Three-Year Savings Period, and the amount that it would have been billed on its Utility Accounts during the Three-Year Savings Period if there had been no change in its billing rate, calculation method or procedure. The Three-Year Savings Period begins on the date that the change in the billing rate, calculation, method or procedure is first reflected on the City's utility bill, and ends three years thereafter. Consultant will submit invoices quarterly to the City for payment based on the Future Savings as they accrue. The invoices will verify (a) that Future Savings have actually been realized by the City, and (b) the amount of such Future Savings. Payment of the consultant's invoices is due within 30 days of the date the invoices are mailed to the City. The compensation under this subparagraph will not include compensation for Future Savings that are: (a) the result of a reduction in the amount of utility usage by the City, or (b) the result of the City's utilization of a different utility supplier that provides lower cost utility service.

c. The City's Prior Knowledge of Basis for Refund, Credit, or Future Savings. The City is not obligated to pay the Consultant pursuant to this paragraph for any refund, credit or Future Savings received by the City for which the City has submitted to the utility provider a written claim prior to the date of the Consultant's Findings Letter. However, the City is obligated to pay the Consultant pursuant to this paragraph where or not the City knew of the basis for the refund, credit or Future Savings prior to the date of the Consultant's Findings Letter, and whether or not the City's receipt of the refund, credit or Future Savings was the result of steps taken by the Consultants or others, including attorneys.

8.0 Termination; Effect. This Agreement will terminate 7 days after either party faxes a written notice of termination occurs after the Consultant has sent its Findings Letter to the City, then the City will remain obligated to pay the Consultant, pursuant to this Agreement, for any refunds, credits or Future Savings that were identified in the Findings Letter and that are thereafter obtained by the City. The Consultant may continue to obtain and review the City's utility billing and other information following termination in order to periodically verify whether the City has obtained a refund, credit or Future Savings that was identified in the Findings Letter.

9.0 Utility Customer. By providing a copy of the utility bill to the Consultant, the City is thereby agreeing that the Utility Account represented by such bill will be governed by this Agreement, regardless of whether or not the City is the Utility Customer with respect to such Utility Account. For purposes of this Agreement, the Utility Customer is the entity that (a) is named on the Utility Account as reflected by the utility bill, (b) receives the utility service on the

Utility account, (c) pays for or is liable for the charges on the Utility Account, or (d) is the owner of the property at which the utility service is provided on the Utility Account.

10.0 No Legal Services. The City acknowledges and understands that: (a) Only an attorney can provide legal services or advice, (b) the Consultant is not an attorney or law firm, and does not and will not provide legal services or advice, (c) the Consultant does not and will not act as an attorney for the City or any other person, (d) Nothing in this Agreement, and no act, omission or statement by the Consultant, or its owners or employees, will be construed to create an attorney-client relationship between the Consultant and the City or any other person, (e) The Consultant is not subject to the California Rules of Professional Conduct, which govern the conduct of attorneys, and (f) the City should consult an attorney if it wishes to receive legal services or advice.

11.0 Disclosure of Information. The Consultant may obtain information that pertains to the City's business, operations, or affairs, including but not limited to its utility charges and utility usage. The City expressly authorizes the Consultant to use and disclose such information to others as necessary or convenient to carry out the services contemplated by this Agreement.

12.0 Release of Claims Against the Consultant. The City acknowledges and agrees that the Consultant has made no express or implied representation or warranty that it will be successful in identifying or obtaining any refunds, credits, or Future Savings on the City's Utility Accounts. The City hereby covenants not to bring any action for damages against the Consultant that is based upon or relates to any failure by the Consultant to identify or obtain refunds, credits, or Future Savings to which the City was or is entitled.

13.0 Representations Made by the City. It may become necessary for the City to make certain representations to the utility provider or other entity in order obtain refunds, credits or Future Savings identified by the Consultant in its Findings Letter. The City hereby warrants that any such representations made by the City will be true and correct in all respects.

14.0 Late Payment Penalty. If payment of any invoice is not received by the Consultant within 30 days of the date the invoice was mailed, then interest on the amount owing will accrue, beginning on the 31st day after the invoice was mailed to the City, at the rate of 1% per month (prorated on a daily basis). In addition, if any payment is not received by the Consultant within 60 days of the date the invoice was mailed to the City, then a fee equal to 5% of the amount owing (including any accrued interest) will be imposed on the 61st day after the invoice was mailed. Interest will continue to accrue at 1% per month (prorated on a daily basis) on the entire amount due until paid in full.

15.0 Applicable Law. This Agreement is executed in and intended to be performed in the State of California, and the laws of that state will govern its interpretation and effect.

16.0 Venue. Venue in any legal action arising from or related to this agreement will be Kern County, California.

17.0 Severability. 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 rest of the agreement shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

18.0 Interpretation. In construing this Agreement, no consideration shall be given to the fact or presumption that any party had a greater or lesser hand in drafting this Agreement.

19.0 Entire Agreement. This instrument contains the entire Agreement of the parties relating to the rights granted and obligations assumed in this instrument. Any oral representations or modifications concerning this instrument shall be of no force or effect unless contained in subsequent written modifications signed by the party to be charged.

20. Signor Authorized to Bind the City. The individual signing this agreement on behalf of the City hereby represents and warrant that he/she is authorized on behalf of the City and to legally bind the City to the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereby have caused this agreement to be executed the date first above written.

APPROVED:

City of Ridgecrest
("City" or "Agency")

APPROVED:

Utility Cost Management LLC
("Consultant").

By: _____

V. Rachelle McQuiston, Finance Director

By: _____

Attest:

By: _____

Rachel Ford, Secretary

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

SUBJECT:

Executive Summary and Discussion of Fiscal Year 2013-14 Budget Projections

PRESENTED BY:

Rachelle McQuiston, Finance Director/Agency Treasurer

BACKGROUND:

Pursuant to Council request, the Director of Finance has actively researched revenue and expenditure projections for the remaining Fiscal Year 2013-14 Budget.

At the time of posting of the agenda, supporting documents were still being prepared and will be released upon completion.

FISCAL IMPACT:

No Fiscal Impact

Reviewed by Finance Director

ACTION REQUESTED:

Receive and File

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Rachelle McQuiston Finance Director

Action Date: 04/02/2014

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