



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

AGENDA

Wednesday

Regular

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

July 6, 2016

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

(760) 499-5000

**Peggy Breeden, Mayor
James Sanders, Mayor Pro Tempore
Lori Acton, Vice Mayor
Eddie B. Thomas, Council Member
Mike Mower, Council Member**

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CITY OF RIDGECREST
Telephone 760 499-5000
FAX 499-1500

100 West California Avenue, Ridgecrest, California 93555-4054

**NOTICE AND CALL OF SPECIAL CLOSED SESSION MEETING OF THE
RIDGECREST CITY COUNCIL / SUCCESSOR REDEVELOPMENT AGENCY/
FINANCING AUTHORITY/HOUSING AGENCY**

**TO THE MEMBERS OF THE RIDGECREST CITY COUNCIL / SUCCESSOR
REDEVELOPMENT AGENCY/FINANCING AUTHORITY / HOUSING AGENCY AND CITY
CLERK:**

PUBLIC NOTICE that a **SPECIAL CLOSED SESSION MEETING** of the Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Agency is hereby called to be held on **Wednesday, July 6, 2016, at 5:30 p.m.**, in the **Council Chambers Conference Room**, 100 W. California Avenue, Ridgecrest, California.

Said **SPECIAL CLOSED SESSION MEETING** shall be for the purpose of:

GC54956.9(d)(4) Conference With Legal Counsel – Potential Litigation –
Public Disclosure Of Potential Litigant Would Prejudice The
City Of Ridgecrest

Dated: June 30, 2016

Peggy Breeden, Mayor / Chair

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City Of Ridgecrest

Dated: June 30, 2016

Rachel J. Ford, CMC, City Clerk

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LAST ORDINANCE NO. 16-73
LAST RESOLUTION CITY COUNCIL NO. 16-01

CITY OF RIDGECREST

CITY COUNCIL REDEVELOPMENT SUCCESSOR AGENCY HOUSING AUTHORITY FINANCING AUTHORITY

AGENDA

Regular Council
Wednesday July 6, 2016

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

CLOSED SESSION

GC54956.9 (d) (4) Conference With Legal Counsel – Potential Litigation – Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest

GC54956.9(d)(1) Conference With Legal Counsel – Liability Claim Of City of Ridgecrest v. Cohen

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Closed Session
- Other

PRESENTATIONS

1. Presentation - Waste Management Annual Report Speer
2. Presentation – Measure ‘L’ Citizens Oversight Advisory Committee Annual Report Speer

PUBLIC COMMENT

COUNCIL ANNOUNCEMENTS

CONSENT CALENDAR

3. Proposed Action To Approve A Resolution Approving The Program Supplement Agreement No. 037-N1 With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R Encumbering One Hundred Sixty Thousand Eight Hundred Seventy-Five Dollars (\$160,875.00); And Authorizes Tax Allocation Bonds From The Street Allocation In The Amount Of Twenty Thousand Eight Hundred Forty-Two Dollars (\$20,842.00) Be Used For Matching Funds; And Authorizes The City Manager, Dennis Speer, To Sign The Program Supplement Agreement For Construction Of The North Warner Avenue Project From Drummond Avenue To West Howell Avenue Speer
4. Proposed Action To Approve A Resolution To Award A Construction Contract To Bowman Asphalt For The Road Rehabilitation And Resurfacing Of The Gateway Project From East Ridgecrest Boulevard To Church Avenue In The Amount Of Five Hundred Twenty-Three Thousand One Hundred Twenty-Eight Dollars (\$523,128.00) And Authorize The City Manager, Dennis Speer, To Execute The Contract Speer
5. Proposed Action To Approve A Resolution To Award A Construction Contract To Elite Grading And Paving For The Bike Path Extension Along Richmond Road From The Bowman Bike Path To The Park And Ride On East Ridgecrest Boulevard In The Amount Of Two Hundred Thirty-Three Thousand Four Hundred Twenty-Nine Dollars (\$233,429.00) And Authorize The City Manager, Dennis Speer, To Execute The Contract Speer

6. Proposed Action To Approve A Resolution To Award A Construction Contract To Bowman Asphalt Inc. For The Road Rehabilitation And Resurfacing Of Twelve Streets For Fiscal Year 2016 Street Improvement Project In The Amount Of One Million Eight Hundred Thirty-Eight Thousand One Hundred And Sixty Dollars (\$1,838,160.00) And Authorize The City Manager, Dennis Speer, To Execute The Contract Speer
7. Proposed Action To Approve A Resolution To Award A Construction Contract To Griffith Company For The Road Rehabilitation And Resurfacing Of East Drummond Avenue From North China Lake Boulevard To Chelsea Street In The Amount Of Five Hundred Seventy-Two Thousand Six Hundred Twenty-Six Dollars (\$572,626.00) And Authorize The City Manager, Dennis Speer, To Execute The Contract Speer
8. Proposed Action To Approve A Resolution Of The City Council Of The City Of Ridgecrest To Levy And Collect Sewer Fees On The General Tax Rolls For Fiscal Year 2016-2017 Speer
9. Proposed Action To Approve A Resolution Of The City Council Of The City Of Ridgecrest Approving Acceptance Of Real Property From Kern County And Approving The Agreement For Transfer Of Real Property Known As Leroy Jackson Park, Ridgecrest, California Patin
10. Proposed Action To Approve A Resolution To Approve The Expenditure Of Parks And Recreation Impact Fees At The Kerr McGee Youth Sports Complex Patin
11. Proposed Action To Approve A Resolution Of The Ridgecrest City Council Authorizing The Application For And Acceptance Of The United States Department Of Justice, Byrne Program Grant McLaughlin
12. Proposed Action To Approve A Task Order With City Attorney Firm Of Lemieux & O'Neill For Services Which Exceed The Scope Of The Retainer Agreement Lemieux
13. Proposed Action To Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated June 1, 2016 Ford
14. Proposed Action To Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated June 8, 2016 Ford
15. Proposed Action To Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated June 15, 2016 Ford

PUBLIC HEARING

16. Public Hearing And Proposed Action To Approve A Resolution Of The City Council Of The City Of Ridgecrest Certifying The Environmental Impact Report (EIR) Prepared For The Construction Of A New Wastewater Treatment Plant On Two Alternative Sites Or Adopting A "No Project Alternative"; Adopting The California Environmental Quality Act Findings Of Fact; And Adopting The Mitigation Monitoring And Reporting Program Speer

DISCUSSION AND OTHER ACTION ITEMS

17. Nomination And Appointment To The Ridgecrest Planning Commission To Fill Vacancy Ford
18. Proposed Action To Approve A Resolution Supporting The 2016 Petroglyph Festival As A Signature Event Of The City Of Ridgecrest And Authorize Special Event Insurance and In-Kind Services For The Event Ford
19. Proposed Action To Approve A Resolution Establishing A Voting Delegate And Alternate For The League Of California Cities Annual Conference Ford
20. Proposed Action To Approve The Draft Letter Of Opposition Regarding Closure Of The Antelope Valley Cancer Center Radiation Therapy Department – Ridgecrest Branch Breeden
21. Presentation, Discussion, And Proposed Action To Approve By Minute Motion In-Kind Services For The Blue Zones Health And Wellness Community Speaker Event Sponsored By The Ridgecrest Regional Hospital Breeden
22. Proposed Action To Appoint A Member Of Council To The Board Of Directors Of The Kern Economic Development Corporation Breeden

COMMITTEE REPORTS

(Committee Meeting dates are subject to change and will be announced on the City website)

City Organization and Services Committee

Members: Lori Acton; Mike Mower
Meeting: 4th Wednesday each month at 5:00 p.m. as needed
Location: Council Conference Room B

Infrastructure Committee

Members: Jim Sanders; Mike Mower
Meeting: 4th Thursday each month at 5:00 p.m. as needed
Location: Council Conference Room B

❖ **Ad Hoc Water Conservation Committee**

Members: Jim Sanders; Peggy Breeden
Meeting: Dark until further notice
Location: Conference Room B

Parks, Recreation, and Quality of Life Committee

Members: Eddie Thomas; Lori Acton
Meeting: 1st Tuesday each month at 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

❖ **Ad Hoc Youth Advisory Council**

Members: Eddie Thomas
Meeting: 2nd Wednesday of each month, 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

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

Members: Eddie Thomas; Lori Acton
Meeting: Biannually the 3rd Tuesday of the month at 4:00 p.m. as needed
Location: Kerr McGee Center Meeting Rooms

Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Lori Acton and Eddie Thomas
Meetings: 1st Wednesday Of The Month, 8:00 A.M.
Next Meeting: 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:

Presentation By Debbie Morris Regarding The 2015 Waste Management Compliance Annual Report

PRESENTED BY:

Gary Parsons – Economic Development Program Manager

SUMMARY:

This item is a presentation only of the annual Waste Management report.

HF&H manages the Waste Management Agreement on behalf of the City of Ridgecrest

The presentation describes:

- A. The tasks performed by HF&H
- B. 2015 issues and resolutions
- C. Waste Management's diversion history and customer rates
- D. Legislative compliance
- E. Next steps

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTION REQUESTED:

Presentation only

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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

Action Date: July 6, 2016

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City of Ridgecrest 2015 Waste Management Compliance Annual Report

Prepared and Presented by:
HF&H Consultants, LLC
July 6, 2016



What We Will Review

- HF&H/WM Ongoing Review Process
- 2015 Issues and Resolutions
- Wet/Dry Commercial Pilot Program
- City's Diversion History
- Hauler-Collected Tonnage Trends
- Solid Waste Rate History
- Legislation: AB 341 and AB 1826
- Next Steps



HF&H/WM Ongoing Reviews

- Monitor and enforce Waste Management's compliance with the terms of the agreement;
- Manage solid waste and recycling system issues on an ongoing basis to prevent major problems;
- Ensure the City's compliance with the requirements of AB 939 and other CalRecycle mandates;
- Annual reporting to CalRecycle for AB 939, SB 1016, AB 2176, AB 341, and AB 1826 compliance;
- Verify the accuracy of rate adjustment procedures; and,
- Ensure that the community generally receives the benefits and services that they are paying for.



2015 Issues and Resolutions

Issue	Resolution
<p>Commercial Recycling</p> <ul style="list-style-type: none">• Pounds per cubic yard of recyclables are far below what would be expected	<ul style="list-style-type: none">• HF&H closely monitors tonnage, public education and outreach, and site visits• WM reviewed tonnage reports and landfill reports for inconsistencies and were unable to discern a cause or solution for low pounds per cubic yard.• Increased from 20/lbs/cy in 2014 to 25/lbs/cy in 2015
<p>Commercial/Multi-Family Site Visits</p> <ul style="list-style-type: none">• 58 multi-family site visits performed in 2014	<ul style="list-style-type: none">• In 3rd quarter of 2015, WM enlisted Chip Holloway to perform site visits.• 367 site visits were performed in 2015



2015 Issues and Resolutions

Issue	Resolution
<p>Commercial and Multi-Family Organics Program (AB 1826)</p> <ul style="list-style-type: none">• July 2015 – Received proposal and proposed rates from WM• September 2015, HF&H provided a worksheet consistent with Section 11.3 of the Agreement for WM to provide their costs and operating assumptions• May 2016, WM submitted rates – did not include costs and operating assumptions• HF&H re-submitted worksheet to WM	<ul style="list-style-type: none">• HF&H has been working with County to define collection system• Program shall consist of 3 times per week collection of organics in carts or small bins• June 3, 2016 – WM submitted cost and operating assumptions worksheet to HF&H – currently under review.



Wet/Dry Commercial Pilot

Agreement Section 2.1

“During the first year of the agreement, WM will launch a commercial wet/dry selection pilot program that designates accounts with high concentrations of recyclable materials to dry routes.”

Expectation

Target retail and office customers, such as real estate offices. After target period, report on any issues with program such as high levels of contamination.

Issues

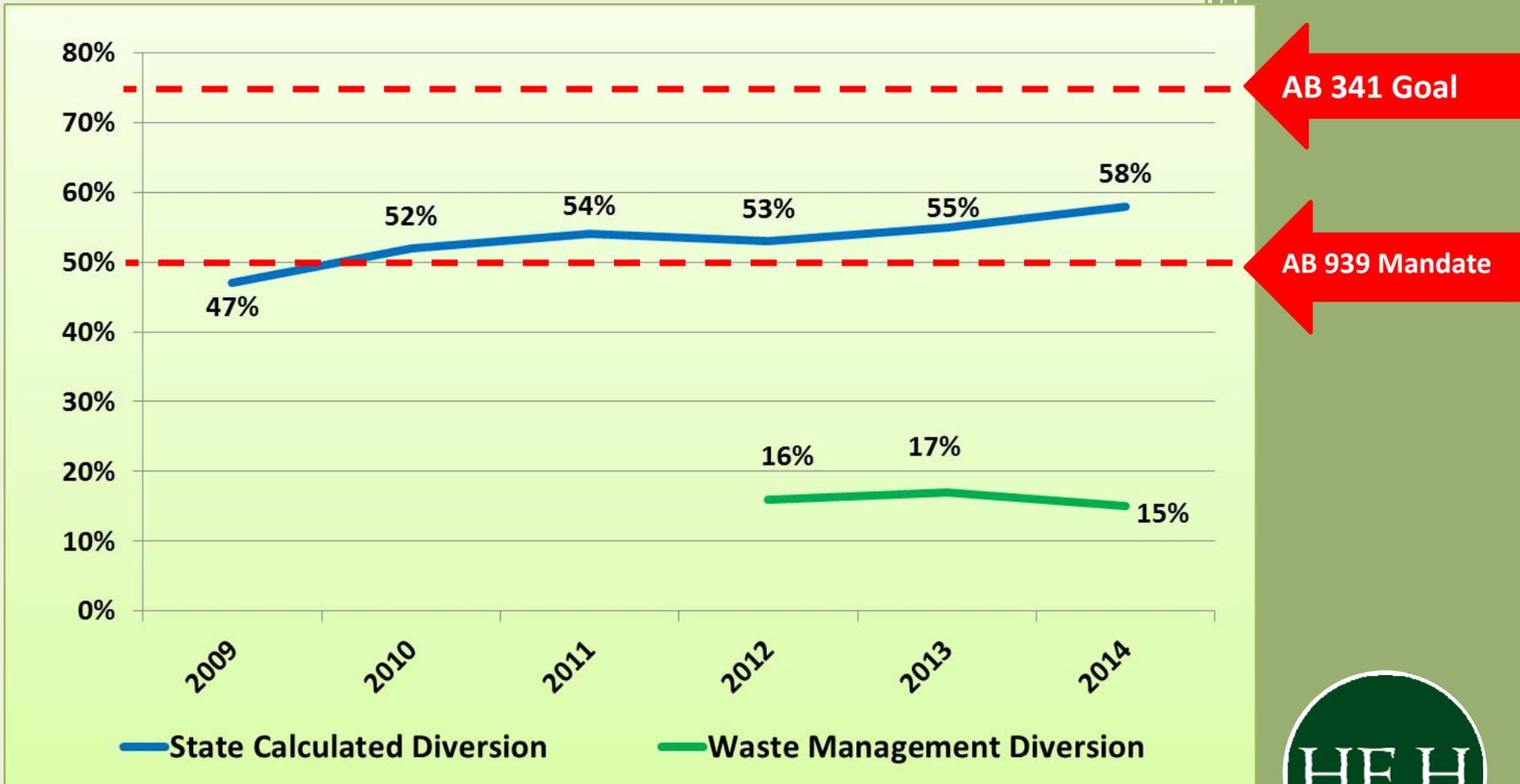
- Pilot program was not implemented within first year of agreement (FY 2012/13).
- Launched in December of 2014 with 5 customers

Program Observations

- There has been no increase in pilot program customers to date.
- Commercial recycling is still underutilized throughout the City.
- WM has reported that there have been no contamination issues associated with the pilot program.



City of Ridgecrest Diversion History

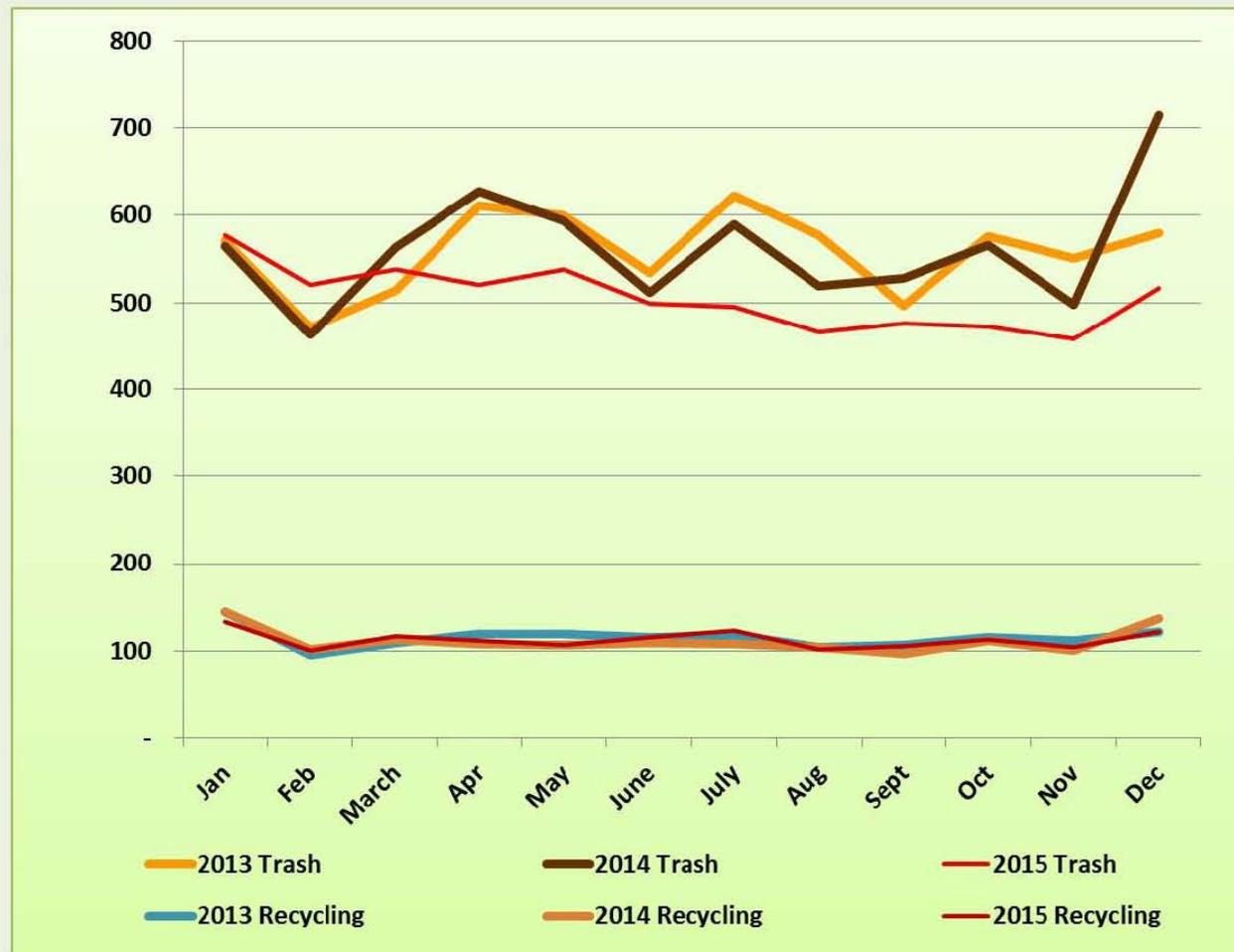


AB 341 Goal

AB 939 Mandate



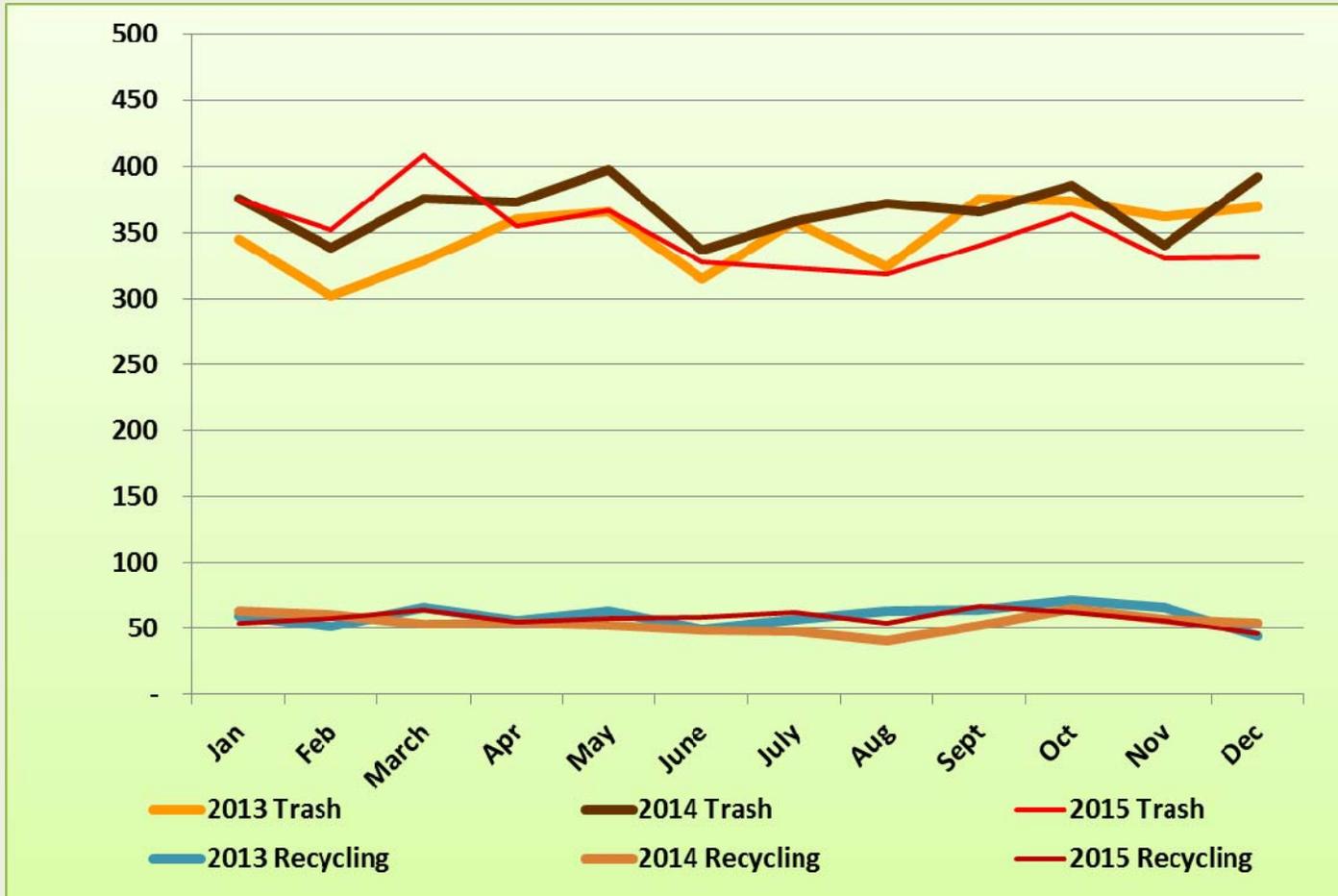
Hauler-Collected Tonnage Trends - Residential



Annual Diversion Percentage
 2013: 17%
 2014: 17%
 2015: 18%



Hauler-Collected Tonnage Trends – Commercial*

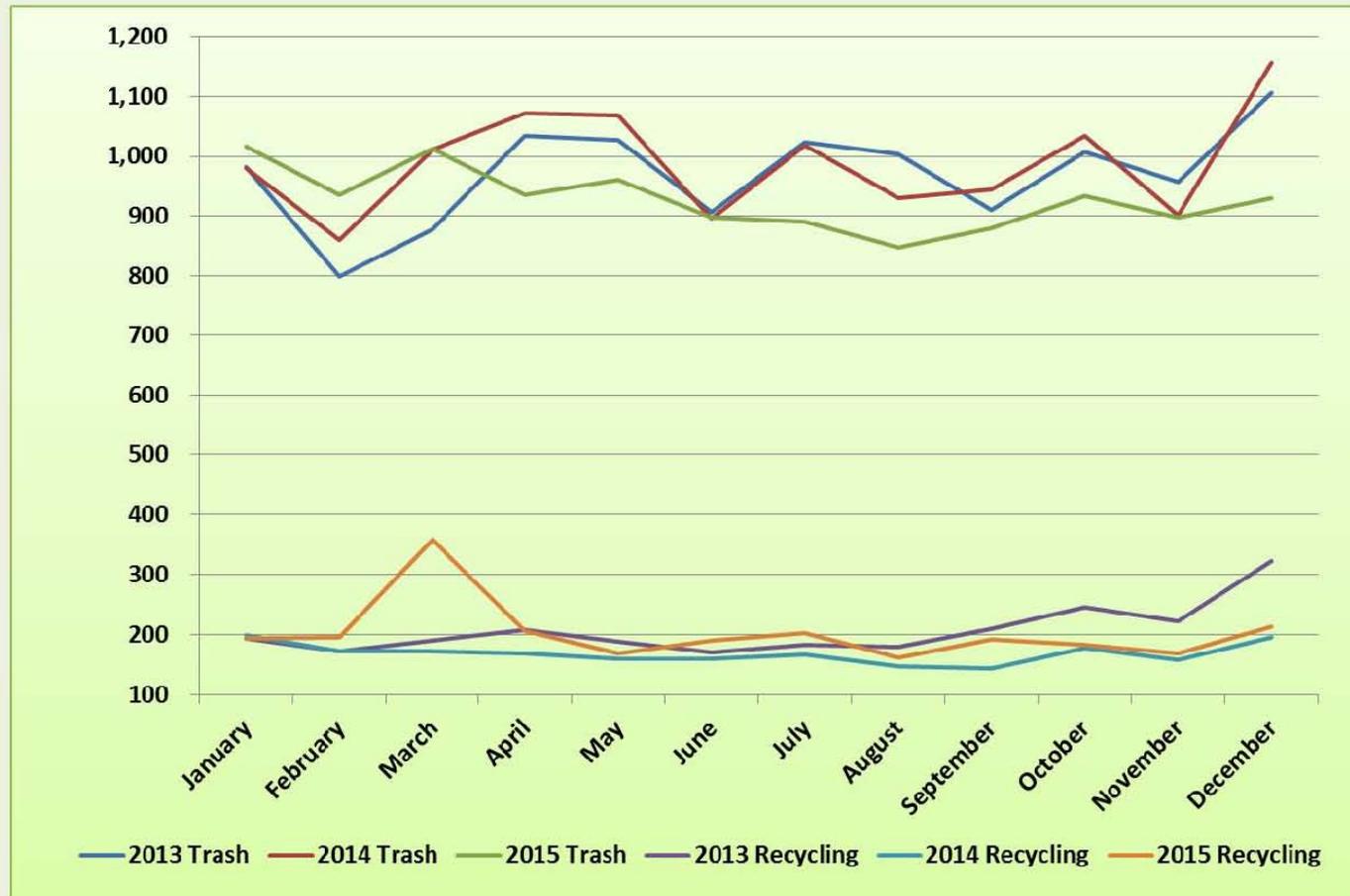


Annual Diversion Percentage
 2013: 15%
 2014: 13%
 2015: 14%

* Does not include industrial



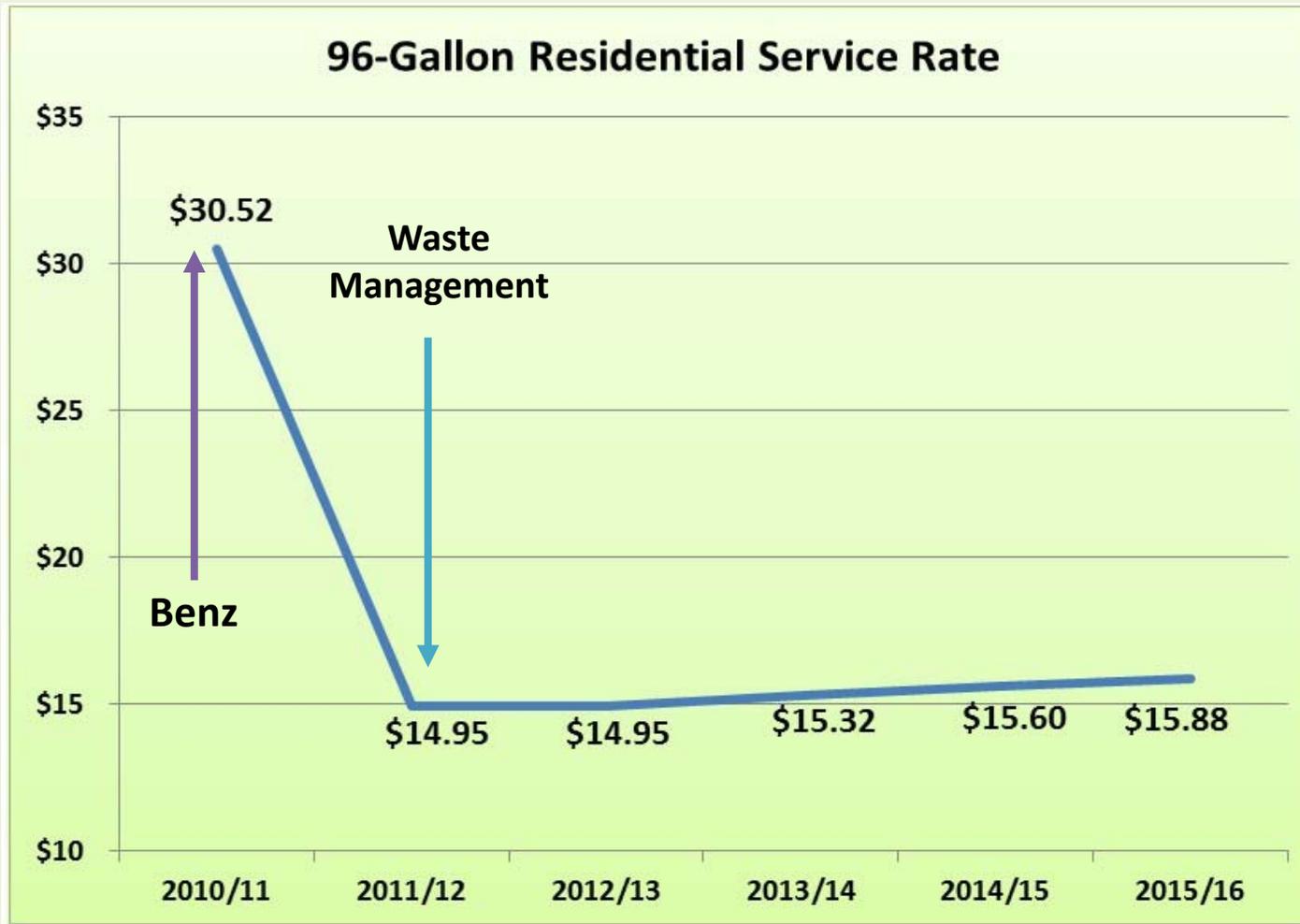
Hauler-Collected Tonnage Trends – Total Hauler Collected



Annual
Diversion
Percentage
2013: 17%
2014: 15%
2015: 18%



Rate History



Mandatory Commercial Recycling – AB 341

AB 341 Jurisdiction Requirements:

1. Implement a recycling program ✓
2. Provide public education and outreach ✓
3. Monitor program progress ✓
4. Report to CalRecycle ✓

Waste Management Requirements:

1. Annual site visits to businesses and multi-family complexes to increase recycling program participation

2015	Commercial	Multi-Family
Recycling Participation*	86%	79%
Recyclables - Pounds Per Cubic Yard	~25 (2014 ~20)	

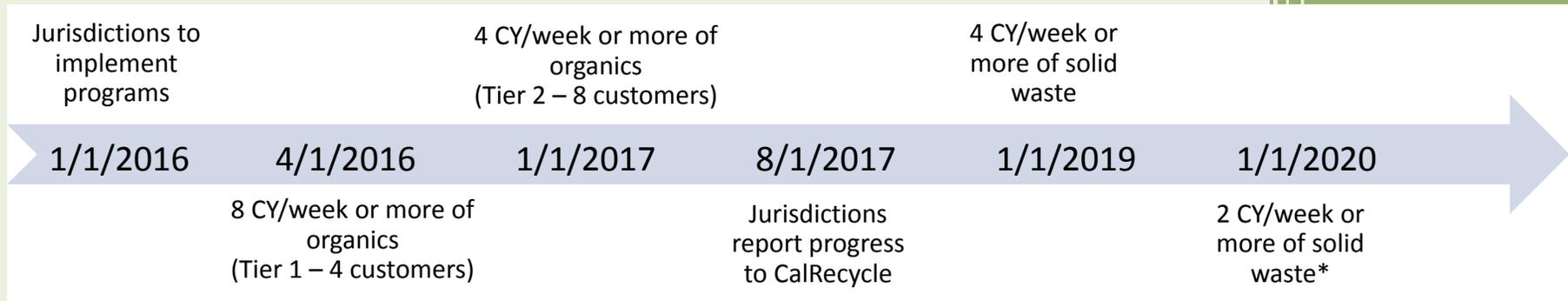
* Customers with 4 or more cubic yards of solid waste service



Mandatory Commercial Organics – AB 1826

AB 1826 Jurisdiction Requirements:

1. Implement an organics recycling program
2. Provide public education and outreach
3. Monitor program progress
4. Report to CalRecycle



WM 2015 Community Involvement

- Sharps Roundup
- Recycling Workshop at KZGN Television
- Desert Empire Fair
- Annual Re-Use Collection Event
- Chamber of Commerce Presentation on AB 341 and AB 1826



Next Steps

1. Negotiate organics program rates and terms
2. Complete CalRecycle Annual Report
3. Continue to work with Waste Management to increase the amount of commercial material being recycled
4. Ensure continued compliance with CalRecycle and legislative requirements



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

SUBJECT: A Presentation By the Measure L Citizens' Oversight Committee regarding their Annual Report for the Fiscal Year 2014-2015

PRESENTED BY:

Ted Ribultan, Chairman

SUMMARY:

The Measure L Citizen's Oversight Committee was established to oversee expenditures of the revenues received by the City from the Measure L sales and use taxes approved by voters in November of 2012. The Committee ensures that the tax revenues were spent by the City in a manner consistent with the three quarter cent tax measure provision.

The Committee was to 1) review all revenues received by the City from the sale and use of the taxes 2) review the audit prepared by an independent auditor to perform the City's Comprehensive Annual Financial Report and 3) prepare and issue their own annual report setting forth their findings in regards to the foregoing.

The Committee will present their PowerPoint presentation regarding their Annual Report.

FISCAL IMPACT: None

Reviewed by Finance Director

ACTION REQUESTED:

None

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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City of Ridgecrest Measure L Citizen's Oversight Committee
Annual Report for Fiscal Year 2014-2015

July 6, 2016

Executive Summary

A Measure L Citizens' Oversight Committee report is required to be generated annually to provide the findings of both the use of the voter approved Measure L revenues paid into the General Fund and the Ridgecrest annual financial report. The requirement is defined by the City of Ridgecrest Code of Ordinance 12-02 Chapter 3 Article 2[1].

The Fiscal Year 2014-2015 report is the third annual report prepared by the Measure L Citizens' Oversight Committee (MLCOC).

Measure L was approved for a $\frac{3}{4}$ cent sales tax, for five (5) years, by the voters on the June 5, 2012 election.

Measure L was initiated when Ridgecrest City Council declared fiscal emergency on January 11, 2012 when "like many other California cities, Ridgecrest is in a serious financial position as Sacramento continues to seize our local funds, to fix their (California) budget mess." Ridgecrest had lost more than \$3 million tax revenue between the Fiscal Years 2010-2011 and Fiscal Year 2011-2012.

The information communicated with door hangers, the Ridgecrest City Manager Measure L information flyer, and Resolution 12-10 for a June 5, 2012 election is reflecting the balance between police and street services. (Figure.1 Measure L information flyer)

Measure L ballot to be voted on June 5, 2012. Measure L will "established a locally-controlled source of revenue for community's services".

Service priorities to be maintained by Measure L:

- Police officers & neighborhood police patrols
 - City streets & pothole repair
 - 9-1-1 emergency response times
- Anti-gang programs that keep youth off the streets
 - Crime prevention & investigation

Figure1. Measure L information flyer [2]

Measure L generated \$2,613,889 in Fiscal Year 2014-2015, which ended June 30th, 2015. The year had Measure L carryover fund of \$400,313 from the prior year. [3] Ridgecrest Finance Department reported MLCOC agenda for Sept 14, 2015.

Measure L expenditures for the Fiscal Year 2014-2015 was \$1,913,281. The Police Department (public safety) expended \$1,404,207. Public Works Street Maintenance & Construction expenditure was \$509,074 with an additional obligation of \$295,226. The remaining balance of the Measure L funds for Fiscal Year 2014-2015 and the prior year carryover was \$805,695 to be brought forward to Fiscal Year 2015-2016. A statement from the Financial Director has been provided to explain Measure L carryover and that the negative balance against the end of year General Fund is not incompatible. [4] MLCOC March 14, 2016 Agenda. (Table ES-1 Measure L Fiscal Year 2014-2015 Balance Sheet)

Carry Over From Prior Years: Measure L	\$ 400,313
Revenue Fiscal Year 2014-2015: Measure L	\$ 2,613,889
Expenditures Fiscal Year 2014-2015: Measure L	\$ 2,208,507
Public Safety	\$ 1,404,207
Public Works	\$ 804,300
Expended	\$ 509,074
Encumbrances	\$ 295,226
Revenue over(under) expenditures- General Fund	\$ 805,695

Table ES-1 Measure L Fiscal Year 2014-2015 Balance Sheet

Fiscal year 2014-2015 revenue of \$2,613,889 was greater than the budget of \$2,500,000.

The budget of Public Safety was \$1,277,257. The budget for Public Works was \$520,362.

The Police Department expended Fiscal Year 2014-2015 Measure L funds predominantly on the salaries for 13 employees maintaining the number of officers to 32. The Police Department also managed a 50 volunteer PACT organization for the year.

The Public Works Department expended Measure L funding for Street Maintenance and Construction including 3 streets completely funded by Measure L and numerous other streets that were partially funded by Measure L purchase of raw street material.

The Fiscal Year 2014-2015 funded expenditures for police and street maintenance were consistent with the previous fiscal year. Measure L fund is being planned to be a potential continuing funding source for Ridgecrest community services.

Fiscal Year 2014-2015 was the third of five years of Measure L funding. The Measure L revenue and expenditures for the three years annual are provided in Table ES2.

	Fiscal Year	2012-2013	2013-2014	2014-2015
Carry Over From Prior Years: Measure L			\$ 316,758	\$ 400,313
Revenue		\$ 1,499,559	\$ 2,510,692	\$ 2,613,889
Expenditures		\$ 1,182,801	\$ 2,427,137	\$ 2,208,507
Public Safety		\$ 809,423	\$ 1,347,490	\$ 1,404,207
Public Works		\$ 357,994	\$ 1,079,647	\$ 804,300
Measure L accounting implementation		\$ 15,384		
Revenue over(under) expenditures- General Fund		\$ 316,758	\$ 400,313	\$ 805,695

Table ES2. Measure L Revenue and Expenditure

Fiscal 2015-2016 planning is for revenue of \$2,600,000. The funding plan is for 15 police officers/dispatcher/2 record clerks/1 code enforcement officer [4]. The funding for street maintenance includes 18 streets to be completed during the 2016 paving season. (MLCOC agenda Feb 8, 2016 [4])

Summary Findings:

Measure L funds were allocated entirely to Public Safety and Public Works for the Fiscal Year 2014-2015 consistent with the prior Measure L funded years.

During Fiscal Year 2014-2015, Measure L revenue was planned to contribute 18.5% of the \$14.1M General Fund Revenue, an increase from 14.6% during Fiscal Year 2012-2013. Measure L is a stable and predictable funding source that has supported continuing city operations. The local sales tax has been particularly beneficial, mitigating the impact of other city operations revenue when the state of California withdrew other General Fund Revenue to include Redevelopment Agency resources.

Street repair for the 4 lane arterials of Ridgecrest are expected to be completed during 2016 (Gateway Street). Prior to Measure L funding, street repair was predominantly pothole repairs.

Annual spending on streets maintenance is less than \$1.5M over 15 years as recommended to achieve overall improvement of the street network (reference Public Works' Pavement Management System study dated June 1, 2011 by Willdan Engineering page 5 [5]).

Measure L is used to pay close to half of the police officers for Fiscal Year 2014-2015 which implies that the city assumes renewal of the sales tax in order to provide public safety services to property crimes violent crimes, and the service calls. The approval of AB109 (an early prisoners release program) and Prop 47 (reducing felony crimes to misdemeanors) are factors in the changing safety environment and increasing police workload.

In the near future TAB funding for street work will end. Measure L funding may essentially be the only major source for any street services, including Measure L matching funding qualifications. A decision to not extend the local sales tax measure would result in a significant impact of police services and street maintenance capability. Without an extended local sales tax approval by the voters, the city police force would not be able to retain the current size of the police force and the rate of street repairs would dramatically curtail.

Recommendations:

The tracking of Measure L expenditures has improved. The funds are clear as to how they have been expended. While streets maintenance and the Police Department staffing levels are unsustainable without Measure L Funds, it is critical that the City Council put another tax initiative on the ballot which sustains funding of Public Safety and Public Works.

It is also recommended that the \$805,695 of carryover be used solely on street maintenance and repair and that Measure L Funds be used to maintain the current level of Police Department staffing/services.

The Engineering Division has been applying for Federal and State funding. It is recommended that a budget is set aside from Measure L to ensure that matching funds, which are required, are available to ensure community projects can be completed with any grants received by the City.

The expected updated 2016 report of Pavement Management System shall provide the City Council recommended levels of street repair planning which would achieve acceptable overall street condition level within 10-15 years. City Council support to executing to the report plan is recommended, notwithstanding the decision for a continued local sales tax.

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1. INTRODUCTION

1.1 What is Measure L?

The Measure L is a local sales tax measure voted on June 5, 2012 for the City of Ridgecrest, CA to adopt a 0.75% general sales tax 02 [6].

Measure L was initiated when Ridgecrest City Council declared fiscal emergency on January 11, 2012 when “like many other California cities, Ridgecrest is in a serious financial position as Sacramento continues to seize our local funds, to fix their (California) budget mess.” Ridgecrest had lost more than \$3 million tax revenue between the Fiscal Years 2010-2011 and Fiscal Year 2011-2012.

The information communicated with door hangers and the Ridgecrest City Manager Measure L information flyer, and Resolution 12-10 for a June 5, 2012 election is reflecting the balance between police and street services.

Measure L ballot to be voted on June 5, 2012. Measure L will “established a locally-controlled source of revenue for community’s services”.

Service priorities to be maintained by Measure L:

- Police officers & neighborhood police patrols
 - City streets & pothole repair
 - 9-1-1 emergency response times
- Anti-gang programs that keep youth off the streets
 - Crime prevention & investigation

Table 1. Measure L information flyer [2] 2012 door hangers and the Ridgecrest City Manager Measure L information flyer, and Resolution 12-10 for a June 5, 2012 election

The ballot question is shown below [7].

The question on the ballot:

Measure L: Ridgecrest Public Safety/Essential City Services Measure. To help prevent additional cuts and maintain City of Ridgecrest services, including: city streets and pothole repair; police officers and neighborhood police patrols; 9-1-1 emergency response times; and crime prevention and investigation; and other city services, shall the City of Ridgecrest enact a 3/4 cent sales tax, for five (5) years, requiring a citizen's oversight committee, annual independent audits, with all funds for City of Ridgecrest services only, no funds for Sacramento?

—Balletopedia Website

The citizens of Ridgecrest voted in favor of Measure L ballot which was adopted as Ordinance 12-02[7], which added Chapter 3, Article 2, to the Ridgecrest Municipal Code [1].

Measure L created a General Fund tax. General Fund tax has no legal obligation to be allocated to any specific department. However, Measure L was approved based on retaining cities services for police and streets.

Voters will have the option to renew Measure L or cancel the tax after 5 years. Measure L sales tax expires on Sept 30, 2017.

1.2 Measure L Citizen’s Oversight Committee

The Measure L Citizen’s Oversight Committee (Committee) was established by Municipal Code Chapter 3 Section 2.113.

The three duties of the Committee are listed in Chapter 3 Section 2.117 of the Ridgecrest Municipal Code. The Committee is charged with overseeing the use of Measure L funds and providing an annual report of its findings to the public.

(a) The committee is charged with the following responsibilities:

(1) Reviewing all appropriations of revenues received by the City from the sales and use taxes imposed pursuant to the provisions of this chapter to determine whether such funds are to be used as provided for in this chapter and the voter-approved measure that adopted this chapter;

(2) Reviewing the audit prepared by an independent auditor retained by the City to perform the City's Comprehensive Annual Financial Report to determine whether such funds have been spent as provided for in this chapter and the voter approved measure; and

(3) Prepare and issue the committee's own annual report setting forth their findings in regard to the foregoing

.—Ridgecrest Municipal Code Chapter 3 Section 2.117

1.3 Tracking Measure L Funds

As a General Fund Tax, all Measure L funds are initially deposited in the General Fund. Measure L funds are tracked to provide visibility within the financial system. Public Safety (Police) and Public Works (street maintenance) expenditures from Measure L funding have unique tracking accounts. Public Safety has included expenditures for equipment and labor. Public Works expenditures include labor, material, and contract services.

For Public Works, Measure L has provided (Public Work Fund 18) seed funds to qualify for Federal matching funds for Capital Improvement projects. During Fiscal Year 2013-2014, a Federal matching fund of 10:1 was achieved. The Federal funding of 10 dollars was matched for every (Measure L) single dollar allocated to qualified projects.

1.4 Source of Report Data

The financial data is directly from the City of Ridgecrest Comprehensive Annual Financial Report (CAFR) or the City of Ridgecrest Finance Department. The CAFR for a given Fiscal Year is delivered approximately January 1st after the end of the city fiscal year ending June 30. The CAFR report includes the results of the independent audit [8].

The audit report continues to recognize that Measure L funding was a significant and positive impact on the operation of the city.

1.5 Revenue Funding

The tax revenue for the years prior to Measure L peaked at \$15.72M in Fiscal Year 2008-2009. During the year prior to any Measure L funding, Fiscal Year 2011-2012, the total tax revenue was \$12.06M. This was a decrease of \$3.05M or 78.9% of the previous year revenue. Additional tax revenue funding reduction was forewarned for the next year.

Measure L was initiated when Ridgecrest City Council declared fiscal emergency on January 11, 2012 when “like many other California cities, Ridgecrest is in a serious financial position as Sacramento continues to seize our local funds, to fix their (California) budget mess.”

During Fiscal Year 2012-2013, there was Measure L funding. The Measure L funding did not offset further decreases of total tax revenue. The Redevelopment Agency (RDA) was dissolved by the state government as of Feb 1, 2012. The dissolution of RDA was a known reality prior to the decision for a Measure L ballot. Fiscal Year 2012-2013 tax revenue was \$10.28M; \$1.78M less or 82.2% of the previous year.

Between Fiscal Years 2009-2010 and 2012-13, there was a loss of nearly \$7M or 53.5% of other tax revenue.

The Total Tax Revenue is provided in Figure 1. (Tax Revenue Fiscal Years 2008-2013) CAFR report Schedule 5 Government Activities Tax Revenue [8].

Fiscal Year	Total Tax Revenue	Sales Tax	Other Tax Revenue
2008-2009	\$ 15.72	\$ 3.30	\$ 12.42
2009-2010	\$ 15.42	\$ 2.86	\$ 12.56
2010-2011	\$ 15.11	\$ 3.02	\$ 12.09
2011-2012	\$ 12.06	\$ 3.17	\$ 8.89
2012-2013	\$ 10.28	\$ 4.44	\$ 5.84

Figure 1. Tax Revenue Fiscal Years 2008-2013

The passage of Measure L had a positive partial impact to mitigate the loss of other tax revenue reduction of funding. The total tax revenue reduction between Fiscal Year 2008-2009 and the first year of Measure L funding was \$5.42M or a 34.6% loss of funding.

During Fiscal Year 2014-2015, Measure L revenue was planned to contribute 18.5% of the \$14.1M General Fund Revenue, an increase from 14.6% during Fiscal Year 2012-2013. Measure L is a stable and predictable funding source that has supported continuing city operations. The local sales tax has been particularly beneficial and mitigated the impact of loss of city operations when the State of California withdrew other General Fund Revenue to include Redevelopment Agency.

1.6 Fiscal Year vs. Paving Season

The City of Ridgecrest Fiscal Year begins July 1st and ends June 30th. The paving year, however, runs approximately from April through October. Consequently, paving contracts often overlap fiscal years and final expenditures are subject to adjustment in the subsequent year CAFR.

1.7 Previous Reports

There are two previous MLCOC annual reports containing specific summaries of the Measure L revenues and expenditures. [9, 10]

The Committee's first annual report [8] contains additional detail regarding the financial history of the City of Ridgecrest from Fiscal Year 2001-2002 through Fiscal Year 2012-2013.

2. SUMMARY OF REVENUE AND USAGE OF MEASURE L FUNDS

Measure L revenues by month are included in the chart below. This data is directly from the Ridgecrest Finance Department financial management system database. The chart is comprehensive, starting with the revenue received in December 2012. This chart is to show historical as well as 2014-15 revenues to allow for complete understanding of all Measure L revenues through the 2014-15 reporting period. Sales and Use Tax revenue distributions to local agencies follow a delayed schedule. Payments for a three-month quarter are made in three monthly installments plus a true-up payment in the fourth month. So for the Second quarter April-May-June, the payments are made in June (30% of estimate), July (30% of estimate), and August (40% of estimate) with a true-up based on actuals in September.

MONTH	FISCAL YEAR		
	2012-2013	2013-2014	2014-2015
July	-----	-----	-----
August	-----	-----	-----
September	-----	288,764.86	265,913.50
October	-----	152,500.00	165,900.00
November	-----	203,300.00	221,200.00
December	161,070.91	238,777.10	263,870.71
January	149,400.00	143,400.00	171,900.00
February	199,200.00	191,200.00	229,200.00
March	134,894.93	295,039.86	256,931.31
April	134,700.00	153,000.00	164,300.00
May	179,600.00	204,000.00	219,000.00
June	540,693.89	640,709.70	655,673.64
TOTALS:	1,499,599.73	2,510,691.52	2,613,889.16

Though revenue collection began in October of 2012, the first receipts were received in December due to the delayed distribution schedule. The funds received in July and August for transactions that occurred in May and June are included in June, which is the final month of the fiscal year. This occurs because of the Modified Accrual method used by the Ridgecrest Finance Department.

Measure L Usage:

A summary of Measure L income, expenditure, and carryover is included in the following chart. Detailed expenditures for the 2014-15 fiscal years shall be detailed later. This report shall look historically at numbers from the 2012-13 fiscal years as reporting needs to be clarified and differences in some numbers need to be explained in more detail for complete objectivity and clarity.

1ST YEAR	ORIGINAL BUDGET	ADJUSTED BUDGET	FY 2012-2013 ACTUALS
SALES TAX - MEASURE L	\$ 1,135,000	\$ 1,135,000	\$ 1,499,560
EXPENDITURES:			
POLICE DEPARTMENT	534,800	885,981	809,424
BOE IMPLEMENTATION 1-TIME COST		15,384	15,384
STREETS CONSTRUCTION	-	-	-
STREETS MAINTENANCE	600,200	233,635	357,994
TOTAL EXPENDITURES	1,135,000	1,135,000	1,182,802
REVENUE OVER EXPENDITURE	\$ -	\$ -	\$ 316,758
AMOUNT TO CARRY OVER TO FY 2014			\$ 316,758
2ND YEAR	ORIGINAL BUDGET	ADJUSTED BUDGET	FY 2013-2014 ACTUALS
PRIOR YEAR CARRY OVER			\$ 316,758
SALES TAX - MEASURE L	\$ 1,800,000	\$ 2,400,000	\$ 2,510,692
EXPENDITURES:			
POLICE DEPARTMENT	1,000,000	1,025,829	1,347,490
ENGINEERING	189,672	92,381	-
STREETS CONSTRUCTION	-	413,289	413,289
STREETS MAINTENANCE	610,328	894,330	666,358
TOTAL EXPENDITURES	1,800,000	2,425,829	2,427,137
REVENUE OVER EXPENDITURE	\$ -	\$ (25,829)	\$ 83,555
AMOUNT TO CARRY OVER TO FY 2015			\$ 400,313
3RD YEAR	ORIGINAL BUDGET	ADJUSTED BUDGET	FY 2014-2015 ACTUALS
PRIOR YEAR CARRY OVER			\$ 400,313
SALES TAX - MEASURE L	\$ 2,500,000	\$ 2,500,000	\$ 2,613,889
EXPENDITURES:			
POLICE DEPARTMENT	1,265,322	1,276,752	1,404,207
ENGINEERING	-	230,000	78,178
STREETS CONSTRUCTION		202,637	
STREETS MAINTENANCE	-	1,107,725	430,896
TOTAL EXPENDITURES	1,265,322	2,817,114	1,913,281
REVENUE OVER EXPENDITURE	\$ 1,234,678	\$ (317,114)	\$ 700,608
AMOUNT TO CARRY OVER TO FY 2016			\$ 1,100,921
LESS ENCUMBRANCES FOR STREET EXP IN FY2016			(295,226)
UNENCUMBERED CARRYOVER			805,695

The original budget and adjusted budget are provided in the above table. The original budget is the budget as approved by council at the beginning of the fiscal year and entered into the financial system. Council or staff within an approved authority limit and following the budget amendment process can modify and change the budget during the year for different needs and reasons. This becomes the adjusted budget or current budget.

For the Fiscal Year 2014-2015, there is an unencumbered carryover of \$805,695. The plan for the street maintenance would have expended most of the carry over except for the expense of some street projects that were covered with TAB funding. The administrative decision to use TAB funding during 2015 to partially pay for the year's street projects ensured that the city could maximize the total funding revenue available. Carryover Measure L funding was not subjected to expiration and would be available during the next year.

The resulting carryover of \$805,695 is specifically reflected in the financial accounting records.

A comparison of Measure L carryover and year end General Fund negative balance was reviewed for clarity. The 2015 General Fund negative balance reported in the annual financial report is not an indication that a Measure L carryover does not exist. A negative General Fund balance at the end of year report is only a specific instance, reflecting GAAP (general accepted accounting principles) in the CAFR. The annual CAFR required that all debts be placed as a debt in its' entirety. Outstanding liabilities are in fact paid over time while the General Fund in the CAFR shows a deficit balance, as if all debt were due immediately.

When the newly purchased financial system is operational, improvement of accounting procedures and processes improve the availability expenditures and their funding sources through the "Project Budget Worksheet".

3. PUBLIC SAFETY SECTION

Measure L was enacted in 2012 in response to a fiscal emergency. The City of Ridgecrest was forced to cut \$3.05 million in spending and reduce the city's workforce by 17% because the State of California required additional revenue. As a community, five priorities were voted in with Measure L. Four of those priorities center on safety and include Police Officers, 9-1-1 emergency response times, Anti-gang programs that keep youth off of the streets, and Crime prevention and Investigation.

\$1.4 million in funding was spent on the Police Department during the FY14-15 reporting period for Measure L. This paid labor for twelve (12) officers, one (1) dispatcher, two (2) record clerks and one (1) code enforcement officer. Measure L ensures the Police Department stays close to fully staffed levels that maintain public safety and other Measure L priorities. This brings the Police Department staffing to 1.07 officers per 1,000 citizens. Measure L also fiscally supports the Traffic Unit which focuses on traffic enforcement and DUI patrols; School Resource Officer Program that engages our youth on early intervention to drop juvenile crime; and Code Enforcement to deal with parking issues, nuisance abatement and graffiti.

Ridgecrest Crime Statistics (Calendar Year)

	2009	2010	2011	2012	2013	2014	2015
Officers Onboard	33	35	34	31	31	32	32
Violent Crimes							
Homicide	0	3	1	2	4	0	1
Robbery	10	12	15	16	26	13	19
Rape	15	12	11	3	9	9	15
Assault	346	334	337	363	385	331	332
Property Crimes							
Burglary	170	210	192	236	214	139	160
Theft	335	348	292	326	313	272	372
Auto Theft	42	53	37	41	45	59	51
Arson	15	21	14	3	10	5	8
Total Crime	933	993	899	990	997	828	962
Difference by %		6%	-9%	10%	1%	-17%	15%

Measure L funding has helped the Police Department replenish its dilapidated fleet since it was voted in by the citizens of Ridgecrest. Prior to Measure L funds, the Police Department went two (2) budget cycles without purchasing new patrol vehicles. The vehicles needed constant repair and were often in the shop more than they were on the road. The vehicles were old and some had in excess of 150,000 miles. Vehicles were not purchased in FY14-15.

The purchase of new vehicles with Measure L Funding has allowed the Police Department to ease the burden on its old fleet. The new vehicles are under warranty for 8 years 140,000 miles and are repaired at the local dealership, which increases the ability to repair and maintain the older vehicles. By obtaining vehicles under Measure L Funds the Police Department is able to assign most officers to a single vehicle, which spreads out the Department's overall mileage to several vehicles instead of just a few. Having the ability to assign one officer to one vehicle will extend the service life of the fleet.

During this reporting period, the Police Department began using local repair facilities to repair fleet vehicles. The City Corporation Yard is now only responsible for fuel and tires for the Police Department's fleet. This allows the Police Department to get the best possible price for repairs. In FY15 the Police Department's budget for fleet maintenance was over \$270,000. This year the Police Department budgeted \$170,000 for vehicle maintenance and we are currently on track to come in under budget.

The reality is Measure L Funds allow a sufficient number of officers to protect our citizens. Currently, officers are available to respond to an emergency call and citizens can rely on their quick responsiveness. Because of Measure L funds, this community trusts and has confidence in the safety and security of this City.

4. PUBLIC WORKS/STREETS

Measure L funding was enacted with five priorities for the City of Ridgecrest. Of those priorities, four were for public safety and one was for city street maintenance and repair. During this reporting period, \$430K was expended on street maintenance and \$78K was expended on engineering services. The engineering services included designs for road work and environmental reporting that is required by the State of California. Engineering funds were spent on designs for the Drummond Widening Project between Downs Avenue and Inyo Street; and installing signs and pavement markings for the project named "12 Intersection Signage and Striping". Construction funds were executed for completing several projects that had been designed and awarded in previous reporting periods and awarding others. Those contract awards will be executed during FY15-16 reporting period.

The Engineering Division continues to actively seek federal and state grant funding throughout the year to help with Capital Improvement Projects. All grant funding requires a matching amount for each project. State and Federal funds are given in the amount of 88.17% with the City matching these funds at 11.83%. Measure L Funds in FY 13/14 matched funds in the amount of \$353,708.00 for various projects within our community with the State and Federal funding contributing \$3,270,116.00.

The City created efficiency by hiring an in-house engineer instead of contracting out the work. During this reporting period, the engineer worked one thousand three hundred thirty-two (1332) hours. Measure L contributed to the salary and benefits in the amount of Forty-Six Thousand Four Hundred and Twenty-four Dollars (\$46,424.00) for those hours worked. Comparing the employee's salary per hour (\$34.85) to a contractor firm (at the same skill level) the average cost of a consultant would be one hundred dollars (\$100.00) per hour. If the consultant worked those 1332 hours, the City's cost would have been One Hundred Thirty-three Thousand Two Hundred Dollars (\$133,200.00). The cost savings between having a new engineer and using a consultant was \$133,200.00 minus the contribution from Measure L Funds of \$46,424.00 which comes out to be \$86,776. The engineer currently works on traffic studies, plan checks, inspections of road projects, and design using AutoCAD.

It is important to note that in previous years, Measure L has been used to fund the purchase of a crack filling machine, a new roller, materials to prep the roadways and a road maintenance worker. This reporting period, the funds were used on labor and materials to use the previously procured equipment and repair many of our roads.

A street crew in the Street Department consists of five (5) workers and maintaining this consistency is important to continue with the repair and maintenance of our streets within our community. Measure L Funds currently fund one full time street maintenance worker.

Pavement preservation is not new and is a major focus of Measure L funding. It is applying the right treatment on the right road at the right time to extend the service life of the pavement. When done correctly, it eventually reduces cost of reconstruction projects and traffic disruptions. Now that equipment has been purchased and Public Works employees have been trained appropriately, the City can provide the public with improved pavements and safety.

The City has been very strategic in the thought process of which streets to preserve and maintain. Present funding is inadequate to allow pavement repairs to keep up with the rate of deterioration. Surface deterioration has advanced to the point of needing costly reconstruction and is the result of deferred maintenance for several years. Some streets with low traffic volume do not get the same attention as roads with high traffic. The City has implemented a strategy of prioritizing streets with high traffic volume and the available budget. It is a slow process, but the road systems will eventually be improved by maximizing the life of pavement by protecting it with regular applications of preservation methods.

Street repair for the four (4) lane arteries in Ridgecrest are expected to be completed during 2016 (Gateway Street). Measure L funding street repair was predominantly maintenance.

For Public Works, Measure L has provided (Public Works Fund 18) seed funds to qualify for Federal matching funds for Capital Improvement projects. During Fiscal Year 2013-2014, a Federal matching fund of 10:1 was achieved. The Federal funding of 10 funds was matched for every (Measure L) single dollar allocated to qualified projects.

Measure L Expenditures FY14-15

Materials

Low Tack for Rubberized Crack Filling Machine
Oil
Sand
Paint

Equipment

Roller

Streets Paved

Gold Canyon: Cashmere to Pierce School
Upjohn: Westbound Forest Knoll to Sunland
Upjohn: Desert Candles to Karin
Upjohn: Eastbound Silver Ridge to Holly Canyon
Fountain: Upjohn to Church
Drummond: Inyo to Downs

Design

Expanded the project limits on 12 intersections at various locations
Drummond Avenue: Downs to Inyo (Right of Way and Environmental Documents)

Prepped Street Surfaces

Downs: Ridgecrest Blvd to Las Flores

Downs: Las Flores to Drummond

Las Flores: Downs to Norma

Upjohn: Mahan to Downs

Upjohn: Mahan to Guam

Downs: Bowman to Upjohn

Dolphin: Mahan to Downs

Norma: Drummond to Inyokern

Eastbound Ward: Mahan to Downs

Las Flores: Mahan to Downs

Mahan: Ridgecrest Blvd to Ward

5. SUMMARY

Measure L funds were allocated entirely to Public Safety and Public Works for the Fiscal Year 2014-2015 which maintains consistency with the prior Measure L funded years.

During Fiscal Year 2014-2015, Measure L revenue was planned to contribute 18.5% of the \$14.1M General Fund Revenue, an increase from 14.6% during Fiscal Year 2012-2013. Measure L is a stable and predictable funding source that has supported continuing city operations. The local sales tax has been particularly beneficial and mitigated the impact of loss of city operations when the State of California withdraw other General Fund Revenue to include Redevelopment Agency.

Street repair for the 4 lane arterials of Ridgecrest are expected to be completed during 2016 (Gateway Street). Prior to Measure L funding, street repair was predominantly pothole repairs.

Annual spending on streets maintenance is less than \$1.5M over 15 years recommended to achieve overall improvement of the street network. (reference Public Works' Pavement Management System study dated June 1, 2011 by Willdan Engineering page 5 [5]).

Measure L is used to pay close to half of its police officers for Fiscal Year 2014-2015 implies that the city assumes renewal of the sales tax in order to provide public safety services to property crimes, violent crimes, and the service calls. The approval of AB109 (an early prisoners release program) and Prop 47 (reducing felony crimes to misdemeanors) are factors in the changing safety environment and police workload.

In the near future TAB funding for street work will end. Measure L funding may essentially be the only major source for any street services, including Measure L matching funding qualifications. A decision to not extend the local sales tax measure would result in a significant impact of police services and street maintenance capability. Without an extended local sales tax approval by the voters, the city police force would not be able to retain the current size of police force and the rate of street repairs would dramatically curtail.

6. MEASURE L RECOMMENDATION

The tracking of Measure L expenditures has improved. The funds are clear as to how they have been expended. While streets maintenance and the Police Department staffing levels are unsustainable without Measure L Funds, it is critical that the City Council put another tax initiative on the ballot which sustains funding of Public Safety and Public Works.

It is also recommended that the \$805,695 of carryover be used solely on street maintenance and repair and that Measure L Funds be used to maintain the current level of Police Department staffing/services.

The Engineering Division has been applying for Federal and State funding. It is recommended that a budget is set aside from Measure L to ensure that matching funds, which are required, are available to ensure community projects can be completed with any grants received by the City.

The expected updated 2016 report of Pavement Management System shall provide the City Council recommended levels of street repair planning which would achieve acceptable overall street condition level within 10-15 years. City Council support to executing to the report plan is recommended, notwithstanding the decision for a continued local sales tax.

7. REFERENCES

- [1] City of Ridgecrest, "Chapter 3 Article 2 of Ridgecrest, CA Code of Ordinances," 2012. [Online]. Available:https://www.municode.com/library/ca/ridgecrest/codes/code_of_ordinances?nodeId=SUHITA_CHIIREFI_ART2TETRUSTA. [Accessed 28 January 2013]
- [2] 2012 door hangers and the Ridgecrest City Manager Measure L information flyer, and Resolution 12-10 for a June 5, 2012 election
- [3] Measure L Citizens' Oversight Committee, "Agenda packet for Sept 14, 2015. Available: <http://www.ridgecrest-ca.gov/measure-l-oversight-committee-agendas>
- [4] Measure L Citizens' Oversight Committee, "Agenda packet for March 14, 2016 and Feb 8, 2016 Available: <http://www.ridgecrest-ca.gov/measure-l-oversight-committee-agendas>
- [5] Ridgecrest Public Works, "Pavement Management System (PMS) Report," 2011. [Online]. Available: <http://ridgecrest-ca.gov/public-works/public-works>.
- [6] Kern County, "Kern County Election Results," 5 June 2012. [Online]. Available: <http://elections.co.kern.ca.us/elections/results/jun12/>. [Accessed 15 February 2014]
- [7] Balletopedia, "City of Ridgecrest Sales Tax, Measure L (June 2012)," 5 June 2012. [Online]. Available:http://ballotpedia.org/wiki/index.php/City_of_Ridgecrest_Sales_Tax,_Measure_L_%28June_2012%29. [Accessed 20 February 2013].
- [8] Ridgecrest Finance Department, "Comprehensive Annual Financial Report (CAFR)," 2015. [Online]. Available: <http://ridgecrest-ca.gov/finance/reports-award>
- [9] Measure L Citizens' Oversight Committee, "Annual Report for Fiscal Year 2012-2013," 2013. [Online]. Available: <http://ridgecrest-ca.gov/government/measure-l>.
- [10] Measure L Citizens' Oversight Committee, "Annual Report for Fiscal Year 2013-2014," 2014. [Online]. Available: <http://ridgecrest-ca.gov/government/measure-l>.

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Measure L Citizens' Oversight
Committee Report
2014-2015

July 6, 2016

Committee Report Requirement

Ridgecrest Municipal Code Chapter 3 Section 2.117

- (1) Review all appropriations of revenues received by the City from the sales and use taxes imposed pursuant to the provisions of this chapter to determine whether such funds are to be used as provided for in this chapter and the voter-approved measure that adopted this chapter;
- (2) Reviewing the audit prepared by an independent auditor retained by the City to perform the City's Comprehensive Annual Financial Report to determine whether such funds have been spent as provided for in this chapter and the voter approved measure; and
- (3) Prepare and issue the committee's own annual report setting forth their findings in regard to the foregoing

Measure L ballot to be voted on June 5, 2012. Measure L will “established a locally-controlled source of revenue for community’s services”.

Service priorities to be maintained by Measure L:

- Police officers & neighborhood police patrols
 - City streets & pothole repair
 - 9-1-1 emergency response times
- Anti-gang programs that keep youth off the streets
 - Crime prevention & investigation

Measure L information flyer

MLCOC Information

- Financial information
 - CAFR with independent auditor assessment
 - Measure L Budget plan and actual
 - Measure L monthly funding receipts
 - Expenditure reports traceable to Measure L income total
- Activity Information
 - Public Safety: Personnel and equipment expenditure
 - Public Works: Personnel , equipment, and street maintenance listing



New Roller

Measure L Funding

	Fiscal Year	2012-2013	2013-2014	2014-2015
Carry Over From Prior Years: Measure L			\$ 316,758	\$ 400,313
Revenue		\$ 1,499,559	\$ 2,510,692	\$ 2,613,889
Expenditures		\$ 1,182,801	\$ 2,427,137	\$ 2,208,507
Public Safety		\$ 809,423	\$ 1,347,490	\$ 1,404,207
Public Works		\$ 357,994	\$ 1,079,647	\$ 804,300
Measure L accounting implementation		\$ 15,384		
Revenue over(under) expenditures- General Fund		\$ 316,758	\$ 400,313	\$ 805,695

Year 2014-2015 funded Public Safety and Public Works.

- Public Safety funded labor for twelve (12) officers, one (1) dispatcher, two (2) record clerks and one (1) code enforcement officer. Funding did not support material expenditures.
- Public Works funds were used to for a Crack Filling machine , street maintenance raw material and street maintenance (contract and city public works personnel). The streets include 6 paved street segments and prepped 7 streets (multiple segments).

Street Paved	Start	Finish
Gold Canyon	Cashmere	Pierce School
Upjohn	Forest Knoll	Sunland
Upjohn	Desert Candles	Karin
Upjohn	Silver Ridge	Holly Canyon
Fountain	Upjohn	Church
Drummond	Inyo	Downs

Streets Prepped	
Downs	Norma
Las Flores	Ward
Upjohn	Mahan
Dolphin	



Cracker Filler

Paved Streets: Measure FY14-15 Funding



Gold Canyon 0.7miles
from Pierce School



Upjohn from Holly Canyon



Drummond from Downs



Fountain from Church



Upjohn from Forrest Knoll

Prepped Streets: Measure FY14-15 Funding



Gateway from Upjohn



Norma from Drummond



Ward from Mahan



Mahan from Las Flores



Las Flores from Downs



Downs from Ridgecrest Blvd



Upjohn from Guam



Dolphin from Downs

Findings

- Measure L funds were allocated entirely to Public Safety and Public Works for the Fiscal Year 2014-2015 consistent with the prior Measure L funded years
- During Fiscal Year 2014-2015, Measure L revenue was planned to contribute 18.5% of the \$14.1M
- Street repair for the 4 lane arterials of Ridgcrest are expected to be completed during 2016 (Gateway Street). Prior to Measure L funding, street repair was predominantly pothole repairs
- Annual spending on streets maintenance is less than \$1.5M over 15 years as recommended to achieve overall improvement of the street network (reference Public Works' Pavement Management System study dated June 1, 2011 by Willdan Engineering)
- Measure L is used to pay close to half of the police officers for Fiscal Year 2014-2015
- In the near future TAB funding for street work will end. Measure L funding may essentially be the only major source for any street services, including Measure L matching funding qualifications.

Recommendations

- The tracking of Measure L expenditures has improved. The funds are clear as to how they have been expended. While streets maintenance and the Police Department staffing levels are unsustainable without Measure L Funds, it is critical that the City Council put another tax initiative on the ballot which sustains funding of Public Safety and Public Works.
- It is also recommended that the \$805,695 of carryover be used solely on street maintenance and repair and that Measure L Funds be used to maintain the current level of Police Department staffing/services.
- The Engineering Division has been applying for Federal and State funding. It is recommended that a budget is set aside from Measure L to ensure that matching funds, which are required, are available to ensure community projects can be completed with any grants received by the City.
- The expected updated 2016 report of Pavement Management System shall provide the City Council recommended levels of street repair planning which would achieve acceptable overall street condition level within 10-15 years. City Council support to executing to the report plan is recommended, notwithstanding the decision for a continued local sales tax.

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

SUBJECT: A Resolution Approving The Program Supplement Agreement No. 037-N1 With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R Encumbering One Hundred Sixty Thousand Eight Hundred Seventy-Five Dollars (\$160,875.00); And Authorizes Tax Allocation Bonds From the Street Allocation In The Amount of Twenty Thousand Eight Hundred Forty-Two Dollars (\$20,842.00) Be Used For Matching Funds; And Authorizes The City Manager, Dennis Speer, To Sign The Program Supplement Agreement For Construction Of The North Warner Avenue Project From Drummond Avenue to West Howell Avenue

PRESENTED BY:

Dennis Speer, Public Works Director

SUMMARY:

The Program Supplement Agreement is for the paving of a dirt road along North Warner Avenue from Drummond Avenue to West Howell Avenue. The preliminary engineering has been completed and a Request for Authorization to construct has been submitted.

The funds being received are from the Congestion Mitigation Air Quality Program (CMAQ) in the amount of One Hundred Sixty Thousand Eight Hundred Seventy-Five Dollars (\$160,875.00). The City's matching fund is Twenty Thousand Eight Hundred Forty-Two Dollars (\$20,842.00).

The local match will be funded from the street allocation of the Tax Allocation Bonds (TAB).

The project funding will be allocated from the capital improvement account 018-4760-430-4601 project ST15-01.

The State requires that one person in the local agency be designated to sign the agreement with the State. The City's Master Agreement with the State stipulates the City Manager as the designated person.

FISCAL IMPACT: \$20,842.00

Reviewed by Finance Director

ACTION REQUESTED:

Adopt A Resolution Approving The Program Supplement Agreement No. 037-N1 With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R Encumbering One Hundred Sixty Thousand Eight Hundred Seventy-Five Dollars (\$160,875.00); And Authorizes Tax Allocation Bonds From the Street Allocation In The Amount of Twenty Thousand Eight Hundred Forty-Two Dollars (\$20,842.00) Be Used For Matching Funds; And Authorizes The City Manager, Dennis Speer, To Sign The Program Supplement Agreement For Construction Of The North Warner Avenue Project From Drummond Avenue to West Howell Avenue

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Karen Harker
(Rev. 02/13/12)

Action Date: July 6, 2016

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RESOLUTION NO. 16-XX

A RESOLUTION APPROVING THE PROGRAM SUPPLEMENT AGREEMENT NO. 037-N1 WITH THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION, UNDER MASTER AGREEMENT NO. 09-5385R ENCUMBERING ONE HUNDRED SIXTY THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$160,875.00); AND AUTHORIZES TAX ALLOCATION BONDS FROM THE STREET ALLOCATION IN THE AMOUNT OF TWENTY THOUSAND EIGHT HUNDRED FORTY-TWO DOLLARS (\$20,842.00) BE USED FOR MATCHING FUNDS; AND AUTHORIZES THE CITY MANAGER, DENNIS SPEER, TO SIGN THE PROGRAM SUPPLEMENT AGREEMENT FOR CONSTRUCTION OF THE NORTH WARNER AVENUE PROJECT FROM DRUMMOND AVENUE TO WEST HOWELL AVENUE

WHEREAS, The City of Ridgecrest is eligible to receive Federal and/or State funding for certain transportation projects, through the California Department of Transportation, and

WHEREAS, Program Supplemental Agreements needs to be executed with the California Department of Transportation before such funds can be claimed, and

WHEREAS, This Program Supplement is for paving a dirt road along North Warner Avenue from Drummond Avenue to West Howell Avenue; and

WHEREAS, The funds being received are from the Congestion Mitigation Air Quality Program (CMAQ) in the amount of One Hundred Sixty Thousand Eight Hundred Seventy-Five Dollars (\$160,875.00); and

WHEREAS, The City's matching fund is Twenty Thousand Eight Hundred Forty-Two Dollars (\$20,842.00); and

WHEREAS, The local match will be funded from the street allocation from the Tax Allocation Bonds (TAB); and

WHEREAS, Funds shall be made available from the capital improvement account 018-4760-430-4601 project ST15-01 account; and

WHEREAS, The State requires that one person in the local agency be designated to sign the agreements with the State, and

WHEREAS, The City's Master Agreement with the State stipulates the City Manager as the designated person.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby:

1. Authorizes the Approval of the Program Supplement Agreement No. 037-N1 With The State Of California, Department Of Transportation, Under Master Agreement No. 09-5385R
2. Authorizes the Finance Director to amend the budget to reflect all appropriate expenditures, revenue and transfer accounts.
3. Authorizes the City Manager, Dennis Speer, To Sign The Program Supplement Agreement No. 037-N1 For the North Warner Avenue Project from Drummond Avenue to West Howell Avenue.

APPROVED AND ADOPTED this 6th Day of July 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

PROGRAM SUPPLEMENT NO. N037 Rev. 1
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR FEDERAL-AID PROJECTS NO 09-5385R

Adv Project ID **Date:** June 2, 2016
0915000021 **Location:** 09-KER-0-RGCR
Project Number: CML-5385(055)
E.A. Number:
Locode: 5385

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/02/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the Administering Agency on _____ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

PROJECT LOCATION:

North Warner Street from Drummond Avenue to West Howell Avenue

TYPE OF WORK: Pave dirt road

LENGTH: 0.0(MILES)

Estimated Cost	Federal Funds		Matching Funds	
			LOCAL	OTHER
\$227,247.00	M40E	\$160,875.00	\$26,064.00	\$0.00
	M400	\$40,308.00		

CITY OF RIDGECREST

STATE OF CALIFORNIA
Department of Transportation

By _____
Title _____
Date _____
Attest _____

By _____
Chief, Office of Project Implementation
Division of Local Assistance

Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Jennie Yee **Date** 6/3/16 \$201,183.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

SPECIAL COVENANTS OR REMARKS

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

C. STATE and ADMINISTERING AGENCY agree that any additional funds which might be made available by future Federal obligations will be encumbered on this PROJECT by use of a STATE-approved "Authorization to Proceed" and Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.

D. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Attention is directed to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

E. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

F. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-

SPECIAL COVENANTS OR REMARKS

assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

G. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

H. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Exclusion List. Exclusions can be found at www.sam.gov.

1. A. ADMINISTERING AGENCY shall conform to all State statutes, regulations and procedures (including those set forth in the Local Assistance Procedures Manual and the Local Assistance Program Guidelines, hereafter collectively referred to as "LOCAL ASSISTANCE PROCEDURES") relating to the federal-aid program, all Title 23 Code of

SPECIAL COVENANTS OR REMARKS

Federal Regulation (CFR) and 2 CFR Part 200 federal requirements, and all applicable federal laws, regulations, and policy and procedural or instructional memoranda, unless otherwise specifically waived as designated in the executed project-specific PROGRAM SUPPLEMENT.

B. Invoices shall be submitted on ADMINISTERING AGENCY letterhead that includes the address of ADMINISTERING AGENCY and shall be formatted in accordance with LOCAL ASSISTANCE PROCEDURES.

C. ADMINISTERING AGENCY must have at least one copy of supporting backup documentation for costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. ADMINISTERING AGENCY agrees to submit supporting backup documentation with invoices if requested by State. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

D. Indirect Cost Allocation Plan/Indirect Cost Rate Proposals (ICAP/ICRP), Central Service Cost Allocation Plans and related documentation are to be prepared and provided to STATE (Caltrans Audits & Investigations) for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect costs incurred within each fiscal year being claimed for State and federal reimbursement. ICAPs/ICRPs must be prepared in accordance with the requirements set forth in 2 CFR, Part 200, Chapter 5 of the Local Assistance Procedural Manual, and the ICAP/ICRP approval procedures established by STATE.

E. STATE will withhold the greater of either two (2) percent of the total of all federal funds encumbered for each PROGRAM SUPPLEMENT or \$40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

F. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand within thirty (30) days of such invoice.

G. ADMINISTERING AGENCY agrees to comply with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards.

H. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree, that Contract Cost Principles and Procedures,

SPECIAL COVENANTS OR REMARKS

48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items.

I. Every sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with 2 CFR, Part 200, 23 CFR, 48 CFR Chapter 1, Part 31, Local Assistance Procedures, Public Contract Code (PCC) 10300-10334 (procurement of goods), PCC 10335-10381 (non-A&E services), and other applicable STATE and FEDERAL regulations.

J. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, 23 CFR, 48 CFR, Chapter 1, Part 31, and other applicable STATE and FEDERAL regulations, are subject to repayment by ADMINISTERING AGENCY to STATE.

K. STATE reserves the right to conduct technical and financial audits of PROJECT WORK and records and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by the following paragraph:

ADMINISTERING AGENCY, ADMINISTERING AGENCY'S contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit by STATE, the California State Auditor, or any duly authorized representative of STATE or the United States all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts and ADMINISTERING AGENCY shall furnish copies thereof if requested. All of the above referenced parties shall make such AGREEMENT, PROGRAM SUPPLEMENT, and contract materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of submission of the final expenditure report by the STATE to the FHWA.

L. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain a financial management system and records that properly accumulate and segregate reasonable, allowable, and allocable incurred PROJECT costs and matching funds by line item for the PROJECT. The financial management system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices set to or paid by STATE.

M. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of 2 CFR 200 if it expends \$750,000 or more in Federal Funds in a single fiscal year of the Catalogue of Federal Domestic Assistance.

N. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in

SPECIAL COVENANTS OR REMARKS

ADMINISTERING AGENCY's annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with 2 CFR, Part 200.

O. ADMINISTERING AGENCY shall not award a non-A&E contract over \$5,000, construction contracts over \$10,000, or other contracts over \$25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. Contracts awarded by ADMINISTERING AGENCY, if intended as local match credit, must meet the requirements set forth in this AGREEMENT regarding local match funds.

P. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain provisions B, C, F, H, I, K, and L under Section 2 of this agreement.

RECEIVED

JUN 07 2016

HEADQUARTERS DIVISION OF
LOCAL ASSISTANCE

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

SUBJECT: A Resolution To Award A Construction Contract To Bowman Asphalt For The Road Rehabilitation And Resurfacing Of The Gateway Project From East Ridgecrest Boulevard To Church Avenue In The Amount Of Five Hundred Twenty-Three Thousand One Hundred Twenty-Eight Dollars (\$523,128.00) And Authorize The City Manager, Dennis Speer, To Execute The Contract

PRESENTED BY:

Dennis Speer, Public Works Director

SUMMARY:

On Tuesday June 21, 2016 the bids were opened for the road rehabilitation and resurfacing of the Gateway Project From East Ridgecrest Boulevard To Church Avenue.

A total of two bids were received as follows:

<u>Bidder</u>	<u>Bid</u>
Bowman Asphalt	\$523,128.00
Griffith Company	\$550,814.00

The bids were reviewed by the engineering firm of Willdan Engineering and the Resident Engineers, Mike Bustos and Labor Compliance Officer Jane Freji. Based on this review, it is recommended that the contract be awarded to the lowest responsible and responsive bidder, Bowman Asphalt the low bid of Five Hundred Twenty-Three Thousand One Hundred Twenty-Eight Dollars (\$523,128.00).

A purchase order will be issued to Bowman Asphalt in a total amount of Five Hundred Twenty-Three Thousand One Hundred Twenty-Eight Dollars (\$523,128.00) for the road rehabilitation and resurfacing. An amount of Twenty-Six Thousand One Hundred Fifty-Six Dollars and Forty Cents (\$26,156.40) or five percent (5%) is needed for contingencies. The total project cost is Five Hundred Forty-Nine Thousand Two Hundred Eighty-Four Dollars and Forty Cents (\$549,284.40). This project is fully funded by Tax Allocation Bonds (TAB).

Funding for the execution of the contract shall come from the capital improvement account 018-4760-430-4601 project ST16-01.

FISCAL IMPACT: \$549,284.40

Reviewed by Finance Director

ACTION REQUESTED: Adopt A Resolution To Award A Construction Contract To Bowman Asphalt For The Road Rehabilitation And Resurfacing Of The Gateway Project From East Ridgecrest Boulevard To Church Avenue In The Amount Of Five Hundred Twenty-Three Thousand One Hundred Twenty-Eight Dollars (\$523,128.00) And Authorize The City Manager, Dennis Speer, To Execute The Contract

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Karen Harker

Action Date: July 6, 2016

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RESOLUTION NO. 16-

A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO BOWMAN ASPHALT FOR THE ROAD REHABILITATION AND RESURFACING OF THE GATEWAY PROJECT FROM EAST RIDGECREST BOULEVARD TO CHURCH AVENUE IN THE AMOUNT OF FIVE HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED TWENTY-EIGHT DOLLARS (\$523,128.00) AND AUTHORIZE THE CITY MANAGER, DENNIS SPEER, TO EXECUTE THE CONTRACT

WHEREAS, On Tuesday June 21, 2016 bids were opened for the road rehabilitation and resurfacing of the Gateway Project From East Ridgecrest Boulevard To Church Avenue; and

WHEREAS, A total of two bids were received and the results are follows:

<u>Bidder</u>	<u>Bid</u>
Bowman Asphalt	\$523,128.00
Griffith Company	\$550,814.00

WHEREAS, These bids were reviewed by the engineering firm Willdan Engineering and Resident Engineers, Mike Bustos and Labor Compliance Officer Jane Freji for a determination of the lowest responsible and responsive bidder; and

WHEREAS, It was determined that Bowman Asphalt was the low bidder with the low bid of Five Hundred Twenty-Three Thousand One Hundred Twenty-Eight Dollars (\$523,128.00); and

WHEREAS, A purchase order will be issued to Bowman Asphalt in a total amount of Five Hundred Twenty-Three Thousand One Hundred Twenty-Eight Dollars (\$523,128.00) for the road rehabilitation and resurfacing of the Gateway Project From East Ridgecrest Boulevard To Church Avenue; and

WHEREAS, An amount of Twenty-Six Thousand One Hundred Fifty-Six Dollars and Forty Cents (\$26,156.40) or five percent (5%) is needed for contingencies; and

WHEREAS, This project is fully funded by Tax Allocation Bonds (TAB); and

WHEREAS, The total amount of funding is Five Hundred Forty-Nine Thousand Two Hundred Eighty-Four Dollars and Forty Cents (\$549,284.40) for the project; and

WHEREAS, The funding for the execution of the contract shall come from the capital improvement account 018-4760-430-4601 project ST16-01.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby:

Authorizes the award of the contract to Bowman Asphalt for the road rehabilitation and resurfacing of the Gateway Project From East Ridgecrest Boulevard To Church Avenue; and

Authorizes the Finance Director to amend the budget to reflect all appropriate capital, revenue and transfer accounts.

Authorizes the City Manager, Dennis Speer to execute the contract

APPROVED AND ADOPTED this 6th day of July 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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

SUBJECT: A Resolution to Award A Construction Contract To Elite Grading And Paving For The Bike Path Extension Along Richmond Road From The Bowman Bike Path To The Park And Ride On East Ridgecrest Boulevard In The Amount Of Two Hundred Thirty-Three Thousand Four Hundred Twenty-Nine Dollars (\$233,429.00) And Authorize The City Manager, Dennis Speer, To Execute The Contract

PRESENTED BY:

Dennis Speer, Public Work Director

SUMMARY:

On Thursday June 23, 2016 the bids were opened for the Bike Path Extension along Richmond Road from the Bowman Bike Path to the Park and Ride on East Ridgecrest Boulevard. A total of two bid were received as follows:

<u>Bidder</u>	<u>Bid</u>
Elite Grading and Paving	\$233,429.00
Bowman Asphalt Inc.	\$237,550.00

The bids were reviewed by the engineering firm of Willdan Engineering and the Resident Engineer, Mike Bustos. Based on this review, it is recommended that the contract be awarded to the lowest responsible and responsive bidder, Elite Grading and Paving with the low bid of Two Hundred Thirty-Three Thousand Four Hundred Twenty-Nine Dollars (\$233,429.00).

A purchase order will be issued to Elite Grading and Paving in a total amount of Two Hundred Thirty-Three Thousand Four Hundred Twenty-Nine Dollars (\$233,429.00) for the construction of a Bike Path Extension along Richmond Road from the Bowman Bike Path to the Park and Ride on East Ridgecrest Boulevard. An amount of Eleven Thousand Six Hundred Seventy-One Dollars and Forty-Five Cents (\$11,671.45) or five percent (5%) is needed for contingencies. The total project cost for construction is Two Hundred Forty-Five Thousand One Hundred Dollars Forty-Five Cents (\$245,100.45).

The Article 3 of the Transportation Development Act (TDA) administered by Kern Council of Governments (Kern COG) will provide a total of Two Hundred Sixty-Two Thousand Three Hundred Eight-Four Dollars (\$262,384.00) in funding for the entire project.

This project requires additional funds in the amount of Fifty-Six Thousand Three Hundred Seven-Four Dollars Forty-Five Cents (\$56,374.45) with Engineering and Construction Management added to the project.

Staff is recommending that funds to complete this project come from the Unallocated Street Tax Allocation Bond (TAB).

Funding for the execution of the contract shall come from the capital improvement account 018-4760-430-4601 project BL 16-05.

FISCAL IMPACT: \$56,374.45

Reviewed by Finance Director

ACTION REQUESTED: Adopt A Resolution To Award A Construction Contract To Elite Grading And Paving For The Bike Path Extension Along Richmond Road From The Bowman Bike Path To The Park And Ride On East Ridgecrest Boulevard In The Amount Of Two Hundred Thirty-Three Thousand Four Hundred Twenty-Nine Dollars (\$233,429.00) And Authorize The City Manager, Dennis Speer, To Execute The Contract

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Karen Harker

Action Date: July 6, 2016

(Rev. 02/13/12)

RESOLUTION NO. 16-XX

A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO ELITE GRADING AND PAVING FOR THE BIKE PATH EXTENSION ALONG RICHMOND ROAD FROM THE BOWMAN BIKE PATH TO THE PARK AND RIDE ON EAST RIDGECREST BOULEVARD IN THE AMOUNT OF TWO HUNDRED THIRTY-THREE THOUSAND FOUR HUNDRED TWENTY-NINE DOLLARS (\$233,429.00) AND AUTHORIZE THE CITY MANAGER, DENNIS SPEER, TO EXECUTE THE CONTRACT

WHEREAS, On Thursday June 23, 2016 the bids were opened for the Bike Path Extension along Richmond Road from the Bowman Bike Path to the Park and Ride on East Ridgecrest Boulevard; and

WHEREAS, A total of two bids were received and the results are as follows:

<u>Bidder</u>	<u>Bid</u>
Elite Grading and Paving	\$233,429.00
Bowman Asphalt Inc.	\$237,550.00

WHEREAS, These bids were reviewed by the engineering firm Willdan Engineering and Resident Engineer, Mike Bustos for a determination of the lowest responsible and responsive bidder; and

WHEREAS, It was determined that Elite Grading and Paving had the low bid of Two Hundred Thirty-Three Thousand Four Hundred Twenty-Nine Dollars (\$233,429.00); and

WHEREAS, A purchase order will be issued to Elite Grading and Paving in a total amount of Two Hundred Thirty-Three Thousand Four Hundred Twenty-Nine Dollars (\$233,429.00) for the Bike Path Extension along Richmond Road from the Bowman Bike Path to the Park and Ride on East Ridgecrest Boulevard; and

WHEREAS, An amount of Eleven Thousand Six Hundred Seventy-One Dollars and Forty-Five Cents (\$11,671.45) or five percent (5%) is needed for contingencies; and

WHEREAS, The total project cost for construction is Two Hundred Forty-Five Thousand One Hundred Dollars Forty-Five Cents (\$245,100.45); and

WHEREAS, Article 3 of the Transportation Development Act (TDA) administered by Kern Council of Governments (Kern COG) will provide a total of Two Hundred Sixty-Two Thousand Three Hundred Eight-Four Dollars (\$262,384.00) in funding for the entire project; and

WHEREAS, This project requires additional funds in the amount of Fifty-Six Thousand Three Hundred Seven-Four Dollars Forty-Five Cents (\$56,374.45) to cover the cost of Engineering and Construction Management added to the project; and

WHEREAS, Staff is recommending that funds to complete this project come from the unallocated Street Tax Allocation Bond Fund (TAB); and

WHEREAS, The funding for the execution of the contract shall come from the capital improvement account 018-4760-430-4601 project BL 16-05.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby:

1. Authorizes the award of the contract to Elite Grading and Paving for the Bike Path Extension along Richmond Road from the Bowman Bike Path to the Park and Ride on East Ridgecrest Boulevard; and
2. Authorizes the Finance Director to amend the budget to reflect all appropriate capital, revenue and transfer accounts.
3. Authorizes the City Manager, Dennis Speer to execute the contract

APPROVED AND ADOPTED this 6th day of July 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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

SUBJECT: A Resolution To Award A Construction Contract to Bowman Asphalt Inc. For The Road Rehabilitation and Resurfacing of Twelve Streets for the Fiscal Year 2016 Street Improvement Project in the Amount of One Million Eight Hundred Thirty-Eight Thousand One Hundred and Sixty Dollars (\$1,838,160.00) And Authorizing The City Manager, Dennis Speer, To Execute The Contract

PRESENTED BY:
Dennis Speer, Public Work Director

SUMMARY:
On Thursday June 23, 2016 the bids were opened for the road rehabilitation and resurfacing of twelve streets for Fiscal Year 2016 Street Improvement Project. The streets are:

Silver Ridge Street	Upjohn Avenue to end of cul-de-sac
Sanders Street	Upjohn Avenue to Boston Avenue
Sierra View Street	Ward Avenue. to Inyokern Road
Sierra View Street	Mary Ann Avenue to Mamie Avenue
Sierra View Street	Sydnor Avenue to Ward Avenue
Vickie Avenue	Carolyn Street to Randall Street
Wayne Street	Ward Avenue to Graaf Avenue
Chesapeake Street	Rader Avenue heading south to barricade
Lakeland Street	Cardigan Avenue heading south to barricade
Cardigan Avenue	Chesapeake Street to Silver Ridge Street
Alice Avenue plus Sherri Street	Peg Street to the end of the Cul-de-sac
Mamie Avenue	Sierra View Street to Sherri Street

A total of four bids were received as follows:

<u>Bidder</u>	<u>Bid</u>
Bowman Asphalt Inc.	\$1,838,160.00
Griffith Construction Co.	\$1,900,075.00
Sully-Miller Construction Company	\$2,127,000.00
Granite Construction Company	\$2,536,410.00

The bids were reviewed by the engineering firm of Willdan Engineering and the Resident Engineers, Mike Bustos and Beau Thompson. Based on this review, it is recommended that the contract be awarded to the lowest responsible and responsive bidder; Bowman Asphalt Inc. with the low bid of One Million Eight Hundred Thirty-Eight Thousand One Hundred and Sixty Dollars (\$1,838,160.00).

A purchase order will be issued to Bowman Asphalt Inc. in the total amount of One Million Eight Hundred Thirty-Eight Thousand One Hundred and Sixty Dollars (\$1,838,160.00) for road rehabilitation and resurfacing. An amount of Ninety-One Thousand Nine Hundred and Eight Dollars (\$91,908.00) or five percent (5%) is needed for contingencies.

The total project cost is One Million Nine Hundred Thirty Thousand Sixty-Eight Dollars (\$1,930,068.00). This project is fully funded by Tax Allocation Bonds (TAB).

Funding for the execution of the contract shall come from the capital improvement account 018-4760-430-4601 project ST16-04.

FISCAL IMPACT: \$1,930,068.00.

Reviewed by Finance Director

ACTION REQUESTED: Adopt A Resolution To Award A Construction Contract to Bowman Asphalt Inc. For The Road Rehabilitation and Resurfacing of Twelve Streets for Fiscal Year 2016 Street Improvement Project in the Amount of One Million Eight Hundred Thirty-Eight Thousand One Hundred and Sixty Dollars (\$1,838,160.00) And Authorize The City Manager, Dennis Speer, To Execute The Contract

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Karen Harker

Action Date: July 6, 2016

RESOLUTION NO. 16-XX

A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO BOWMAN ASPHALT INC. FOR THE ROAD REHABILITATION AND RESURFACING OF TWELVE STREETS FOR FISCAL YEAR 2016 STREET IMPROVEMENT PROJECT IN THE AMOUNT OF ONE MILLION EIGHT HUNDRED THIRTY-EIGHT THOUSAND ONE HUNDRED AND SIXTY DOLLARS (\$1,838,160.00) AND AUTHORIZE THE CITY MANAGER, DENNIS SPEER, TO EXECUTE THE CONTRACT

WHEREAS, On Thursday June 23, 2016, the bids were opened for the road rehabilitation and resurfacing of twelve streets for the Fiscal Year 2016 Street Improvement Project; and

WHEREAS, The streets are:

Silver Ridge Street	Upjohn Avenue to end of cul-de-sac
Sanders Street	Upjohn Avenue to Boston Avenue
Sierra View Street	Ward Avenue. to Inyokern Road
Sierra View Street	Mary Ann Avenue to Mamie Avenue
Sierra View Street	Sydnor Avenue to Ward Avenue
Vickie Avenue	Carolyn Street to Randall Street
Wayne Street	Ward Avenue to Graaf Avenue
Chesapeake Street	Rader Avenue heading south to barricade
Lakeland Street	Cardigan Avenue heading south to barricade
Cardigan Avenue	Chesapeake Street to Silver Ridge Street
Alice Avenue plus Sherri Street	Peg Street to the end of the Cul-de-sac
Mamie Avenue	Sierra View Street to Sherri Street

WHEREAS, A total of four bids were received and the results are as follows:

<u>Bidder</u>	<u>Bid</u>
Bowman Asphalt Inc.	\$1,838,160.00
Griffith Construction Co.	\$1,900,075.00
Sully-Miller Construction Company	\$2,127,000.00
Granite Construction Company	\$2,536,410.00

WHEREAS, These bids were reviewed by the engineering firm Willdan Engineering and Resident Engineers, Mike Bustos and Beau Thompson for a determination of the lowest responsible and responsive bidder; and

WHEREAS, It was determined that Bowman Asphalt Inc. was the low bidder with the low bid of One Million Eight Hundred Thirty-Eight Thousand One Hundred and Sixty Dollars (\$1,838,160.00); and

WHEREAS, A purchase order will be issued to Bowman Asphalt Inc. in a total amount of One Million Eight Hundred Thirty-Eight Thousand One Hundred and Sixty Dollars (\$1,838,160.00) for the road rehabilitation and resurfacing of twelve streets for the Fiscal Year 2016 Street Improvement Project; and

WHEREAS, An amount of Ninety-One Thousand Nine Hundred and Eight Dollars (\$91,908.00) or five percent (5%) is needed for contingencies; and

WHEREAS, This project is fully funded by Tax Allocation Bonds (TAB); and

WHEREAS, The total amount of funding is One Million Nine Hundred Thirty Thousand Sixty-Eight Dollars (\$1,930,068.00) for the project; and

WHEREAS, The funding for the execution of the contract shall come from the capital improvement account 018-4760-430-4601 project ST16-04.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby:

1. Authorizes the award of the contract to Bowman Asphalt Inc. for the road rehabilitation and resurfacing of twelve streets for the Fiscal Year 2016 Street Improvement Project; and
2. Authorizes the Finance Director to amend the budget to reflect all appropriate capital, revenue and transfer accounts.
3. Authorizes the City Manager, Dennis Speer to execute the contract

APPROVED AND ADOPTED this 6th day of July 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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

SUBJECT: A Resolution To Award A Construction Contract to Griffith Company For The Road Rehabilitation and Resurfacing of East Drummond Avenue from North China Lake Boulevard to Chelsea Street in the Amount of Five Hundred Seventy-Two Six Hundred Twenty-Six Dollars (\$572,626.00) And Authorize The City Manager, Dennis Speer, To Execute The Contract

PRESENTED BY:

Dennis Speer, Public Works Director

SUMMARY:

On Wednesday June 22, 2016 the bids were opened for the road rehabilitation and resurfacing of East Drummond Avenue from North China Lake Boulevard to Chelsea Street. A total of two bids were received as follows:

<u>Bidder</u>	<u>Bid</u>
Griffith Construction Co.	\$572,626.00
Bowman Asphalt	\$779,009.00

The bids were reviewed by the engineering firm of Quad Knopf Inc. and the Resident Engineer, Greg Thompson. Based on this review, it is recommended that the contract be awarded to the lowest responsible and responsive bidder, Griffith Construction Company with the low bid of Five Hundred Seventy-Two Thousand Six Hundred Twenty-Six Dollars (\$572,626.00).

A purchase order will be issued to Griffith Construction Company in a total amount of Five Hundred Seventy-Two Thousand Six Hundred Twenty-Six Dollars (\$572,626.00) of road rehabilitation and resurfacing. An amount of Twenty-Eight Thousand Six Hundred Thirty-One Dollars and Thirty Cents (\$28,631.30) or five percent (5%) is needed for contingencies.

The total project cost is Six Hundred One Thousand Two Hundred Fifty-Seven Dollars and Thirty Cents (\$601,257.30). This project is fully funded by Tax Allocation Bonds (TAB).

Funding for the execution of the contract shall come from the capital improvement account 018-4760-430-4601 project ST16-06.

FISCAL IMPACT: \$601,257.30.

Reviewed by Finance Director

ACTION REQUESTED: Adopt A Resolution To Award A Construction Contract to Griffith Company For The Road Rehabilitation and Resurfacing of East Drummond Avenue from North China Lake Boulevard to Chelsea Street in the Amount of Five Hundred Seventy-Two Six Hundred Twenty-Six Dollars (\$572,626.00) And Authorize The City Manager, Dennis Speer, To Execute The Contract

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Karen Harker
(Rev. 02/13/12)

Action Date: July 6, 2016

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RESOLUTION NO. 16-XX

A RESOLUTION TO AWARD A CONSTRUCTION CONTRACT TO GRIFFITH COMPANY FOR THE ROAD REHABILITATION AND RESURFACING OF EAST DRUMMOND AVENUE FROM NORTH CHINA LAKE BOULEVARD TO CHELSEA STREET IN THE AMOUNT OF FIVE HUNDRED SEVENTY-TWO THOUSAND SIX HUNDRED TWENTY-SIX DOLLARS (\$572,626.00) AND AUTHORIZE THE CITY MANAGER, DENNIS SPEER, TO EXECUTE THE CONTRACT

WHEREAS, On Wednesday June 22, 2016 bids were opened for the road rehabilitation and resurfacing of East Drummond Avenue from North China Lake Boulevard to Chelsea Street; and

WHEREAS, A total of two bids were received and the results are as follows:

<u>Bidder</u>	<u>Bid</u>
Griffith Construction Co.	\$572,626.00
Bowman Asphalt	\$779,009.00

WHEREAS, These bids were reviewed by the engineering firm Quad Knopf Inc. and Resident Engineer, Greg Thompson for a determination of the lowest responsible and responsive bidder; and

WHEREAS, It was determined that Griffith Construction Company was the low bidder with the low bid of Five Hundred Seventy-Two Thousand Six Hundred Twenty-Six Dollars (\$572,626.00); and

WHEREAS, A purchase order will be issued to Griffith Construction Company in a total amount of Five Hundred Seventy-Two Thousand Six Hundred Twenty-Six Dollars (\$572,626.00) for the road rehabilitation and resurfacing of East Drummond Avenue from North China Lake Boulevard to Chelsea Street; and

WHEREAS, An amount of Twenty-Eight Thousand Six Hundred Thirty-One Dollars and Thirty Cents (\$28,631.30) or five percent (5%) is needed for contingencies; and

WHEREAS, This project is fully funded by Tax Allocation Bonds (TAB); and

WHEREAS, The total amount of funding is Six Hundred One Thousand Two Hundred Fifty-Seven Dollars and Thirty Cents (\$601,257.30) for the project; and

WHEREAS, The funding for the execution of the contract shall come from the capital improvement account 018-4760-430-4601 project ST16-06.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby:

1. Authorizes the award of the construction contract to Griffith Construction Company for the road rehabilitation and resurfacing of East Drummond Avenue from North China Lake Boulevard to Chelsea Street; and
2. Authorizes the Finance Director to amend the budget to reflect all appropriate capital, revenue and transfer accounts.
3. Authorizes the City Manager, Dennis Speer to execute the contract

APPROVED AND ADOPTED this 6th day of July 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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

SUBJECT: A Resolution Of The City Council Of The City Of Ridgecrest To Levy And Collect Sewer Fees On The General Tax Rolls For Fiscal Year 2016-2017

PRESENTED BY:

Dennis Speer, Public Works Director

SUMMARY:

The City Council will direct the City Clerk to furnish the Kern County Board of Supervisors and the County Auditor with a description of parcels for both residential and commercial sewer flat charges. This is an annual requirement to allow for the collection of the flat rate charge on the property tax bill. The parcels billed by the flat rate charges are shown in Exhibit "A".

The rates were established for five years beginning in 2013 and are shown in Exhibit B from a Prop 218 hearing that passed on June 5, 2013.

This report shall be furnished to the Kern County Board of Supervisors and the County Auditor on or before August 10, 2016.

The revenues derived from the subject charge shall be used only for construction, expansion, maintenance and operation of the City's wastewater treatment and collection facilities. This resolution complies with the applicable provisions of Article XIID of the California Constitution and California Government Code 54984 and has authority to adopt a sewer user charge for use of City sanitation facilities pursuant to Health and Safety Code Section 5471, et. seq. and Government Code Section 51334.

The Council will also direct City Staff to bill and collect service charges for those properties whose status is tax exempt and not on the County tax rolls; therefore, are not a part of this resolution.

FISCAL IMPACT:

Reviewed by Finance Director

ACTION REQUESTED:

Adopt A Resolution Of The City Council Of The City Of Ridgecrest To Levy And Collect Sewer Fees On The General Tax Rolls For Fiscal Year 2016-2017

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Karen Harker
(Rev. 02/13/12)

Action Date: July 6, 2016

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RESOLUTION NO. 16-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST TO LEVY AND COLLECT SEWER FEES ON THE GENERAL TAX ROLLS FOR FISCAL YEAR 2016-2017

WHEREAS, The City Council will direct the City Clerk to furnish the Kern County Board of Supervisors and the County Auditor with a description of the parcel for both residential and commercial sewer flat charges; and

WHEREAS, The City Clerk will also furnish the Kern County Board of Supervisors and the County Auditor a Certified copy of this resolution by August 10, 2016; and

WHEREAS, this is an annual requirement to allow for the collection of the flat rate charge on the property tax bill; and

WHEREAS, the parcels billed by the flat rate charges are shown in Exhibit "A"; and

WHEREAS, the rates were established for five years beginning in 2013 and are shown in Exhibit B from a Prop 218 hearing that passed on June 5, 2013; and

WHEREAS, The Board of Supervisors and the County Tax Collector are hereby requested to levy and collect the charge as a part of the annual General County Tax Bill; and

WHEREAS, The Council will also direct City Staff to bill and collect service charges for those properties whose status is tax exempt and not on the County tax rolls; therefore, are not a part of this resolution.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest Hereby Adopts A Resolution To Levy And Collect Sewer Fees On The General Tax Rolls For Fiscal Year 2016-2017.

APPROVED AND ADOPTED this 6th day of July 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peggy Breeden, Mayor

ATTEST

Rachel J. Ford, CMC, City Clerk

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Exhibit "A"		
	03307047008	\$7,288.95
	03306003007	\$1,484.93
	03306004000	\$497.54
	03306005003	\$10,792.80
	00307025004	\$401.52
	03307004003	\$430.67
	03307026007	\$3,622.19
	03307027000	\$1,009.26
	03307038002	\$1,417.39
	03307040007	\$2,707.94
	03307044009	\$12,988.12
	03307050006	\$1,074.20
	06701006008	\$2,709.61
	06701007001	\$3,443.68
	06701017000	\$367.20
	06701020008	\$621.56
	06701025003	\$2,355.37
	06702211009	\$2,082.74
	06702206005	\$367.20
	06702208005	\$367.20
	06702209004	\$367.20
	06702305009	\$910.86
	06702308008	\$3,768.40
	06702329009	\$371.95
	06702412006	\$1,131.28
	06702413009	\$773.10
	06702414002	\$597.95
	06702436006	\$797.41
	06703101006	\$383.44
	06703104005	\$367.20
	06703105008	\$367.20
	06703111005	\$367.20
	06703115007	\$972.08
	06703116000	\$879.97
	06703117003	\$367.20
	06703118006	\$418.80
	06703202006	\$367.20
	06703204002	\$1,547.70
	06703208004	\$367.20
	06703214001	\$367.20
	06703216007	\$367.20
	06703217000	\$367.20
	06703218003	\$367.20
	06703219006	\$746.15
06703220008	\$444.01	

06703303006	\$542.84
06703304009	\$367.20
06703310006	\$367.20
06703311009	\$1,989.99
06703325000	\$367.20
06703326003	\$538.91
06703403003	\$1,131.98
06703413002	\$879.37
06703505006	\$635.34
06704008003	\$2,223.52
06704014000	\$367.20
06704019005	\$2,809.24
06704020007	\$5,496.21
06704023006	\$367.20
06705005007	\$454.28
06705011004	\$1,296.59
06705012007	\$1,814.17
06705019008	\$544.81
06710601001	\$367.20
06712101002	\$367.20
06712102005	\$367.20
06712120007	\$4,893.37
06712122003	\$472.00
06712223003	\$570.11
06712225009	\$452.71
06712226002	\$515.46
06714004000	\$986.04
06714008002	\$1,817.70
06714012003	\$367.20
06714014009	\$464.12
06714016005	\$367.20
06714018001	\$367.20
06714020006	\$367.20
06714021009	\$367.20
06714022002	\$367.20
06714023005	\$367.20
06714025001	\$367.20
06714028000	\$403.12
06714033004	\$560.56
06714035000	\$367.20
06714037006	\$367.20
06714042000	\$367.20
06714045009	\$367.20
06714046002	\$367.20
06714047005	\$653.05
06714054005	\$367.20
06714055008	\$609.76
06714057004	\$367.20
06714060002	\$706.30

06715019007	\$367.20
06715033007	\$716.03
06715037009	\$430.67
06715038002	\$367.20
06715041000	\$367.20
06715042003	\$578.40
06715044009	\$1,101.60
06719110009	\$367.20
06719116007	\$367.20
06719119006	\$788.84
06719201000	\$367.20
06719202003	\$367.20
06719203006	\$5,680.73
06719211009	\$2,037.61
06719215001	\$734.40
06719222001	\$367.20
06719227006	\$1,272.25
06719235009	\$1,578.60
06719236002	\$734.40
06719237005	\$734.40
06719240003	\$616.71
06719304006	\$367.20
06719401004	\$367.20
06719402007	\$473.96
06719403000	\$750.64
06719501001	\$979.68
06719502004	\$367.20
06719503007	\$367.20
06719507009	\$1,101.60
06719509005	\$1,101.60
06719601008	\$367.20
06719604007	\$2,042.80
06719606003	\$1,468.80
06719607006	\$367.20
06719608009	\$734.40
06719609002	\$734.40
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08002059002	\$1,836.00
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08002061007	\$367.20
08002062000	\$4,851.33
08005149009	\$1,436.32
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08006147006	\$710.12
08011201003	\$367.20
08011207001	\$367.20
08011208004	\$367.20
08011211002	\$367.20

08011213008	\$922.14
08011214001	\$425.98
08011302003	\$367.20
08011303006	\$801.72
08011306005	\$883.31
08011307008	\$367.20
08011308001	\$367.20
08011401007	\$367.20
08011403003	\$367.20
08011404006	\$367.20
08011407005	\$633.73
08011413002	\$367.20
08011414005	\$464.12
08011415008	\$367.20
08011417004	\$894.30
08012104008	\$367.20
08012105001	\$534.37
08012107007	\$536.94
08012116003	\$2,710.61
08012118009	\$367.20
08012119002	\$367.20
08012202009	\$2,800.27
08012212008	\$611.72
08012214004	\$4,683.21
08012216000	\$385.40
08013104001	\$367.20
08013109006	\$584.17
08013111001	\$431.09
08013122003	\$1,052.56
08013123006	\$1,201.31
08013201009	\$367.20
08013202002	\$367.20
08013220004	\$367.20
08013301006	\$14,508.72
08013311005	\$367.20
08015105000	\$367.20
08015203001	\$367.20
08015205007	\$367.20
08015301002	\$2,071.98
08015304001	\$410.99
08019202000	\$5,927.15
08019203003	\$2,770.15
08019204006	\$3,091.35
08019210003	\$3,853.82
08019211006	\$2,168.89
08102421006	\$367.20
08102422009	\$1,513.90
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34303172005	\$4,490.36

34304160003	\$1,420.57
34321209002	\$405.74
34321211007	\$3,148.48
34323011009	\$1,009.26
34335115003	\$3,321.66
34335120007	\$436.57
34335136004	\$5,824.96
34337001001	\$580.24
39602005007	\$644.60
39602008006	\$2,953.64
39602009009	\$367.20
39602010001	\$6,129.97
39602012007	\$371.63
39602013000	\$5,639.63
39606003003	\$2,327.82
39606005009	\$952.19
39606011006	\$853.79
39606012009	\$367.20
39606016001	\$863.63
39650004003	\$11,625.64
39650009008	\$734.40
39650010000	\$1,468.80
39650011003	\$367.20
39650012006	\$7,818.34
39650014002	\$7,299.40
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41802011003	\$1,377.28
41802014002	\$367.20
41803007005	\$1,101.60
41803009001	\$2,276.11
41803010003	\$367.20
41804101007	\$515.45
41804103003	\$532.64
41804105009	\$367.20
41804120002	\$3,417.87
41804204003	\$367.20
41804205006	\$367.20
41804207002	\$367.20
41804213009	\$367.20
41804227000	\$367.20
41804228003	\$4,953.18
41806101003	\$367.20
41806103009	\$460.19
41806105005	\$367.20
41806106008	\$367.20
41806107001	\$367.20
41806202003	\$373.60
41806204009	\$367.20
41806205002	\$367.20

41806209004	\$367.20
41806219003	\$367.20
41806220005	\$523.16
41811002003	\$367.20
41811004009	\$1,873.74
41901001008	\$1,064.36
41901003004	\$566.57
41901004007	\$734.40
41901009002	\$614.58
41901015009	\$367.20
41901033001	\$367.20
41901037003	\$698.32
41901047002	\$367.20
41901048005	\$367.20
41901049008	\$1,836.38
41901050000	\$685.35
41901054002	\$569.00
41901055005	\$367.20
41902001001	\$1,587.85
41902002004	\$367.20
41902005003	\$5,047.60
41902017008	\$3,048.11
41902019004	\$367.20
41902022002	\$3,715.59
41902023005	\$367.20
41902024008	\$487.74
41902031008	\$572.25
41902033004	\$367.20
41902041007	\$10,135.01
41903101001	\$2,874.99
41903104000	\$650.34
41903201008	\$367.20
41903204007	\$367.20
41904245009	\$367.20
41904253002	\$367.20
41906105002	\$3,388.35
41906203003	\$367.20
41906205009	\$367.20
41906209001	\$1,742.98
41906211006	\$4,843.86
41906215008	\$1,573.35
41907212002	\$734.40
41907303003	\$674.70
41907315008	\$475.93
41907317004	\$527.10
41907318007	\$666.83
41908105008	\$643.21
42002016005	\$584.17
42002018001	\$4,754.20

42002021009	\$1,332.01
42002026004	\$1,776.47
42004121002	\$674.70
42004218001	\$1,129.31
42005222005	\$481.84
42005252002	\$421.92
42101004004	\$4,693.35
42101005007	\$37,304.50
42101008006	\$2,834.54
42101010001	\$24,263.80
42101013000	\$1,349.72
42101015006	\$5,942.10
42101016009	\$8,247.36
42101018005	\$1,444.10
42101019008	\$11,809.33
42101024002	\$3,034.33
42101026008	\$4,175.12
42105001007	\$3,014.29
42105002000	\$367.20
42105003003	\$7,142.62
42105004006	\$1,361.51
42105005009	\$592.29
42105006002	\$367.20
42105007005	\$1,503.88
42109001009	\$15,164.40
42111113006	\$3,856.96
42118063005	\$1,000.22
45301104004	\$818.36
45301108006	\$367.20
45301110001	\$379.50
45301114003	\$948.01
45301115006	\$367.20
45301116009	\$367.20
45301201002	\$1,818.11
45301203008	\$367.20
45301204001	\$367.20
45301209006	\$1,808.27
45301210008	\$792.78
45301211001	\$523.16
45301212004	\$367.20
45301305001	\$385.40
45301308000	\$599.92
45301312001	\$367.20
45301313004	\$367.20
45301315000	\$407.05
45301321007	\$367.20
45301324006	\$367.20
45301405008	\$662.89
45301407004	\$367.20

45303102004	\$1,097.82
45303107009	\$601.88
45303110007	\$784.91
45303111000	\$367.20
45303201008	\$388.85
45303203004	\$1,212.53
45303205000	\$367.20
45303208009	\$367.20
45303214006	\$527.10
45303215009	\$399.32
45306101000	\$556.34
45306115001	\$367.20
45306116004	\$367.20
45306117007	\$367.20
45306118000	\$367.20
45306145008	\$367.20
45306147004	\$367.20
45306151005	\$708.16
45306154004	\$550.72
45306215008	\$367.20
45307113008	\$367.20
45307119006	\$479.87
45307201000	\$438.10
45307221008	\$422.80
45307222001	\$1,528.81
45307243002	\$367.20
45307246001	\$367.20
45313001003	\$424.76
45601004008	\$2,964.65
45601005001	\$1,349.40
45605117005	\$477.90
45605205007	\$367.20
45606011003	\$367.20
45606012006	\$796.72
45606013009	\$367.20
45606015005	\$409.01
45607007005	\$664.86
45609005005	\$1,655.17
47701007000	\$367.20
47702004004	\$367.20
47702015006	\$371.63
47702018005	\$367.20
47702020000	\$491.68
47702030009	\$367.20
47702032005	\$1,245.42
47703028007	\$367.20
47703030002	\$1,056.49
47706001007	\$367.20
47706002000	\$1,357.75

47707003006	\$367.20
47707006005	\$367.20
47707015001	\$934.38
47709003002	\$367.20
47709008007	\$367.20
47711001001	\$367.20
47711016005	\$367.20
47711017008	\$367.20
47801010005	\$367.20
47802011001	\$367.20
47802013007	\$367.20
47802014000	\$367.20
47802016006	\$517.72
47802018002	\$367.20
47802021000	\$367.20
47802029004	\$367.20
47802034008	\$367.20
47802035001	\$367.20
47802036004	\$367.20
47802040005	\$367.20
47802041008	\$367.20
47802043004	\$458.22
47802047006	\$367.20
47802048009	\$1,182.44
47802051007	\$584.79
47802053003	\$780.97
47802056002	\$367.20
47802057005	\$490.19
47803012007	\$3,551.92
47803017002	\$367.20
47803032005	\$687.56
47805201005	\$1,685.55
47805207003	\$367.20
47805208015	\$448.38
47805310008	\$367.20
47805312004	\$613.69
47806101001	\$367.20
47806120006	\$367.20
47806203004	\$886.95
47806216002	\$697.75
47806319008	\$367.20
47806410008	\$795.34
47806417009	\$560.56
47808208005	\$1,364.70
47808209008	\$367.20
47808309005	\$4,779.95
47808315002	\$1,359.38
47808316005	\$367.20
47809132000	\$367.20

47810101002	\$690.44
47810106007	\$3,047.48
47810205001	\$3,958.43
47810307004	\$1,084.20
47901001006	\$367.20
47901007004	\$367.20
47904203005	\$367.20
48001002009	\$2,488.55
48001003002	\$4,083.55
48001004005	\$6,998.55
48001007004	\$491.68
48001009000	\$4,242.68
50901002007	\$4,282.04
50902021005	\$1,918.57
50902022008	\$2,023.32
50902024004	\$5,733.03
50902039008	\$367.20
50902049007	\$428.70
50902050009	\$10,495.90
50903001000	\$1,082.08
50908305008	\$883.31

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	2014	2015	2016	2017	2018
Single Family Residential	\$14.15	\$21.22	\$29.71	\$30.60	\$31.52
Multi-Family Residential	\$12.33	\$18.50	\$25.90	\$26.68	\$27.48
Mobile Homes	\$10.52	\$15.78	\$22.10	\$22.76	\$23.44

Commercial Rates

	2014	2015	2016	2017	2018
Annual Fixed Fee*	\$169.76	\$254.64	\$356.50	\$367.20	\$378.21
Volumetric Charge (per hundred cubic feet)**					
Auto: Repair Shop and Service Station	\$1.40	\$2.10	\$2.94	\$3.03	\$3.12
Auto: Steam Cleaning	\$3.00	\$4.50	\$6.31	\$6.49	\$6.69
Bakery and Food Preparation	\$2.16	\$3.24	\$4.54	\$4.67	\$4.81
Bars w/o Dining Facilities	\$1.31	\$1.97	\$2.76	\$2.84	\$2.93
Car Wash	\$1.17	\$1.76	\$2.46	\$2.53	\$2.61
Commercial & Institutional - Other	\$1.16	\$1.74	\$2.44	\$2.51	\$2.59
Department and Retail Store	\$1.23	\$1.85	\$2.59	\$2.66	\$2.74
Hospital and Convalescent	\$1.22	\$1.83	\$2.56	\$2.64	\$2.71
Hotel with dining facilities	\$1.93	\$2.89	\$4.05	\$4.17	\$4.30
Hotel/Motel without dining	\$1.27	\$1.91	\$2.67	\$2.75	\$2.83
Institutional and Professional: Restrooms Only	\$1.14	\$1.71	\$2.39	\$2.46	\$2.54
Laundromat	\$1.18	\$1.78	\$2.49	\$2.56	\$2.64
Laundry: Commercial	\$1.48	\$2.22	\$3.10	\$3.20	\$3.29
Laundry: Industrial	\$2.10	\$3.15	\$4.42	\$4.55	\$4.68
Market with Garbage Grinders	\$2.31	\$3.46	\$4.84	\$4.99	\$5.14
Mortuary	\$2.31	\$3.46	\$4.84	\$4.99	\$5.14
Restaurant	\$2.16	\$3.24	\$4.54	\$4.67	\$4.81
Soft Water Service	\$1.05	\$1.58	\$2.21	\$2.27	\$2.34
Septic System or No Plumbing	No Fixed Fee or Charge				
Exempt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
China Lake Naval Air Weapons Station	\$1.50	\$2.25	\$3.15	\$3.24	\$3.34

*The annual fixed fee includes the first 71 hundred cubic feet of water flow per year.

** Based on 80% of potable water consumption to account for water not returned to the sewer with except of NAWS which has its sewage metered directly.

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

SUBJECT: A Resolution Of The Ridgecrest City Council Approving The Acceptance Of Real Property From Kern County And Approving The Agreement For Transfer Of Real Property Known As Leroy Jackson Park, Ridgecrest, California.

PRESENTED BY:

Jason Patin

SUMMARY:

The County of Kern is proposing to deed a portion of Leroy Jackson park to the City of Ridgecrest via quitclaim deed. The conditions of the transfer of the real property are established in the "Agreement for transfer of real property know as Leroy Jackson Park, Ridgecrest, California".

Staff recommends that the City Council approve the proposed acceptance of real property and authorize the Mayor and City Clerk to sign the agreement for transfer of real property known as Leroy Jackson Park, Ridgecrest, California.

FISCAL IMPACT: No added fiscal impact

Reviewed by Finance Director

ACTION REQUESTED:

Proposed Action To Adopt A Resolution Of The Ridgecrest City Council Approving The Acceptance Of Real Property From Kern County And Approving The Agreement For Transfer Of Real Property Known As Leroy Jackson Park, Ridgecrest, California.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Jason Patin
(Rev. 02/13/12)

Action Date: July 6, 2016

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RESOLUTION NO. 16-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST APPROVING ACCEPTANCE OF REAL PROPERTY FROM KERN COUNTY AND APPROVING THE AGREEMENT FOR TRANSFER OF REAL PROPERTY KNOWN AS LEROY JACKSON PARK, RIDGECREST, CALIFORNIA

WHEREAS, an offer of donation for real property was extended to the city of Ridgecrest; and

WHEREAS, Attachment No. "1", describing the lot of record. APN 396-011-11 (A PORTION OF) and the agreement for transfer of real property; and

NOW THEREFORE, BE IT RESOLVED That the City Council of the City of Ridgecrest hereby:

1. Accepts the subject property by the undersigned officer on behalf of the City of Ridgecrest and consents to recordation thereof by its duly authorized officer.
2. Approves the Agreement For Transfer Of Real Property Known As Leroy Jackson Park, Ridgecrest, California and authorizes the Mayor and City Clerk to sign the agreement.

APPROVED AND ADOPTED this 6th day of July 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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**AGREEMENT FOR TRANSFER OF REAL PROPERTY
KNOWN AS LEROY JACKSON PARK, RIDGECREST, CALIFORNIA**

(County of Kern – City of Ridgecrest)

THIS AGREEMENT (“**Agreement**”), is executed at Bakersfield, California, on _____, 2016 (“**Execution Date**”) by and between the **COUNTY OF KERN**, a political subdivision of the State of California (“**County**”), and the **CITY OF RIDGECREST**, a municipal corporation (“**City**”). County and City are referred to individually as a “**Party**” and collectively as the “**Parties.**”

RECITALS:

A. County owns the real property improved and operating as a public park known as “Leroy Jackson Park” located within the greater Kern Desert Regional Park in Ridgecrest, County of Kern, State of California (Assessor Parcel Number 396-011-11), legally described in attached **Exhibit “A”** and depicted on the attached **Exhibit “B”** (“**Property**”).

B. County leases the Property to City pursuant to the “Lease Agreement for Sports Complex at Kern Desert Regional Park” dated March 1, 1988, as amended (“**City Lease**”).

C. City wishes to acquire the Property from County, and County is agreeable to conveying its interest in the Property to City under the terms and conditions of this Agreement.

D. City agrees not to give, assign, transfer, mortgage, hypothecate, grant control of, or encumber the Property due to being bound by the Public Park Preservation Act of 1971.

E. The Parties agree that it would be in the best interest of the general public to transfer ownership of the Property to City, for City to operate and maintain.

AGREEMENT:

1. Conveyance: Subject to approval by County’s Board of Supervisors and acceptance by City, in consideration of the public benefit, County hereby conveys the Property to City by Quitclaim Deed in the form attached as **Exhibit “C”** (“**Quitclaim Deed**”). The City Lease shall terminate upon recordation of the Quitclaim Deed. All County personal property located on the Property is deemed transferred to the City upon recordation of the Quitclaim Deed.

2. Water Rights: County shall retain the right to connect to and use water from the water system on the Property to irrigate the remaining portion of Kern Desert Regional Park. City shall, at its sole cost, install a water line to the boundary of the remaining County property, as shown on the diagram attached as **Exhibit “D,”** to provide delivery of water. County shall bear all other costs associated with the provision of water including **(1)** a volumetric charge assessed by City and calculated in an amount to compensate for the costs of providing the water, which shall be in compliance with typical industry fees in Kern County, and to include a pro rata share of the maintenance costs (excluding capital improvements) of any equipment used in the provision of water to the County (excluding well replacement); **(2)** the cost of installation and maintenance of any



portion of the water line located on the County property; and (3) the cost of installation and maintenance of any additional equipment installed by the County wherever located.

3. **Condition:** City accepts the Property in “AS-IS” condition and solely in reliance upon its own investigation, without representations and warranties.

4. **Prevailing Wage:** County has determined that the work contemplated by this Agreement falls within the definition of “Public Works” set forth in the California Labor Code. City acknowledges that City is fully aware of prevailing wage requirements for public works projects as set forth in Article 2 (commencing with section 1770) of Chapter 1, Part 7 of the California Labor Code (“**Prevailing Wage Requirements**”) and City agrees to comply with the provisions of that Article to the extent the Prevailing Wage Requirements are applicable to the work conducted under this Agreement. City further agrees that to the extent applicable, City shall require any subcontractor it contracts with to comply with the Prevailing Wage Requirements. City also agrees to indemnify, defend (upon request of County) and hold County, its officers, agents and employees, harmless from all claims, costs, causes of action, attorney fees, damages or liability from the failure of City or City’s contractors to comply with the Prevailing Wage Requirements.

5. **Indemnification:**

a. City expressly and unequivocally agrees to indemnify, defend (at County’s request), and hold harmless County, its governing board, commissions, elected and appointed officials, employees, agents, volunteers, and authorized representatives, and each of them (“**County Indemnified Parties**”) from all claims, causes of action, and liability (including attorney’s fees and litigation costs) relating to the transfer of the Property or the condition of the Property, whether such claims, causes of action, or liability are caused by County or County Indemnified Parties, or any personal injury or property damage suffered in, on, or about the Property or relating thereto occurring after the date of County’s delivery of the recorded Quitclaim Deed to City.

b. County expressly and unequivocally agrees to indemnify, defend (at City’s request), and hold harmless City, its governing board, commissions, elected and appointed officials, employees, agents, volunteers, and authorized representatives, and each of them (“**City Indemnified Parties**”) from all claims, causes of action, and liability (including attorney’s fees and litigation costs) related to County’s known condition of the Property prior to transfer and any personal injury or property damage suffered in, on, or about the Property or relating thereto, arising out of the acts and/or omissions of County or County Indemnified Parties and occurring prior to the date of recordation of the Quitclaim Deed.

6. **Right to Enter:** As of the Execution Date, City and its contractors and agents shall have the right to enter the Property to conduct such tests and investigations as City deems necessary including, but not limited to, engineering, feasibility studies, soils tests, environmental studies, and other investigations as City in its sole discretion may desire, to permit City to determine the suitability of the Property. As a condition to City’s entry and inspection hereunder, City shall keep the Property free and clear of all materialmen’s liens, lis pendens, or any other liens arising out of the entry and any such work or investigations.

7. **Hazardous Materials:** To the best of County’s knowledge, there are no environmental, health or safety hazards on, under or about the Property, including but not limited to soil conditions. County has received no written notice from any third parties, prior owners of the



Property, or any federal, state or local governmental agency indicating that any hazardous waste remedial or clean-up work will be required on the Property.

8. Negation of Partnership: County shall not become or be deemed a partner or joint venturer with City or in any other relationship with City by reason of the provisions of this Agreement. City shall not for any purpose be considered an agent, officer or employee of County. It is understood that City, in City's performance of all duties under this Agreement, has no authority to bind County to any agreements or undertakings with respect to any persons or entities with whom City deals in the course of their business. County shall not for any purpose be considered an agent, officer or employee of City. It is understood that County, in County's performance of all duties under this Agreement, has no authority to bind City to any agreements or undertakings with respect to any persons or entities with whom County deals in the course of their business.

9. Modification: This Agreement and the Quitclaim Deed set forth the entire understanding and agreement of the Parties, and may be modified only by amendment in writing executed by the Parties.

10. Binding Effect: The covenants and conditions contained in this Agreement are binding on the Parties and their legal representatives, successors, and assigns.

11. Notices: All notices herein provided to be given, or which may be given, by either Party to the other shall be deemed to have been fully given when made in writing and personally served or deposited with the United States Postal Service, certified mail, return receipt requested, postage prepaid, and addressed as follows:

To City: City of Ridgecrest
100 W. California Avenue
Ridgecrest, CA 93555

To County: County of Kern
Park and Recreation Department
2820 M Street
Bakersfield, CA 93301

With a Copy to: County of Kern
General Services Department
Attn: Property Management
1115 Truxtun Avenue, 3rd Floor
Bakersfield, CA 93301

The address to which the notices shall be mailed to either Party may be changed by written notice given by such Party to the other, but nothing shall preclude the giving of any such notice by personal service.

12. Governing Law; Venue: The Parties agree that the provisions of this Agreement shall be construed pursuant to the laws of the State of California. If either City or County initiates an action to enforce the terms of this Agreement or declare rights hereunder, including actions on any



bonds and/or surety agreements, the venue thereof shall be the County of Kern, State of California, it being understood that this Agreement is entered into, and will be performed, within the County of Kern.

13. Construction: The Parties acknowledge that each Party and its counsel have reviewed and revised this Agreement, and that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting Party shall not be employed in the interpretation of this Agreement or any amendments or exhibits to this Agreement.

14. Recitals: Each of the recitals is incorporated in this Agreement by reference as if fully set forth in this Agreement at length, is deemed to be the agreement and a reflection of the intent of the Parties, and is relied upon by the Parties in agreeing to the provisions of this Agreement and in interpreting its provisions.

15. Headings: Paragraph headings in this Agreement are used solely for convenience, and shall be wholly disregarded in the construction of this Agreement.

16. Covenant of Further Assurances: The County and City shall take all other actions and execute all other documents that are reasonably necessary to effectuate this Agreement.

17. Authorization: Each individual executing this Agreement on behalf of either Party represents and warrants that he/she is duly authorized to execute and deliver this Agreement on behalf of that Party, and that this Agreement is binding upon both Parties in accordance with its terms.

18. Time is of Essence: City and County specifically agree that time is of the essence. Unless otherwise expressly provided in this Agreement, any reference in this Agreement to time for performance of obligations or to elapsed time shall mean Pacific Standard Time and time periods shall mean consecutive calendar days, months or years, as applicable.

The Parties have executed this Agreement on the Execution Date.

COUNTY:

APPROVED AS TO CONTENT:
Department of Parks and Recreation

COUNTY OF KERN

By _____
Robert Lerude, Director

By _____
Chairman, Board of Supervisors

County Administrative Office

By _____
Jeff R. Frapwell, Assistant County Administrative
Officer for General Services

APPROVED AS TO FORM:
Office of County Counsel

By _____
Brian Van Wyk, Deputy

CITY:

CITY OF RIDGECREST,
a municipal corporation

ATTEST:

By: _____
Peggy Breeden, Mayor

Rachel Ford,
City Clerk

_____, 2016

APPROVED AS TO FORM:

By: _____
City Attorney



**Exhibit "A" – Legal
Description**

CITY OF RIDECREST SPORTS COMPLEX

Legal description

All that portion of Section 34, Township 26 South, Range 40 East, MDM, in the County of Kern, State of California, being a parcel of land more particularly described as follows:

Commencing at the Southwest corner of said Section 34,

Thence (1) North 00° 28' 19" West, along the West line of said Section, also being the centerline of China Lake Boulevard (IX-KER-178), a distance of 2649.40 feet to the intersection with the centerline of East Las Flores Avenue;

Thence (2) North 89° 16' 19" East, along said centerline of East Las Flores Avenue, a distance of 145.00 feet to the beginning of a curve, concave southerly, and having a radius of 500.00 feet;

Thence (3) easterly along said curve and centerline, through a central angle of 28° 19' 26", an arc distance of 247.17 feet;

Thence (4) North 27° 35' 45" East, leaving said curve and centerline, along the southeasterly boundary of Maturango Museum and its southerly extension, also being the northwesterly boundary of the China Lake Museum Foundation, a distance of 539.18 feet;

Thence (5) North 89° 31' 41" East, continuing along said Museum and Foundation boundary, a distance of 281.19 feet to the True Point of Beginning;

Thence (6) North 40° 24' 56" East, leaving said Foundation boundary and continuing along said Museum boundary, a distance of 297.36 feet to an angle point;

Thence (7) North 38° 04' 29" East, leaving said Museum boundary, a distance of 390.14 feet to an angle point;

Thence (8) North 00° 26' 15" East, a distance of 307.20 feet to the northerly boundary of Kern Desert Regional Park, as described in Book 4292, Page 224 O. R., also being the southerly right-of-way line of Drummond Avenue;

Thence (9) South 89° 33' 45" East, along said boundary and right-of-way line, a distance of 1042.32 feet to an angle point;

Thence (10) South 44° 46' 49" East, leaving said boundary and right-of-way line and proceeding along the westerly right-of-way line of French Avenue along courses 8, 7 and 6 per "Agreement Granting Easement", recorded in Book 6490, Pages 2344 O. R., a distance of 28.18 feet to an angle point;



Thence (11) South 00° 00' 20" East, along said westerly right-of-way line, a distance of 226.59 feet to the beginning of a non-tangent curve, concave northwesterly, and having a radius of 960.00 feet, to which beginning a radial line bears North 89° 59' 57" East;

Thence (12) southerly along said curve and right-of-way line, through a central angle of 42° 17' 13", an arc distance of 708.52 feet to a point of tangency;

Thence (13) South 42° 17' 10" West, continuing along said right-of-way line, a distance of 1024.98 feet;

Thence (14) North 47° 42' 50" West, leaving said right-of-way line, a distance of 265.00 feet to an angle point;

Thence (15) South 42° 17' 10" West, a distance of 18.00 feet to an angle point;

Thence (16) North 47° 42' 50" West, a distance of 394.74 feet to a point on the boundary of the China Lake Museum Foundation;

Thence (17) North 47° 42' 50" West, continuing along said Foundation boundary, a distance of 149.48 feet to an angle point;

Thence (18) North 06° 59' 48" West, continuing along said boundary, a distance of 198.52 feet to an angle point;

Thence (19) North 40° 24' 56" East, continuing along said boundary, a distance of 118.00 feet to the True Point of Beginning.

Reserving Therefrom, an easement strip 30.00 feet in width, lying 15.00 feet on each side of the following described line: Beginning at a point on said right-of-way line of French Avenue, said point being South 42° 17' 10" West, along said right-of-way line, a distance of 375.82 feet from the beginning of course (13) above; Thence North 00° 02' 10" East a distance of 1174.23 feet to said northerly boundary of Kern Desert Regional Park, as described in Book 4292, Page 224 O. R., also being the southerly right-of-way line of Drummond Avenue, the end of said line.

The sidelines of said easement to be lengthened or shortened to terminate on the south at said right-of-way line of French Avenue, and on the north at said northerly boundary of Kern Desert Regional Park.

Containing 36.18 acres net.

OFFICE OF COUNTY SURVEYOR			
Prepared By:	<i>C.R.</i>	<i>1-2</i>	<i>20 13</i>
Compared By:	<i>Janet Gibson</i>	<i>1-2</i>	<i>20 13</i>
Approved By:	<i>Donna E. Pugh</i>	<i>1-3</i>	<i>20 13</i>



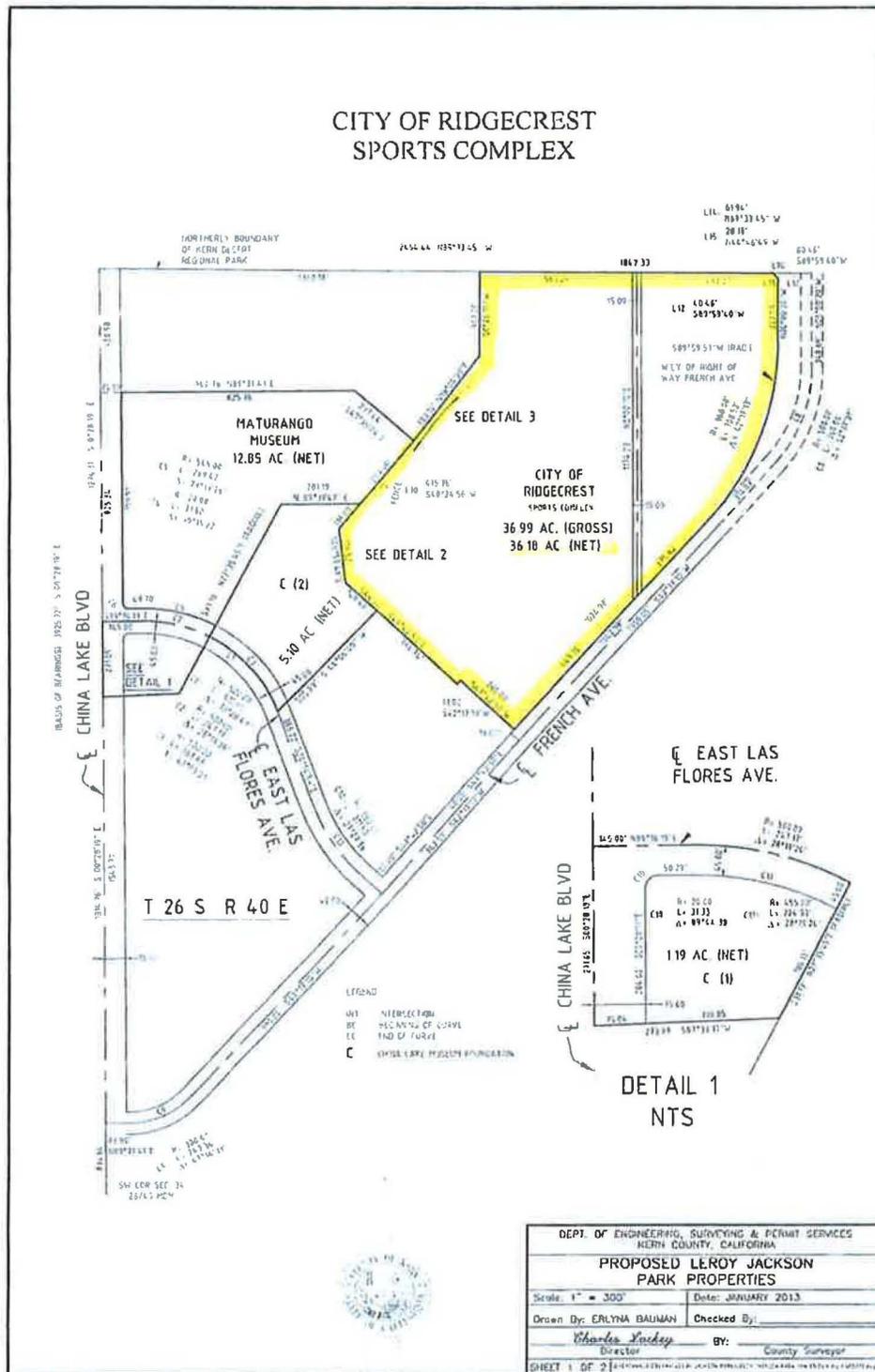


Exhibit "C" – Quitclaim Deed

RECORDED AT THE REQUEST OF:

County of Kern
1115 Truxtun Ave., 3rd Floor
Bakersfield, CA 93301

WHEN RECORDED MAIL TO:

City of Ridgecrest
100 W. California Avenue
Ridgecrest, CA 93555

The undersigned Grantor(s) declare(s) that the DOCUMENTARY
TRANSFER TAX IS: \$ 0 County \$ City \$
 Computed on the consideration or value of property conveyed;
 Computed on the consideration or value less encumbrance
remaining at time of sale.
 Grantee is Exempt Gov't Agency (Gov't Code Sec. 27383)

Space above line for Recorder's Use

APN 396-011-11 (a portion of)

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, COUNTY OF KERN, a political subdivision of the State of California ("Grantor"), hereby REMISES, RELEASES, AND FOREVER QUITCLAIMS to the CITY OF RIDGECREST, a municipal corporation ("Grantee"), that certain real property located in the City of Ridgecrest, County of Kern, State of California as legally described on Exhibit "A" attached hereto and incorporated herein by reference ("Property").

Grantee acknowledges that it is accepting the Property in an "AS IS" condition in reliance of its own investigation and without representations and warranties. Grantee acknowledges Grantor's right to connect to the existing water system on the Property and use water for the irrigation of Grantor's Kern Desert Regional Park. Grantor and Grantee have fulfilled those obligations specifically set forth in that certain "Agreement for the Transfer of Real Property known as Leroy Jackson Park", which is on file with the Kern County Clerk of the Board (Kern County Agreement No. _____, "Agreement").

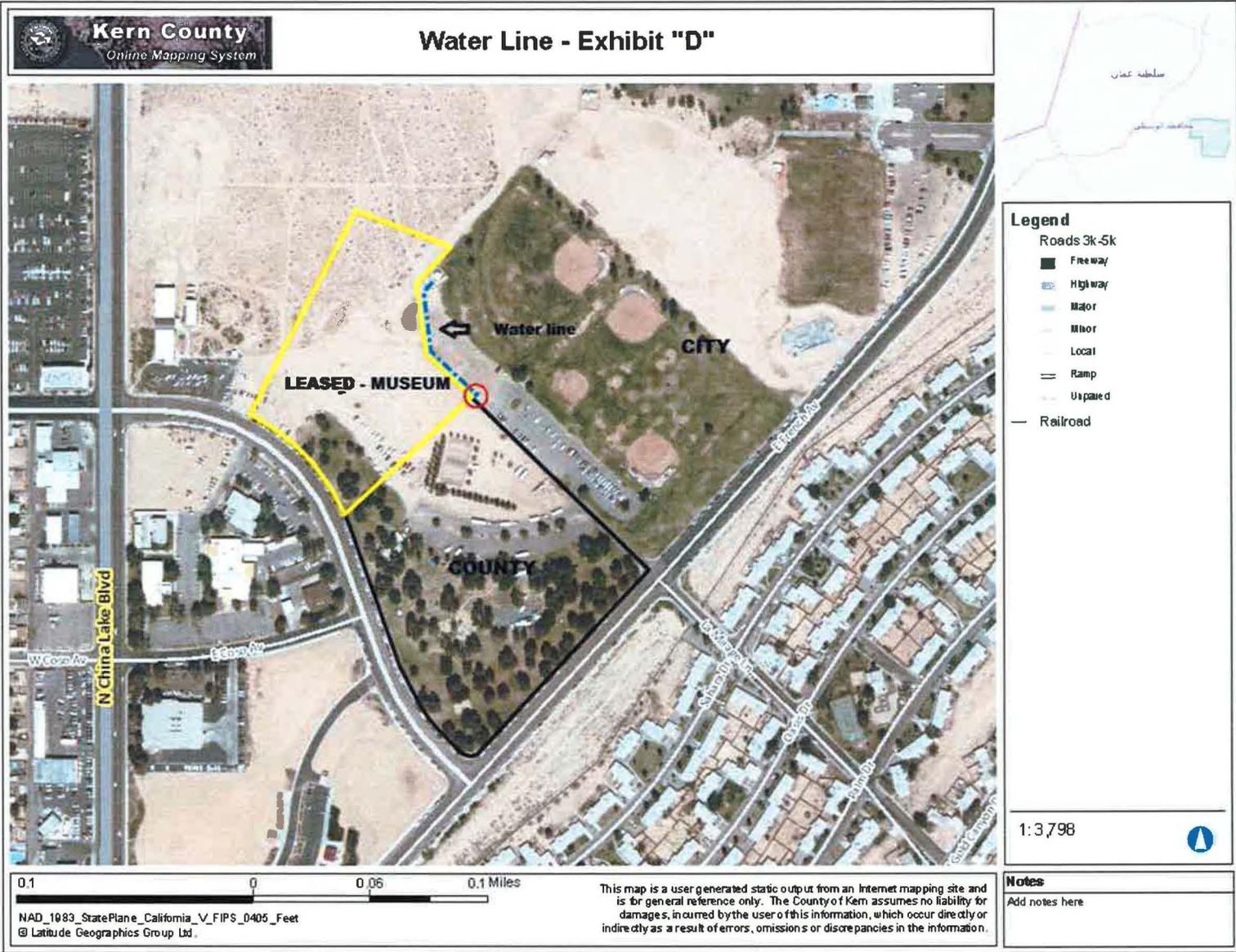
Upon recordation of this Quitclaim Deed, Grantor shall have no financial responsibility for the Property except as provided for in the Agreement. The Property shall be used for public park purposes only and Grantor shall have a power of termination (Civil Code § 885.010 et seq.) over the Property should the Property be used otherwise or if Grantee attempts to sell, exchange, or transfer the Property.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on its behalf by its respective officers or agents hereunto as of _____, 2016.

COUNTY OF KERN, a political subdivision of the
State of California

By _____
Chairman, Board of Supervisors





Water Line - Exhibit "D"

- Legend**
- Roads 3k-5k
 - Free way
 - Highway
 - Major
 - Minor
 - Local
 - Ramp
 - Unpaved
 - Railroad

1:3,798

0.1 0 0.05 0.1 Miles

NAD_1983_StatePlane_California_V_FIPS_0405_Feet
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for general reference only. The County of Kern assumes no liability for damages, incurred by the user of this information, which occur directly or indirectly as a result of errors, omissions or discrepancies in the information.

Notes
Add notes here



CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the deed or grant deed dated July 6, 2016 from County of Kern to the City of Ridgecrest, a political corporation and/or governmental agency, is hereby accepted by order of the undersigned officer or agent on behalf of the Ridgecrest City Council pursuant to authority conferred by Resolution 87-17 of the Ridgecrest City Council adopted on February 18, 1987, and the grantee consents to recordation thereof by its duly authorized officer.

Dated _____

By _____
Peggy Breeden, Mayor

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

SUBJECT: A Resolution Of The Ridgecrest City Council Approving The Expenditure Of Parks And Recreation Developer Impact Fees For Capital Improvements At The Kerr McGee Youth Sports Complex.

PRESENTED BY:

Jason Patin

SUMMARY:

The City of Ridgecrest Parks and Recreation Department is proposing to make capital improvements to The Kerr McGee Youth Sports Complex using available developer impact fees. The requested improvements and expansion will be to an existing water well system in the park. The total cost of the project is estimated to be Less Than \$40,000.00.

Staff recommends the approval of this expenditure.

FISCAL IMPACT:

There will be no fiscal impact to the general fund. The impact to the Parks & Recreation impact fee account is estimated to be no more than \$40,000.00.

Reviewed by Finance Director

ACTION REQUESTED:

Adopt a resolution of The City of Ridgecrest City Council approving the expenditure of The Parks and Recreation impact fees not to exceed \$40,000.00 for capital improvements to The Kerr McGee Youth Sports Complex.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested

Submitted by: Jason Patin

Action Date: July 6, 2016

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RESOLUTION NO. 16-XX

A RESOLUTION TO APPROVE THE EXPENDITURE OF PARKS & RECREATION IMPACT FEES AT THE KERR MCGEE YOUTH SPORTS COMPLEX

WHEREAS, the City of Ridgecrest has collected Parks & Recreation impact fees from residential construction projects; and

WHEREAS, the City of Ridgecrest has the need to do capital improvements to The Kerr McGee Youth Sports Complex; and

WHEREAS, the Parks and Recreation impact fees are available for such projects; and

WHEREAS, the expenditures will not affect the general fund

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest hereby:

1. Approves the expenditure of Parks & Recreation impact fees for capital improvements to The Kerr McGee Youth Sports Complex in the amount not to exceed \$40,000.00

APPROVED AND ADOPTED this 6th day of July 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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

SUBJECT:

Proposed Action To Approve A Resolution Authorizing A Grant Application For A United States Department Of Justice, Byrne Justice Assistance Grant.

PRESENTED BY:

Jed McLaughlin, Captain

SUMMARY:

The United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant Program has allocated one-time grant funding to the City of Ridgecrest Police Department in the amount of \$10,138.00 to purchase police equipment products over a period of two years. The grant period begins October 2015 and ends in September 2017.

The Police Department plans to use these funds to upgrade the security features of our current fencing around the police department parking lot and prisoner holding facility to prevent and deter prisoner escapes, vandalism of city and employee vehicles and to enhance employee safety.

FISCAL IMPACT:

Approximate revenue to the city in the amount of \$10,138.00

ALLOTMENT GRANT- NO MATCHING REQUIRED

Reviewed by Administrative Services Director

ACTION REQUESTED:

Proposed Action to Approve a Resolution authorizing a Grant Application to the United States Department of Justice, Edward Byrne Memorial Justice Assistance Grant

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: RON STRAND

Action Date: July 06, 2016

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RESOLUTION NO. 16-XX

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL AUTHORIZING
THE APPLICATION FOR AND ACCEPTANCE OF THE UNITED STATES
DEPARTMENT OF JUSTICE, BYRNE PROGRAM GRANT**

WHEREAS, the United States Department of Justice is offering grants under the Edward Byrne Memorial Justice Assistance Grant Program to upgrade the security features of our current fencing around the police department parking lot and prisoner holding facility, and;

WHEREAS, this grant has allocated \$10,138.00 to the Police Department for additional funding to improve security fencing around the police department parking lot and prisoner holding facility to prevent and deter prisoner escapes, vandalism of city and employee vehicles and enhance employee safety, and;

WHEREAS, this grant covers a two-year operational period from October 2015 through September 2017.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest authorizes the City Manager, or his designee, to apply for this grant with the United States Department of Justice Edward Byrne Justice Assistance Grant Program, and to approve, sign and execute any and all documents relating to the grant award, including amendments, and;

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body, and;

BE IT FURTHER RESOLVED, that the City Council authorizes the Finance Director to increase the FY17 budget revenue and expenditures in the amount of this grant, and;

BE IT FURTHER RESOLVED, that this resolution shall remain in full force and effect until a resolution of the City Council is adopted amending or rescinding this resolution.

APPROVED AND ADOPTED THIS 6th day of July, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, *CMC*, City Clerk

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

SUBJECT:

Task Order for Legal Services

PRESENTED BY:

Dennis Speer – City Manager

SUMMARY:

City desires to have certain legal work performed by the City Attorney that falls outside the retainer agreement. The enclosed task order would permit such work to be assigned to the City Attorney's office at a discounted municipal rate.

FISCAL IMPACT:

Undetermined

Reviewed by Finance Director

ACTION REQUESTED:

City Manager requests that the City Council by minute order direct the City Manager to execute the attached task order.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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

Action Date: July 6, 2016

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**CITY OF RIDGECREST
SPECIAL TRANSACTIONAL LEGAL SERVICES**

TASK ORDER

Our retainer agreement contemplates the approval of Task Orders when the City wishes to obtain legal services that exceed the scope of our existing retainer agreement. The city manager has identified the need for certain legal work related to the expansion of municipal services that exceed the scope of work performed for the retainer agreement. Pursuant to this task order, Lemieux & O'Neill shall perform such legal work at the direction of the city manager.

City shall pay Law Office for work performed under this Task Order at the hourly rate of \$225.00.

Law Office shall present a monthly invoice for legal services and expenses, including, but not limited to, postage and photocopying. City shall pay the monthly invoice in the time and manner set forth in the retainer agreement.

Law Office will prepare periodic reports in the above-entitled matter detailing the services performed to date, the total expenses incurred, if any, and address any significant events.

Dated: June 16, 2016

Dated: June ___, 2016

Lemieux & O'Neill

City of Ridgecrest

By _____
W. Keith Lemieux

By _____
Dennis Speer, City Manager

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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 June 1, 2016

PRESENTED BY:

Rachel J. Ford, City Clerk

SUMMARY:

Draft Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of June 1, 2016

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**

**June 1, 2016
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 – 5:30 p.m.

ROLL CALL

Council Present: Mayor Peggy Breeden; Mayor Pro Tempore James Sanders; Vice Mayor Lori Acton; Council Members Eddie B. Thomas, and Mike Mower

Council Absent: None

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

APPROVAL OF AGENDA

- Jim Sanders requested moving item 8 to discussion and action.

Motion To Approve Agenda As Amended To Move Consent Calendar Item No. 8 To The Discussion And Action Section Of The Agenda Prior To Item No. 10 Made By Council Member Sanders, Second By Council Member Mower. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

PUBLIC COMMENT (Closed Session)

Dave Matthews

- Commented on closed session real property negotiations and urged council to not take action on the planned sale. If you move forward will guess you are throwing the citizens under the bus.

CLOSED SESSION

GC54956.8 Local Agency Real Property Negotiations – Negotiation For Sale – Ridgecrest Business Park Lot Nos. 1, 2, 3, 28, 29, 30, 31, 32, 33, 34, 35, And 36 – Agency Negotiators Economic Development Program Manager Gary Parsons And City Manager Dennis Speer

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Closed Session
 - GC54956.8 Local Agency Real Property Negotiations – Negotiation For Sale – Ridgecrest Business Park Lot Nos. 1, 2, 3, 28, 29, 30, 31, 32, 33, 34, 35, And 36. Report Received, no reportable action taken.
- Other
 - None

PRESENTATIONS

1. **Presentation Of A Proclamation Recognizing The Month Of June As Immigrant Heritage Month** Council
 - Council presented proclamation to representatives of the international community.
2. **Presentation Of Employee Service Awards** Council
 - Council announced service awards to employees who have met certain milestones in their employment with the City of Ridgecrest
3. **Presentation To Council By Members Of The Economic Development Coalition** Breeden
 - Beth and Bill Sumner presented an update report from the Economic Development Coalition. The Coalition developed out of a town hall meeting to brainstorm on enablers and constraints that might impede or entice economic development in the community. Subcommittees worked together to construct a development plan that could be used as a tool by the City of Ridgecrest in the future.
 - June 13 meeting to be scheduled. Will be announced.

PUBLIC COMMENT (*Regular Session*) *Opened at 6:32 p.m.*

Cathy Brown

- Presented documents (*Attachment A*) to Council pertaining to the health care concern regarding the closure of the radiation treatment facility in Ridgecrest. Offered a petition to fight Medicare closure of the facility and petitions will be presented by the doctor at the Medicare Board review of the facility closure. Encouraged public to contact senators and congressmen to voice their opinion.

Tom Wiknich

- Encouraged City to officially get involved with the effort to save the cancer treatment center and reverse the Medicare decision. Spoke on the impact to both patient and caregiver.

Dave Matthews

- Supports the efforts to keep the Cancer Center open and encouraged Council direct involvement with Medicare.
- Spoke on the business park property and supports the advice of the economic development coalition. Encouraged doing due diligence before letting the property go.
- Commented on conversation with Timbisha Shoshone Tribal Chief
- Spoke on German Community in Ridgecrest and lack of authentic German restaurants.

Mike Neel

- Provided copies of letter to Mr. Howard from the California Receivership Group. (*Attachment B*) Read the letter to public. Threatened civil disobedience and encouraged citizens to join him.

Mike Mower

- Provided perspective. Dale Howard had 100 peacocks on the property. Cold Blooded Council did not kick Mr. Howard out of his home, they were trying to protect the neighbors from a nuisance.

Public Comment closed at 6:55 p.m.

COUNCIL ANNOUNCEMENTS

Lori Acton

- Requested interested applicants for planning commission provide information to City Clerk by Wednesday so they can be interviewed.

Jim Sanders

- Saturday event to aid the China Lake Museum

CONSENT CALENDAR

4. Proposed Action To Approve A Resolution Authorizing Contract Change Order Number Three In The Amount Of Nineteen Thousand Eighty-Nine Dollars And Thirty-Nine Cents (\$19,089.39) With The Contractor, C.S. Legacy Construction Inc., For The Corporate Yard Site Improvements And Authorize The City Manager, Dennis Speer, To Sign Change Order Three
Speer
5. Proposed Action To Approve A Resolution Authorizing A Fee Adjustment To The Special Projects Consultant Agreement
Speer
6. Proposed Action To Approve A Resolution Authorizing The City Manager To Enter Into Memorandum Of Agreement With Sierra Sands Unified School District For Law Enforcement Services (School Resource Officer Program)
Strand
7. Proposed Action To Approve A Resolution Of The City Council Of The City Of Ridgecrest Adopting The Written Uniform Allowance Policy For Members Of Represented Employee Group UFCW Local 8
Staheli
8. Proposed Action To Approve A Resolution Entering Into A Municipal Services Agreement With The Timbisha Shoshone Tribe And Authorizing The Mayor To Sign The Agreement
Parsons
9. Proposed Action To Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated May 18, 2016
Ford

Items Pulled From Consent Calendar:

- Item Nos. 5, 6, and 7

Motion To Approve Consent Calendar Item Nos. 4 And 9 Made By Council Member Thomas, Second By Council Member Mower. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

Item No. 5 Discussion

Mike Neel

- Clarified the fee was increased and asked for hourly rate.
 - Justin O'Neill – explained rate structure.
- Expressed objection to consultant running meetings and cost.

Mayor Breeden and Lori Acton

- Explained Justin O'Neill's efforts on behalf of the Council and thanked him for his efforts.

Justin O'Neill

- Spoke on public desire for information.

Ricky Fielding

- Expressed appreciation for efforts and disappointment in the website information which only expressed developer views. Objects to consultant branding on website and use of City Seal.

Motion To Approve Consent Calendar Item No. 5 Made By Council Member Acton, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

Item No. 6 Discussion

Mike Neel

- Requested clarification of officers funded for school campuses and expressed difficulty understanding the need for 2 officers. Questioned normal patrol activities.
 - Ron Strand – explained workload of officers and overall crime reduction plan implemented several years ago including Officers, Education, and Teen Court to provide safe school environment. Working to prevent growing our criminals.
- Questioned funding sources.
 - Ron Strand – spoke on expansion of officer's to middle schools and elementary schools.
- Questioned how City would absorb additional cost once grants go away.

Jennifer Slayton

- Clarified School Resource Officers and related personal experience for families at risk.

Scott Miller

- Total number of students at Sierra Sands Unified School District is 5300 students.

Leslie O'Neill

- Shared information of duties of a School Resource Officer.

Mike Mower

- Added the School District pays 50% of the cost

Albert Vanleuvin

- Supported the School Resources Officer program. Related history of DARE program.

Motion To Approve Consent Calendar Item No. 6 Made By Council Member Mower, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

Item No. 7 Discussion

Eddie Thomas

- Questioned current lapsed agreement.
 - Tyrell Staheli – current MOU lapsed in 2014 and working toward a 2 year agreement.

Motion To Approve Consent Calendar Item No. 7 Made By Council Member Thomas, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

Item No. 8 Discussion

Gary Parsons

- Deferred discussion to City Attorney and provided red-line copies of the MSA for the public. *(Attachment C)*

Keith Lemieux

- Presented staff report and reviewed previous action approving the MSA in concept and bringing actual language back to Council for final approval.
- Reviewed 4 areas of agreement revised after last meeting.
- Spoke on concerns received regarding the property as it relates to the agreement.
- Spoke on concerns received regarding the Timbisha Shoshone tribal area; the Tribe adopting their own codes; tribal rights of other tribes; tribal funds received for mitigation from the state under a compact; water, water rights on the land, and sewer; and compelling tribe to do certain things which could trigger CEQUA requirements.

Lori Acton

- Requested clarification on section 24.
 - Keith Lemieux – Explained that if the parcels map changes, the agreement then requires a meet and confer to discussion the changes.

Mike Mower

- Requested clarification of section 2
 - Keith Lemieux – explained the language requested by Tribe to preserve their Tribal Sovereignty. Tribe does not want to agree to anything that results in City having authority over their internal processes.
- Requested clarification of section 26 – term of agreement
 - Keith Lemieux – clarified the clause.

Eddie Thomas

- Requested clarification on the Tehachapi project.
 - Keith Lemieux – Explained the Tribe agreed to do the NEPA process first and in our case the NEPA process will not happen until after the land purchase. Developer wanted to have MSA first before expending the funds on NEPA process.

Jim Sanders

- Requested example of NEPA mitigation
 - Keith Lemieux – responded. Broad range of what could potentially need mitigation such as traffic, lights, sounds, wildlife, etc.
- Clarified the mitigations occur as part of the project.
- Questioned the if tribe does not comply with mitigation what happens.
 - Keith Lemieux – may be part of sale agreement. MSA also has ability to require compliance.
- Suggested including NEPA mitigation as part of the MSA.
 - Keith Lemieux – real teeth is in the land sale.
 - Gary Parsons – NEPA process is controlled by the Bureau Of Indian Affairs so any mitigation requirements not completed will result in denial of permit.
 - Lori Acton – EPA website breaks down the NEPA process and penalties for violations.
 - Keith Lemieux – NEPA process includes multiple public comment periods.
- Sewer has the option to put in septic and we currently do not allow septic in the City unless grandfathered.
- Questioned whether the State Compacts having authority to override our MSA.
 - Keith Lemieux – not aware of any authorities to do this, falls into separation of powers.
- Would it make sense to do the land deal first and then the MSA. If sale does not happen then MSA is moot.
 - Gary Parsons – agreement would not be moot, simply requires to meet and confer and agreement is subject to modification ranging from site change to amendment to full cancellation. Spoke on thought process of doing the MSA first.

Jim Sanders *(continued)*

- Passing an MSA which is contingent on the land sale and the land sale is contingent on NEPA process.
 - Gary Parsons – MSA is primarily a financial agreement for the purpose of Municipal Services. If the process changes we will not have control during the 2 year NEPA process.
 - Keith Lemieux – as City Attorney have a concern that analysis under CEQUA would be a different analysis.

Peggy Breeden

- Requested definition of ‘substantially’ what line needs to be crossed to not be ‘substantial’
 - Keith Lemieux – defined under common English. Does not have to be identical but key component need to be present. Key elements depend on the specifics of the situation such as building codes. Because there are so many codes to be concerned with and the tribe has sovereignty it leaves the language weak.
- If we approve the MSA as it is now, are we in breach of promise.
 - Keith Lemieux – no, agreement does not specifically say we will sell that property or they will buy it. Neither party is committed regarding the property.
- Assuming the only thing developed is the casino on 25 acres and they can do other things on it based on exhibit B. is there inconsistency if they do not develop the other phases.
 - Keith Lemieux – if they go beyond there are obligations for additional payments, does not require them to go beyond the casino as stated in paragraph 1.

Public Comment Opened at 8:27 p.m.

Dr. Everett Whitsell

- Spoke on letters written to newspapers. Expressed concern of the land to be taken into trust. Reminded Council of known consequences related to gambling. Lacking extra cost for hospital and social services. Need to be incorporated. Recommended not putting the casino next to churches, base, or schools. Spoke on book.

Brian Bunsen

- Requested clarification regarding land sale process and whether there will be a referendum for a vote of the public.

Beth Sumners

- Commented on due diligence and requested it be thorough, including investigation of lawsuits, compacts authority over MSA's, responsibility of Council, ramifications of off-reservation shopping, impact analysis. Applaud the public process taken but encourage due diligence. Should have answers before signing papers.

Ricky Fielding

- Held discussion with City Attorney, Gary Parsons, and Nigel White regarding land sale and NEPA process. Requested clarification of increases with regard to property value.

Speaker

- If approved in concept and the language was clarified by attorney, why are we still talking.

Dave Matthews

- Encouraged Council to listen to Beth Sumners about due diligence. Did not find mention of dedication of streets. Commented on signature page, is it legal to say 'its chairman' and 'its secretary'

Speaker

- Commented on aboriginal territory not including Hesperia. Council and staff have researched this for 7-8 months and held 6 public meetings so have done due diligence. No other business in town has been subject to this much scrutiny. Location is prime property to bring people into town from both directions and with super Walmart on the other end of town will draw people thru town seeing everything City has done to beautify the community. Thanked council.

Stan Rajtora

- Questioned fire services. Are we covered if Kern County wants to increase costs to the City. Will we recover costs? Held discussion with Gary Parsons about fire services and whether Kern County has been approached. Commented we should find out if County will charge us more money and how would we get money back from the tribe.

Lindsey Stevens

- Concurred with need to speak with fire department. Spoke on Bureau of Indian Affairs and letter attached indicating whole hearted support from the City to BIA. Questioned Item No. 21 support for trust application. Keith Lemieux responded. Questioned why each code could not be identified and what is wrong with going through CEQUA.
 - Keith Lemieux – spoke on the tribe’s sovereignty and ability to make their rules. We are requesting these rules be substantially similar to what the rest of the community lives by. Clarified sections where the tribe has waived sovereign control.
- Questioned other non-permitted uses.
 - Gary Parsons – anything not listed in the permitted uses then already a non-permitted use.
- Commented on the term ‘Environmental Assessment’ and requested it be changed to and ‘Environmental Impact Assessment’
 - Keith Lemieux – if Council feels necessary can remove the term assessment and put document.
 - Lori Acton – that is part of the NEPA process and there is no way people can skirt around the process. Council has no control over the federal process.
- Suggested waiting for the legal binding document after the NEPA process is completed.
 - Jim Sanders – added that if NEPA process does not identify specific environmental concerns we have, can we protest.
 - Keith Lemieux – yes, can object and pursue litigation.
- Expressed concern that we would lock ourselves into an agreement without knowing the impact of the NEPA process. Asked Council to consider waiting.

Speaker

- Referenced exhibit B and City having sole discretion to allocate the mitigation payment. Does not relate to appraisals. The appraisals are tied to construction value and do not cover annual increases.
 - Gary Parsons – intent was to charge the 2% upon opening the project at completion. It was the intent of the parties to appraise the property and base payment rate on the appraisal.
 - Keith Lemieux – recommend adding sentence
 - Nigel White – there is a minimum listed to address sewer and water lines. Objective is to hook up and pay market rates. Tribe will not pay more than 20% of what anybody else pays. Chief of Police had valid points which are addressed.
- No process to re-appraise should the value go up.

RECESS

Warren Nelson

- Commented on projects undertaken for money which was not successful and spoke on the addictions connected to gambling. Recommended having the people vote for this on the ballot.

Meredith Jones

- First time commentator. Understands the main benefit is financial with potential income and actual income. Questioned what would happen if the tribe cannot pay the \$400k. Questioned the time limit for completed construction. Asked about guarantees if the casino would be built and can we ever get the land back.

Paul Knight

- Referenced questions submitted to the newspaper. Read the 3 questions. Commented on supporter's statements at the last meeting. Questioned how to separate ethics from business. Spoke on ethics, vices, virtues, and morals. Spoke on gambling relying on greed and the establishment winning while the player loses.

Mike Neel

- Commented about discriminatory process of allowing tribes to take land and turn it into a sovereign land. Spoke on the people who spoke against this project, quoted biblical scripture supporting his comments.

Sean King

- Commented on time it took to get super Walmart. Asked to spend the time to make this right and have the pain now and not later.

Marilyn Neel

- Commented on time spent to research this subject and the amount of information provided by the public. Requested Council take their time. Questioned what if the tribe doesn't hold up their end of the contract. Asked if there is evidence that arbitration has been effective and judgements are upheld. Referred to documents previously shared. Questioned city attorney on arbitration process and provisions for litigation coverage for the years to come. Read excerpt from attorney general report and a select court briefing. Questioned size comparison, local and tribal employment, and police calls.

Nigel White

- Appealed to Council to move forward from the action taken two weeks ago. I stand by everything we have said. The tribe will be good neighbors. Clarified information requested regarding employees, entertainment venues, and projections of participants. Explained the process for the development. Believes this MSA will allow the project to be completed in a reasonable time. Have been transparent and is enforceable as a contract.

George Gholson

- Commented on the BIA not being committal as stated by Mrs. Neel. Tribes can be sued when they waive sovereign immunity, also subject to federal laws and tribes have lost in lawsuits. Commented on reservations and sovereign immunity. Stated a lot of the information presented by opponents is old and only small pieces are being used to support the statements being made. Spoke on the ability for public to make comments as the process moves forward. Commented on the mistrust presented toward the tribe. The tribe has ethics and morals. Commented on the tribe not wanting to be bad neighbors and wanting to have a successful business.

Public comment closed at 11:04 p.m.

Keith Lemieux – recommended minor changes

Jim Sanders

- Suggested not voting and put to next meeting. Have not had time to review the document fully. Not ready to vote tonight.
- Have asked for economic study. Believe will have extra revenue, increase in tourism, increase in bankruptcy, business park values unknown. What is the net impact and how will it affect the City. Could see negative revenue so should we go into an agreement without knowing the full impact. Suggested hiring a consultant to study the impact and get an informed decision.

Mike Mower

- Disagree with delaying project.

Keith Lemieux

- Have properly reviewed the changes to the MSA and with input from the public have made changes with collaboration from the tribal legal counsel.

Lori Acton

- Worth exploring during budget discussion as there is still the land sale to move through. Think we need to move forward with the MSA.

Jim Sanders

- Think it is reasonable to get the analysis done before the land sale.

Peggy Breeden

- What happens if the analysis is middle of the road? How do you determine what to do? Can't make a good decision based solely on economic analysis. Expressed concern of what to do with the information once received.

Motion To Approve Consent Calendar Item No. 8 As Amended Made By Council Member Acton, Second By Council Member Mower. Motion Carried By Roll Call Vote Of 3 Ayes (Mayor Breeden, Council Members, Acton, And Mower); 2 Noes (Council Members Sanders And Thomas); 0 Abstain; And 0 Absent.

PUBLIC HEARING

10. Public Hearing And Proposed Action To Approve Two Resolutions Renewing Landscape And Lighting District 2012-1 Speer

Loren Culp

- Presented staff report

Opened Public Hearing

- No comments were received by members of the public.

Motion To Approve Public Hearing Resolution No.1 Made By Council Member Mower, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

Motion To Approve Public Hearing Resolution No. 2 Made By Council Member Acton, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

Remaining portion of the meeting tabled and moved to a subsequent meeting. A special meeting was scheduled at 5:00 p.m. next Wednesday (June 8, 2016) for Budget Hearings.

Special meeting of the budget sub-committee scheduled for Tuesday at 5:00 p.m.

ADJOURNMENT at 11:42 p.m.

Rachel J. Ford, CMC
City Clerk

To Whom It May Concern:

We have a catastrophic Health Care crisis in Ridgecrest Calif., and along the large Eastern Calif. corridor. See Document Exhibits #1 and #2. As you can see, it is an enormous geographical area. It affects Mono, Inyo, Kern, and San Bernardino Counties.

- Problem: Medi Care has shut down the Radiation facility @ Antelope Valley Cancer Center @ 1517 Down in Ridgecrest Calif. 93555. Medi Care wants all patients to drive to Lancaster, Calif. for their radiation treatments. Also our weather shuts down roads often.
- Why: Medi Care is demanding a Doctor be there M-Fri at the Ridgecrest facility even its for one patient.
- History: This facility has had a Doctor there always minimum 2 days, & 3 days a week very frequently. The facility has been saving lives for 16 years, and we understand many more years from the previous Doctors. They had a Radiologist Therapist Technician who, directed by the Doctor, precisely administered

- History cont,
the life saving treatments. Most treatments are 5-10", some less, some more.
- Outcome: It is a Medical, emotional and economic hardship that no patient and their families should have to endure under any circumstances in 2016, in our country. MediCare & PPO insured patients are being denied reasonable and life sustaining medical care. Patients will die for no justified reason.
- Case to Support: All of the above that has been presented thus far.

• What Can We do?

Support & sign the Petition A.S.A.P and educate all of our peoples far and wide.

FAX TO # ^{AV Cancer Center} 760-446-5226

c/o Kelley + Bridget

OR DROP off @ 1517 N. DOWNS M-FRI 9A-5 (12-1 closed for lunch)

OR CALL Kathy Brown @ 760-377-3284 & I will assist you by picking Petitions up & delivering them.

• Conclusion

At this time Ridgecrest Regional Hospital does not provide these treatments. And it must be noted, public transportation can't help patients.

Whatever the decision that Medi Care hands down, I would suggest that we all appeal & let our Senators, Congressmen, & MediCare know about the problem.

If the law needs to be changed, then maybe we can make the change at the grassroots level.

I'm speaking for a large majority out there that supports all our efforts to improve our quality of life.

And it must said that Dr. Shah, Dr. Peng, Dr. Shamasunder have done an outstanding job over all these years. They have proven their true dedication to all of the patients and their families in this distant and large rural area with over 50,000+. Also treating our military as well. Rain or Shine, Antelope Valley Cancer Center has been for all of us. We need them back, so they can save cancer patients.

Document Exhibit #2 (Chart)

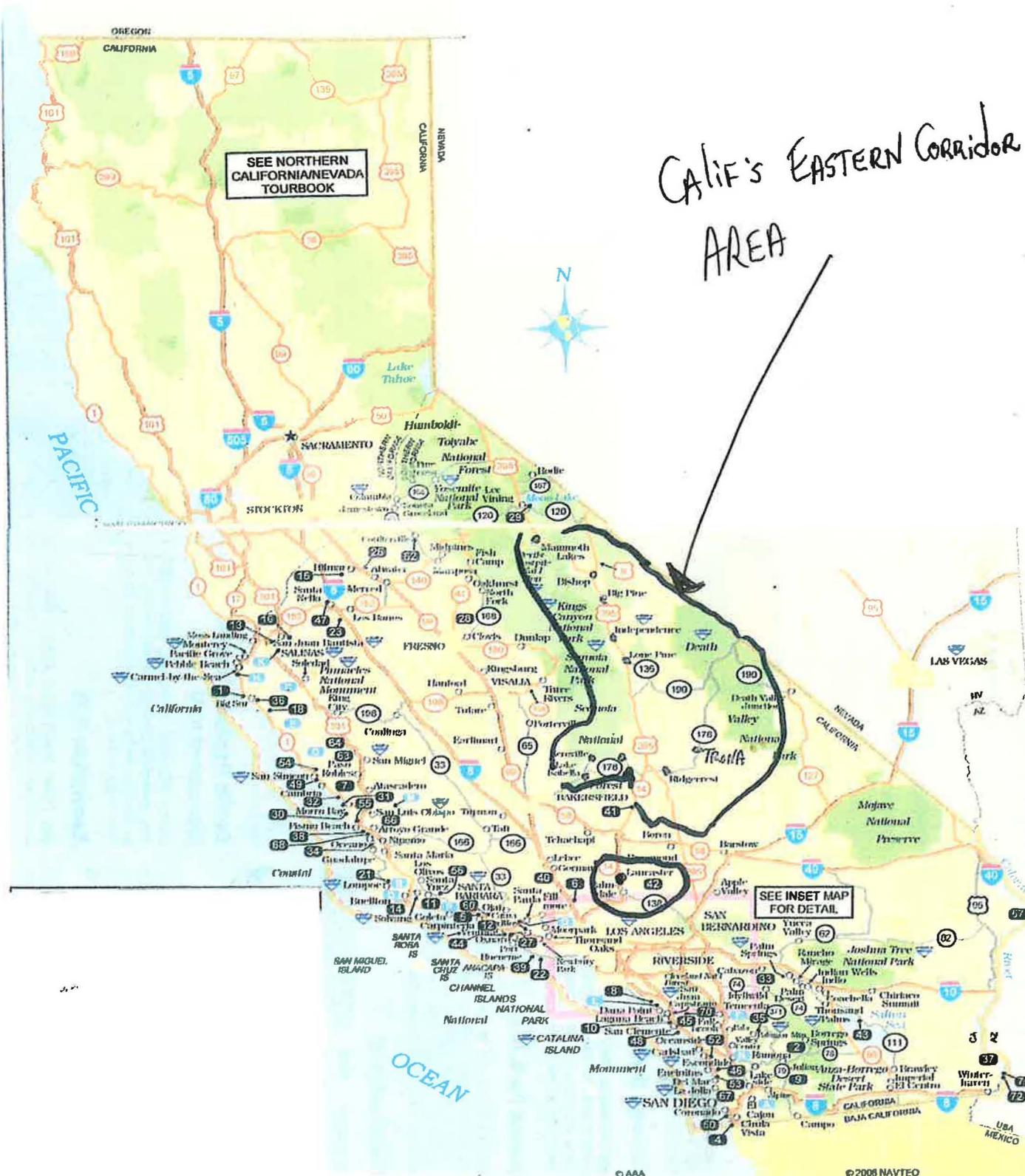
TO LANCASTER CALIF.

County	City	OW mi	OW way hrs	RT imp mi	RT. HRS.	Population
MONO	MAMMOTH LAKES	240.5 mi	3 hrs. 45"	481 mi	7 1/2 hrs	8,234
INYO	Big Pine *					1,350
INYO	Bishop	198.4 mi	3 hrs. 4"	396.8 mi	6 hrs. 8"	3,879
INYO	Independence	156.3 mi	2 hrs. 23"	312.6 mi	4 hrs. 46"	669
INYO	Lone Pine	140.9 mi	2 hrs 10"	281.8 mi	4 hrs. 20"	2,035
KERN	LAKE ISABELLA	113.9 mi	1 hr. 55"	227.8 mi	3.8 hrs	3,466
KERN	INYO KERN	90 ^{miles}	1 1/2 hrs	180 mi	3 hrs	2,000
KERN	Ridgecrest	100 ^{miles}	1 3/4 hrs	200 mi	3 1/2 hrs	27,676
KERN	KERNVILLE * y					1,736
	KERN RIVER VALLEY EX ONY					
SAN BERNARDINO	TRONA					

* Based on 2009 Population Data, All other data is based on 2015 data

TOTAL Population Impacted is: (most likely larger if * were updated to reflect growth in those cities) APPROXIMATE = 50,985

DOCUMENT Exhibit # 1 (MAP)



Dear To Whom It May CONCERN

We would like to thank you for choosing Antelope Valley Cancer Center for your Medical Oncology/Radiation Therapy needs. We understand you have many choices as to doctors, treatment methods, and treatment centers. Our goal is to provide you with the most advanced treatment options in a compassionate, friendly, and convenient environment. Regretfully, we need to inform you that we recently had to close the Radiation Therapy Department at our Ridgecrest office. Please note that the Medical Oncology Department, including chemotherapy, will continue to operate. We ask that you complete this brief survey to emphasize just how important it was for you to have a radiation treatment option in Ridgecrest.

Please check all that apply:

- I was very pleased with the quality of care I received during my radiation treatments.
- The location of the radiation department was very convenient for me.
- Without the radiation department in Ridgecrest, I would not have treated my cancer with radiation.
- It would have been a great financial burden to have my treatments in another city.
- I would have had transportation difficulties if I had to travel to Lancaster every day for treatment.

Comments: _____

Name: _____ Signature: _____

Telephone: _____

Thank you for taking this survey. Please use the included self-addressed/stamped envelope to return it. Your input will greatly influence the future development of our Cancer Treatment Center in your community. Sincerely,

Dr. Shah, Dr. Shamasunder, Dr. Peng, and their staff

6 of 6

Dear To Whom It May CONCERN

We would like to thank you for choosing Antelope Valley Cancer Center for your Medical Oncology/Radiation Therapy needs. We understand you have many choices as to doctors, treatment methods, and treatment centers. Our goal is to provide you with the most advanced treatment options in a compassionate, friendly, and convenient environment. Regretfully, we need to inform you that we recently had to close the Radiation Therapy Department at our Ridgecrest office. Please note that the Medical Oncology Department, including chemotherapy, will continue to operate. We ask that you complete this brief survey to emphasize just how important it was for you to have a radiation treatment option in Ridgecrest.

Please check all that apply:

- I was very pleased with the quality of care I received during my radiation treatments.
- The location of the radiation department was very convenient for me.
- Without the radiation department in Ridgecrest, I would not have treated my cancer with radiation.
- It would have been a great financial burden to have my treatments in another city.
- I would have had transportation difficulties if I had to travel to Lancaster every day for treatment.

Comments: _____

Name: _____ Signature: _____

Telephone: _____

Thank you for taking this survey. Please use the included self-addressed/stamped envelope to return it. Your input will greatly influence the future development of our Cancer Treatment Center in your community. Sincerely,

Dr. Shah, Dr. Shamasunder, Dr. Peng, and their staff



**CALIFORNIA
RECEIVERSHIP**

GROUP, PBC

May 18, 2016

William Dale Howard
1109 Mayo Street
Ridgecrest, CA 93556

Via US Mail and email

RE: City of Ridgecrest v. William Dale Howard, et al., and DOES 1-25; Case No. 8-1500-CV-277696 SPC

Mr. Howard,

As you remember, on March 17, 2016 the Court ordered Mark Adams as the Receiver in the above-referenced matter to prepare and list the properties for sale. Previously, the real estate agent and my head of security were able to accomplish an inspection and a walk through of the Property on April 21, 2016, and your cooperation with that inspection was appreciated.

However, as the sale of the properties is imminent, you and any other occupants of the Property are going to have to vacate the houses. I have attempted to delay your removal for as long as possible, but as we expect to accept a sale offer on both houses on Porter and Mayo within the next 30 days, it is necessary to have both structures vacant so that they can be prepared for sale, and so that the sale price can be maximized.

Again, I have tried to delay your removal from the Properties for as long as possible, but both houses on Mayo and Porter will have to be vacated by June 21, 2016. Anyone remaining in the houses after June 21, 2016 will be considered a trespasser and will be removed.

2716 Ocean Park Blvd • Suite 3010 • Santa Monica, CA 90405
Phone: (310) 471-8181 • Fax: (310) 471-8180 • Website: www.calreceivers.com



**CALIFORNIA
RECEIVERSHIP
GROUP, PBC**

2716 Ocean Park Blvd • Suite 3010 • Santa Monica, CA 90405

If you have any questions, or have made arrangements to refinance the Certificate, so that the sale is not now necessary, please let me know ASAP.

Sincerely,

Andrew Adams
General Counsel
California Receivership Group, PBC

MUNICIPAL SERVICES AGREEMENT

This Municipal Services Agreement (hereinafter "Agreement") is made this ____ day of ~~April~~June, 2016, by and between the City of Ridgecrest (hereinafter "City"), on one hand, and the Timbisha Shoshone Tribe (hereinafter "Tribe"), on the other hand. City and Tribe shall hereinafter collectively be referred to as "Parties."

RECITALS

WHEREAS, the historical occupation of the Timbisha Shoshone Tribe of the area in and surrounding the City has been documented; and

WHEREAS, the United States Congress has authorized the Secretary of the Interior to acquire land in trust for the Tribe in order for the Tribe to achieve economic self-sufficiency; and

WHEREAS, in 1978, Congress enacted the Indian Self-Determination Act, 25 U.S.C. §450, *et seq.* to encourage tribal self-sufficiency and self-determination, and in 1988 Congress enacted the Indian Gaming Regulatory Act, 25 U.S.C. 2701, *et seq.* (the "IGRA") to provide for tribal gaming, again emphasizing the federal priority of tribes becoming self-sufficient; and

WHEREAS, following consultations with federal, state and City officials for the purpose of identifying potential new reservation locations that would meet the community, economic development and residential needs of the Tribe, while being compatible with surrounding land uses and minimizing adverse impacts on City services and residents, the Tribe has selected and will acquire a parcel of land in the City; and

WHEREAS, the Tribe intends to ask the Bureau of Indian Affairs to initiate the federal environmental review process necessary to comply with the National Environmental Policy Act ("NEPA"), as a first step to taking said parcels into trust; and

WHEREAS, the Tribe has now requested that the City support the Tribe's request to the Bureau of Indian Affairs to take a parcel into trust, and in consideration for such support, the Tribe has offered to enter into an agreement with the City before any land goes into trust, which agreement will provide for the Tribe to make certain payments to the City to mitigate potential impacts of the Tribe's development and use of the Trust Lands (as defined below), as well as reimbursing the City for expenses to be incurred by the City in association with this Agreement; and

2. Compliance with City Ordinances. The Tribe shall enact laws applicable to the Trust Lands and shall require that the Trust Lands be used and developed in a manner that complies with all applicable City general, specific and community plans, zoning ordinances, and design guidelines in effect at the time of development, to the extent that compliance with such laws does not impermissibly infringe upon the internal self-government of the Tribe. The Tribe shall adopt the building standards set out in the City's adopted building codes, and prior to the use of any structure constructed on the Trust Lands, provide the City, at the Tribe's expense, with written certification from the project architect that said structures have been constructed in accordance with said standards. To ensure that tribal laws are adequately enforced, the Tribe agrees to contract with the City to provide, planning, building and safety, fire prevention, and public works personnel to review construction plans and inspect construction of improvements on the Trust Lands, to insure compliance with adopted codes. Said review and inspection services shall be provided at the City's normal rates for such services. In the event the City's reviewers and inspectors are unable to complete such services within a time frame substantially similar to the time frame in which the city would complete such services for a commercial development, the Tribe may contract for alternative inspection services, provided that the Tribe shall provide the City with an opportunity to timely provide inspection services prior to contracting with an alternative inspection service.

3. Environmental Review. The Tribe's application to have land taken into trust is not governed by State laws, and the Tribe does not agree to submit its projects to the City for discretionary approvals. The Tribe does agree, however, to submit its development plan for development review and comment by the City staff and to substantially comply with City ordinances in effect at the time of development. Nothing in this Agreement constitutes a commitment by the City to develop, construct, or improve any facilities or to issue any permit or entitlement for use and the parties specifically acknowledge that no such permit or entitlement is necessary for the Tribe to build improvements on the Trust Lands..

4. Payments to City. The parties agree that the Tribe will treat all fees in this agreement as "operating expenses." The parties further agree that a standard method of payment to the City will be beneficial for all. The following method shall be used to make payments to the City. This section shall not apply to Litigation Expenses as defined in Section 18.

provision of law enforcement and fire protection services to the Trust Lands, as well as to contribute to the provision of problem gambling support services by the City, the Tribe shall pay to the City a Mitigation Payment in the sum of \$100,000.00 each quarter. This sum shall be adjusted to the quarterly payments of the amount of one quarter of Two Percent (2%) (i.e., 0.5% per quarter) of the appraised value of the land and Gaming Facility after the completion of construction, but shall in no event be less than the minimum quarterly mitigation payments of \$100,000. The Parties shall mutually agree upon and appoint an independent appraiser to conduct the appraisal, at the Tribe's expense. The appraiser shall assess the appraised value based on the construction cost of the Gaming Facility, because there are no comparable properties. The City shall allocate this Mitigation Payment to the needs of law enforcement, fire protection, problem gambling programs, and other needs as the City so determines in its sole discretion.

6. Payment for Critical Municipal Services. The Parties recognize that the gaming facility to be developed and operated by the Tribe will necessitate an increase of critical municipal services in the area surrounding the Trust Lands. The Parties have agreed that, based on the size of the Tribe's proposed gaming facility and the projected number of patrons and employees, Tribe shall make the following payments to City:

A. A one-time payment of \$80,000 to City to be used by City for a new police patrol car, which shall be used by City at its sole discretion in and surrounding the City of Ridgecrest and in the area surrounding the Trust Lands; and

B. Annual fees of \$128,000 for additional critical municipal services, which shall be paid to City in quarterly installments. This sum amount shall be increased to \$260,000 per year, paid to City in quarterly installments, upon the potential completion of the construction of a hotel and/or arena at the Tribal Lands, if Tribe decides to construct such in the future. The amount shall be increased to \$388,000 per year, paid to City in quarterly installments, upon the potential completion of the construction of an entertainment complex at the Tribal Lands, if Tribe decides to construct such in the future.

The sums set forth in section 6B, above, shall be increased annually in accordance with the Consumer Price Index. The sums may exceed the Consumer Price Index by mutual consent, to be consistent with then current costs to the City of providing these services. This figure ~~These figures~~ shall not be reduced unless such reduction is agreed to by City.

on the Trust Lands, other than the construction of the Gaming Facility, until sewer service is completed and inspected pursuant to this Agreement. Any approvals by the City required to implement this section shall not unreasonably be withheld, and the standards and fees referred to in this section shall be substantially identical to those applied to similarly situated users.

B. The Tribe shall provide for a water supply for the Trust Lands and may apply for water service with the local water district. No use, other than the construction of the Gaming Facility, shall occur on the Trust Lands until water service is completed and inspected pursuant to this Section and Sections 2 and 3 of this Agreement.

C. The Tribe shall acquire the Trust Lands subject to all existing City rights-of-way and easements for the provision of sewer and water.

11. Solid Waste Disposal. The Tribe shall contract for solid waste disposal with the City's franchised waste hauler at their usual commercial rates.

12. Employment of City Residents. The Tribe shall work in good faith with the City, to employ qualified residents at the Gaming Facility to the extent permitted by applicable law. The Tribe shall offer training programs to assist City residents to become qualified for positions at the Gaming Facility to the extent permitted by applicable law. Nothing in this Section 10 shall be interpreted to limit or modify in any way the Tribe's policy of Indian preference in employment.

13. Allowed Gambling Age in Casino. The City has requested, and the Tribe agrees, that the Tribe will restrict the age for gambling, in the casino, to 21 years of age, or older. No one under the age of 21 years will be allowed to gamble.

14. Payment for Future Development. The Tribe and the City recognize that additional development may occur on Tribal land within the jurisdiction of the City. The Tribe agrees to negotiate in good faith with the City to mitigate the off-reservation impacts of any future development. If in the future the Tribe constructs a hotel, the Tribe will join the "District Association" and make quarterly payments to the City in the sum of the equivalent of a Ten Percent (10%) transient occupancy tax ("TOT").

15. Dispute Resolution.

A. Meet and Confer Process. In the event the City or the Tribe believes that the other has committed a possible violation of this Agreement, it may request in writing that the Parties meet and confer in good faith for the purpose of attempting to reach a mutually

(2) The arbitration shall be held in the City of Ridgecrest, California, unless otherwise agreed. The arbitrator shall be empowered to grant compensatory, equitable and declaratory relief.

(3) If either Party requests an oral hearing, the arbitrator shall set the matter for hearing. Otherwise, the arbitrator shall decide whether to set the matter for hearing.

(4) The resulting award shall be in writing and give the reasons for the decision. Judgment on the award rendered by the arbitrator may be entered in the United States District Court for the Eastern District of California. The costs and expenses of the American Arbitration Association and the arbitrator shall be shared equally by and between the Parties unless the arbitrator rules otherwise.

16. Judicial Review. The Parties consent to judicial enforcement of any award in arbitration, which enforcement shall be in the United States District Court for the Eastern District of California. Service of process in any such judicial proceeding is waived in favor of delivery of court documents by Certified Mail -Return Receipt Requested to the following:

FOR THE TRIBE:	FOR THE CITY:
Tribal Chairperson	Mayor
Timbisha Shoshone Tribe	City of Ridgecrest
621 West Line St., Suite 108	100 W. California Ave.
<u>Bishop, CA 93514</u>	Ridgecrest, CA 93555-4054
<u>Bishop, CA 93514</u>	
Telephone: (760) 872-3614	Telephone: (760) 499-5000
	Facsimile: (760) 499-1500

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17. Limited Waiver of Tribal and City Sovereign Immunity. The Tribe agrees to waive its sovereign immunity in favor of the City as to any dispute that arises out of this Municipal Services Agreement or the activities undertaken by the Tribe on the Trust Lands, pursuant to the terms set forth herein for enforcement. The Tribe's governing body shall execute a formal Resolution of Limited Waiver of Sovereign Immunity substantially identical to attached Exhibit C. The City agrees that it has waived its sovereign immunity for purposes of the enforcement of the terms of this Agreement.

18. Attorneys' Fees. In the event either party commences an Action (as defined herein) against the other party which arises out of a Default of, breach of, failure to perform this

attorneys and contractors harmless from and against any such claim, liability, loss, damage, entry, cost, or expense (including, but not limited to, attorneys' fees expert fees, and court costs). Tribe further agrees to indemnify, defend, release, and hold the City, their officials, agents, servants, employees, attorneys and contractors harmless from and against any lawsuit, petition, or any other challenge to City's authority, including but not limited to any environmental challenges, to enter into and/or perform the obligations set forth in this Agreement.

21. Support for Trust Application. In consideration for the obligations undertaken by the Tribe herein, the City shall provide the correspondence attached as Exhibit D to the United States Department of Interior, Bureau of Indian Affairs, in support of the application of the Tribe to the United States, and shall request the United States to take the lands identified in Exhibit A into trust for the benefit of the Tribe, and respond to inquiries about the Tribe's trust application from the Bureau of Indian Affairs in a manner that is consistent with Exhibit D.

2122. Tribal-City Advisory Committee. The City and the Tribe agree to establish a permanent committee, to be known as the Tribal-City Advisory Committee. The jurisdiction of the Committee shall include questions related to implementation of this Agreement, proposals for the amendment of this Agreement, and concerns over any matter within the scope of this Agreement.

A. Composition of Committee. The Committee shall be composed of three members designated by the City Manager of the City of Ridgecrest, or his designees, and three members designated by the Tribe, for the purpose of addressing any issues arising under or relating to this Agreement.

B. Open Meetings. Committee meetings shall be open to the public, and Committee members may invite staff and associates as they deem appropriate to participate.

C. Meeting Times. The Committee shall meet on a quarterly basis, or more frequently, according to procedures established by the Committee.

D. Authority of Committee. The Committee may make recommendations to the Tribe and the City, including recommended amendments to this Agreement, which both Parties shall consider before implementing any actions concerning the subject matter of this Agreement.

2223. Other Development Projects. The Parties understand and agree that the Tribe may in the future undertake other development projects on the Trust Lands. In order to preserve

WHEREFORE, IN WITNESS THEREOF, the Parties hereby execute and enter into this Agreement with the intent to be bound thereby through their authorized representatives whose signatures are affixed below.

DATED: _____

TIMBISHA SHOSHONE TRIBE

George Gholson

By: _____

Its: Chairman

By: Eleanor Jackson

Its: Secretary/Treasurer

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DATED: _____

CITY OF RIDGECREST

Seal

By: Margaret Breeden

Its: Mayor

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

SUBJECT:

Minutes of the Special City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of June 8, 2016

PRESENTED BY:

Rachel J. Ford, City Clerk

SUMMARY:

Draft Minutes of the Special City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of June 8, 2016

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

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

**June 8, 2016
5:00 p.m.**

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

CALL TO ORDER – 5:00 p.m.

ROLL CALL

Council Present: Mayor Peggy Breeden; Mayor Pro Tempore James Sanders; Vice Mayor Lori Acton; Council Members Eddie B. Thomas, and Mike Mower

Council Absent: None

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

APPROVAL OF AGENDA

Motion To Approve Agenda (As Amended) Made By Council Member Acton, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Sanders).

REGULAR SESSION – 5:00 p.m.

- Pledge Of Allegiance
- Invocation

PUBLIC COMMENT (*Special Session*)

Stan Rajtora

- Commented on request for information on transfers and received some information however also asked for information on how amounts were calculated and what used for. Requested for information again.
- Also requested information on general fund personnel funding breakdown.

DISCUSSION AND OTHER ACTION ITEMS

1. Presentation Of An Introductory Overview Of The Draft Preliminary Budget For Fiscal Year 2016-2017 And Opening Of Budget Hearing Discussions

Staheli

Dennis Speer

- Presented staff report PowerPoint presentation outlining procedure for the budget hearing.

Jim Sanders arrived at the meeting at 5:13 p.m.

Tyrell Staheli

- Reviewed PowerPoint presentation distributed at the Council meeting of June 1, 2016.

Stan Rajtora

- Reviewed budget adjustments made by Resolution No. 15-79.
- Council discussed various components of the budget presentation with staff including tax increment; Fire Contract; Transit; Gas Tax; Wastewater; Self-Insurance; Assessment Districts; and Law Enforcement.
- Proposed Adjourn tonight's meeting at 9:30 p.m. and resume meeting either Friday at 5:30 p.m. and Tuesday, June 14 at 5:30 p.m.

Recess for 10 minutes

Public Comment – General Budget Overview

Stan Rajtora

- Reviewed various funds comparison with CAFR and noted apparent discrepancies.
 - Tyrell Staheli – two different methodologies. The difference between a balance sheet and income statement.

Stan Rajtora *(continued)*

- Reviewed independent personal analysis comparison from CAFR of City finances and Measure 'L' revenues and expenditures, and developed a spreadsheet of personal assumptions.

General Government Budget Presentation

Tyrell Staheli

- Reviewed the General Government PowerPoint presentation of the proposed department budgets including Council, City Manager, City Clerk, Economic Development, Finance, Human Resources, Information Technology, and Self Insurance. Responded to questions from Council.

Police Department Budget Presentation

Ron Strand

- Reviewed the PowerPoint presentation of the proposed Police and Animal Control budget and responded to questions from Council.

ADJOURNMENT At 9:11 P.M. To June 10, 2016 At 5:30 P.M.

RESUMED Adjourned Meeting At 5:30 P.M. On June 10, 2016

CALL TO ORDER – 5:30 p.m.

ROLL CALL

Council Present: Mayor Peggy Breeden; Vice Mayor Lori Acton; Council Members Eddie B. Thomas, and Mike Mower

Council Absent: Mayor Pro Tempore James Sanders

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

BUDGET HEARING *(continued)*

Economic Development Budget Presentation

Dennis Speer

- Reviewed PowerPoint presentation for Economic Development division budget
- Discussed with Council the status of Economic Development in relation to the elimination of the Redevelopment Agency and impacts to the City.
- Lori Acton - Reviewed benefits received by Kosmont consultants with regard to retail development in the City. Concerned with the possibility of losing the consultant in the future and encouraged Council to look at ways to cover future costs to maintain the consultant.
- Mike Mower - Commented that if we bring in industrial development then retail will follow automatically.
- Council discussed the contract with WEDA and lack of productive contacts for industrial development.
- Lori Acton – commented on retail contacts made at the ICSC conference.
- Peggy Breeden – appears we are not looking toward the future but only maintaining. Should be looking to spend money wisely for immediate return as we are on a declining system with regard to this budget. Cannot continue to balance the budget on one time funding and cash holdings. Spoke on the need to look ahead and find ways to be able to help businesses come here.
- Lori Acton – productivity is challenging when we provide a budget of one-time funding. Spoke on opportunities for funding and continuation of improving ordinances to be more business friendly. Need to find a way to provide a steady line of funding to support economic development rather than one-time funding each year.
- Mike Mower – spoke on the military base desire to build here was due to the remote location. This location is not good for trying to get other businesses to come here because of the remoteness of the community.
- Lori Acton – we face a challenge but if we have things to entice them it makes it better. Need more than one person to do all the work and need to figure out the money.
- Dennis Speer – spoke on sustainability and upcoming positive survey results pertaining to Measure ‘L’.
- Peggy Breeden – expressed concern that we are working day-to-day and the need to take a stand and do it right; Measure ‘L’ uses; and lack of roll-over money.
- Mike Mower – commented on the need to speak with Kevin McCarthy about PILT.
- Peggy Breeden – do not want the next budget to be dependent on roll-over and one time funding.
- Eddie Thomas – questioned whether Mr. Parson has a plan to implement to correct the economic development lack of funding.

- Dennis Speer – explained the current duties of the economic development program manager and the lack of staffing citywide that prevents planning because of the need to cover daily functions.
- Eddie Thomas – discussed the need for staffing and hindrances that prevent proper staffing.
- Discussion of potential retail businesses and hotels that are looking to come to Ridgecrest.
- Lori Acton – suggested the fire contract be renegotiated and saving added to the budget for an additional staff person.
- Peggy Breeden – not criticizing staff, there is a need to discuss how to find funds to enhance the division for long-term growth. Requested to look at current businesses and ways to make them bigger, stronger and encourage them to grow.

Public Comment – Economic Development Budget

Stan Rajtora

- Expressed confusion on the discussion of one-time use of \$800k. Rollover of funds is misleading as the expectation this year was to be in the red both this year and next year. No rollover, but minimized losses.
 - Peggy Breeden – rollover was actually savings by staff.

Parks and Recreation Budget Presentation

Jason Patin

- Reviewed PowerPoint presentation on the parks and recreation budget.
- Lori Acton – questioned fees and possible increases; Pearson Park flood maintenance; smart water project; park shade structures; artificial turf; and pool condition.
- Eddie Thomas – questioned staffing changes and expressed concern and desire to not reduce services and programs.
- Jason Patin – responded to inquiries. Ensured Council that no services or programs have been cut. Spoke on changes made based on public participation and potential event coordination that may bring in additional revenue. Commented on the need to establish a fund for unforeseen emergencies and equipment breakage.

Public Comment – Parks & Recreation Budget

Stan Rajtora

- Questioned Leroy Jackson Park and desire to not put capital funding into the park if we do not keep the lease.
 - Jason Patin – responded and identified youth programs in the park.
- Suggested cost review to ensure there is no cost to the City or let County keep it, maintain it, and let us use it for free.
- Questioned option of bringing in outside athletic events.
 - Jason Patin – related efforts to bring in tournaments.

Public Works Budget Presentation

Dennis Speer

- Reviewed PowerPoint presentation of the Public Works Budgets including Engineering, Planning, Transit, Wastewater Treatment, Fleet Maintenance, Community Development, Planning Permits, Advance Planning Services,
- Discussed Transit Buses and ADA requirements with Council.
- Lori Acton – clarified the current condition of average roads is failing.
- Eddie Thomas – clarified that with the work already completed and being completed this year will raise the PMS rating on the roads and whether we are regulated to do Wastewater PM Maintenance.
 - Dennis Speer – feels we will be out of the poor category on streets but still in the rapidly deteriorating level. Explained Lahontan regulations and flow rates for wastewater.
- Mike Mower – questioned how we determine which streets are being done each year.
 - Dennis Speer – explained based on the Pavement Management Study, a consultant was requested to develop a 5 year capital project list for TAB funds to identify and repair the worst streets first. Simultaneously using Measure ‘L’ funds to work on other streets identified in the PMS.
- Peggy Breeden – questioned what is being given up by not having the proper funding. Might be more beneficial to have staffing, at least ½ of the position to fill the needs.
 - Dennis Speer – We do not have staffing to apply for certain grants, staff to man the mechanical speed sign and other functions, signage and striping projects. Biggest concern is traffic risk to the public.

Public Comment – Public Works Budget

Stan Rajtora

- Requested presentation placed on the website for public prior to next meeting.
- Clarified sewer line repair and replacement and requested a plan for the upgrades.
- Commented on wastewater rate study.
- Questioned plan for adding conduit for high speed broadband and encouraged Council to go back and look at doing the project in stages.
- Reviewed draft preliminary sewer plant study and questioned a final plan.
- Spoke on comments provided and waiting for feedback on about ½ of the questions.
- Questioned whether the budget has funds to maintain the improvements to the Bowman Channel that Walmart has been doing.
- Questioned when the new PMS study would be made available and encouraged it be taken to Infrastructure Committee when available and placed on the City website.
 - Dennis Speer – responded to questions and comments.

ADJOURNMENT at 8:56p.m. to June 14, 2016 at 5:30 p.m.

RESUMED Adjourned Budget Hearing At 5:30 P.M. On June 14, 2016

CALL TO ORDER – 5:30 p.m.

ROLL CALL

Council Present: Mayor Peggy Breeden; Mayor Pro Tempore Jim Sanders and Council Members Eddie B. Thomas

Council Absent: Vice Mayor Lori Acton and Council Member Mike Mower

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

BUDGET HEARING *(continued)*

Dennis Speer

- Reviewed the budget hearing process completed to date.

Tyrell Staheli

- Reviewed circumstances creating the budget deficit in the amount of \$800k to balance the budget.

Council

- Discussed with City Manager and staff the differences between cash balances, reserves, and status of funding sources.

Public Comment – Budget Hearing

Stan Rajtora

- Reviewed imposed/additional impact slide regarding refund of Property Tax Overpayment.
- Reviewed the negative fund balance and projections for next year. Spoke on auditors concerns of the negative fund balance affecting the City's ability to borrow. Cautioned people thinking that spending more than we bring in is dangerous and questioned the impact next year. Suggested looking at how this year impacts the next two years.
 - Dennis Speer – compared to a home mortgage. Long term debt versus cash flow balance.
 - Tyrell Staheli – for borrowing and bonding the lender looks at ability to pay back the debt.
- Questioned potential negative impact next year.
 - Dennis Speer – currently a possible -\$200k however issues developing and possible re-election of Measure 'L' could reverse the negative.

Peggy Breeden

- Questioned balances had two previous cuts not been taken throughout the year.

Stan Rajtora

- Commented on previous years where general fund borrowed from Wastewater fund to operate the first part of fiscal year. What happens next year and will we have to borrow again?
 - Tyrell Staheli – we initiated the process to borrow in past but never used it, additionally the triple-flip is ended to have more property tax coming back.
- Commented on raising the interest on the loan from wastewater.
 - Council Member Sanders and Dennis Speer – was a structured payback schedule ordered by court.
- Referenced questions emailed to staff for response and reviewed fund comparisons. Expressed concern that what is listed in the CAFR versus what is listed in the budget.
- Reviewed transfers in the budget and requested clear purpose for each one and how they were calculated. Requested information on how transfers are being spent. Primary concern is the general fund and self-insurance fund and the administrative costs.
- Reviewed allocation of staff salaries. Particularly the City Manager salary allocations to wastewater and transit. Requested all director and above salaries be moved back into the general fund.
 - Tyrell Staheli and Dennis Speer responded

Stan Rajtora *(continued)*

- Expressed opinion that administrative positions should be general fund rather than external funds.
- Commented that budget costs are not sustainable for the future and recommended showing impact over next several years.
- Commented on the draft resolution regarding Director of Finance authorization to make year-end transfers and suggested this function be modified to go before the budget committee and approved by Council.
 - Tyrell Staheli – explained this is not to increase the budget but to allow staff to move small amounts within funds in a timely manner in order to close out the year-end. Close out process takes 3 months of daily work and to take every transaction to a committee and Council action would inhibit the process.
 - Peggy Breeden – questioned staff if they can bring presentation to the finance committee. Want the process to begin working and help educate the committee, council, and public on what you do.
- Commented on the roll-over of capital projects that has not been encumbered.
 - Tyrell Staheli – explained operating budget as being annual whereas Capital projects have a budget set aside but the project has not been completed. Project funding needs to follow the project schedule.
- Suggested seeing the line item detail and make sure these things are not missed. Suggested a written policy to follow regardless of who is putting the budget together. Would like to see, if we're going to have that type of transaction then include in the budget as a total rather than roll-over. Exampled wastewater.
 - Tyrell Staheli – at end of year there are adjusting journal entries that can be provided thru finance committee to Council.
- Asked for wastewater fund dollar numbers.
 - Tyrell Staheli – can provide period end numbers.
- Requested last Friday's presentation materials on website. City Clerk provide link.

Closed Public Comment at 7:14 p.m.

Council

- Discussion of process and agenda items for June 15, 2016.
- Thanked staff for information and for taking the time to explain and respond to Council questions. Requested information prior to meeting to allow council time consider before discussions.

ADJOURNMENT at 7:18 p.m.

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 June 15, 2016

PRESENTED BY:

Rachel J. Ford, City Clerk

SUMMARY:

Draft Minutes of the Regular City Council/Successor Redevelopment Agency/Housing Authority/Financing Authority Meeting of June 15, 2016

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**

**June 15, 2016
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 – 5:30 p.m.

ROLL CALL

Council Present: Mayor Peggy Breeden; Mayor Pro Tempore James Sanders; Vice Mayor Lori Acton; and Council Members Eddie B. Thomas

Council Absent: Council Member Mike Mower

Staff Present: City Manager Dennis Speer; City Clerk Rachel J. Ford; City Attorney Keith Lemieux, and other staff

APPROVAL OF AGENDA

Added To Closed Session As A Need Arose Item After Posting:

GC54956.9(d)(4) Conference With Legal Counsel – Potential Litigation – Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest

Motion To Approve Agenda As Amended Made By Council Member Thomas, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Acton, And Thomas); 0 Noes; 0 Abstain; And 1 Absent (Council Member Mower).

PUBLIC COMMENT *(Closed Session)*

Mike Neel

- Commented on the closed session acquisition item location and comparison to proposed casino.
- Spoke about speculations of the public.

CLOSED SESSION

- GC54956.8 Local Agency Real Property Negotiations – Negotiation For Sale – Ridgecrest Business Park Lot Nos. 1, 2, 3, 28, 29, 30, 31, 32, 33, 34, 35, And 36 – Agency Negotiators Economic Development Program Manager Gary Parsons And City Manager Dennis Speer
- GC54956.8 Local Agency Real Property Negotiations – Negotiation For Transfer – Leroy Jackson Park – Agency Negotiators Recreation Supervisor Jason Patin And City Manager Dennis Speer
- GC54956.8 Local Agency Real Property Negotiations – Negotiation For Acquisition – APN Nos. 080-112-13, 080-112-01, 080-111-01, 080-112-11, and 080-112-04 – Agency Negotiator Economic Development Program Manager Gary Parson And City Manager Dennis Speer
- GC54956.9(d)(4) Conference With Legal Counsel – Potential Litigation – Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest

REGULAR SESSION – 6:30 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Closed Session
- Local Agency Real Property Negotiations – Negotiation For Sale – Ridgecrest Business Park Lot Nos. 1, 2, 3, 28, 29, 30, 31, 32, 33, 34, 35, And 36 – received report, no reportable action taken. Any action taken will be done in public session.
- GC54956.8 Local Agency Real Property Negotiations – Negotiation For Transfer – Leroy Jackson Park – report received, no action taken, agreement will come for public meeting and action at a future date.

City Attorney *(continued)*

- GC54956.8 Local Agency Real Property Negotiations – Negotiation For Acquisition – APN Nos. 080-112-13, 080-112-01, 080-111-01, 080-112-11, and 080-112-04 – no action, city council is not planning to take action on the matter.
- GC54956.8 Conference With Legal Counsel – Potential Litigation – Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest – report received, no action taken
- Other
 - None

PRESENTATIONS

1. **Presentation Of Recognition Honoring Police Dispatcher Sharon Homer On The Occasion Of Her Retirement** **Strand**

- Council and Chief Ron Strand honored Sharon Homer on her retirement.

PUBLIC COMMENT *(Regular Session)*

Al Huey

- Questioned closed session items and requested a physical location of the properties.

Dave Matthews

- Spoke on recent trip to Julian California for granddaughters wedding and tourist attractions in the area.
- Commented on Caltrans work on Hwy. 395 between Kramer Junction and Adelanto regarding the removal of passing lanes increasing the danger traveling the highway. Expressed concerns of people not coming here because of the highway danger. Petitioned the City to speak with Caltrans.

Stan Rajtora

- Spoke on water district meeting and discussion of water district not being contacted regarding tertiary water and recycled water. Commented they have plenty of funding available and recommended City talk with them regarding the subject of recycled water.
 - Dennis Speer – responded consultant has been speaking with water district.

Scott Leahy

- Caltrans has begun process to widen Hwy. 395 from 15 to Kramer Junction and working on Hwy. 58.
- Thanked Council for hard work over past 7 weeks on the Municipal Services Agreement. Understand some people do not like it but there is tremendous ground-swell in favor of the project. Commented on potential branding with petroglyph festival. Encouraged Police is on top of what will be needed to mitigate issues and concerns brought up by public. Proponents are passing petitions and so the supporters will be doing the same.

Mike Neel

- Countered Mr. Leahy's comments. Do not thank the Council for agreeing to MSA.
- Commented on Hwy. 395 and how changing the road made things worse. Applied same logic to Mr. Howard's situation. Reviewed previous hearings and rulings. Spoke on conservator process and costs incurred leading to potential eviction on June 21. Stated Council, police and any others involved should receive the black heart award.
- Commented on public documents. Read names of Mr. Howard's neighbors, local persons, and businesses that assisted in the Mr. Howard case.

Lindsey Stevens

- Spoke on petition regarding the casino and intend to send the petitions to state and federal officials. Commented on waiver of tribes immunity which has not been voted in and requested Council to not take any action until the tribe waives their immunity.

Matthew Martin

- Spoke on casino being pushed quickly and desire to do things right. Thanked Council Member Sanders for his strength in holding out against the item. Commented on this not being the answer to correcting a tight budget. Commented on water being critical and no guarantee the tribe would tap into City water but drill wells. Compared time to get Super Walmart and encouraged Council to not rush the decision for a casino. Commented on potential litigation. Asked Council to protect the water.

COUNCIL ANNOUNCEMENTS

- None

CONSENT CALENDAR

2. Proposed Action To Approve A Resolution To Award A Construction Contract To Griffith Company For The Road Realignment And Widening Of Drummond Avenue From Inyo Street To Downs Street In The Amount Of Four Hundred Sixty-Nine Thousand Five Hundred Seventy-Six Dollars (\$469,576.00) And Authorize The City Manager, Dennis Speer, To Execute The Contract Speer
3. Proposed Action To Approve A Resolution To Award A Construction Contract to Griffith Company For The Road Rehabilitation and Resurfacing of South China Lake Boulevard from Bowman Road to College Heights Boulevard in the Amount of Four Hundred Fifty-Seven Thousand Three Hundred Sixty-Six Dollars (\$457,366.00) And Authorizing The City Manager, Dennis Speer, To Execute The Contract Speer
4. Proposed Action To Approve The Professional Services Agreement With The Firm Willdan Engineering In The Amount Of Ninety-Nine Thousand Three Hundred Seventy-Three Dollars (\$99,373.00) To Provide Construction Management For The 2016 Street Improvement Project And Authorize The City Manager, Dennis Speer, To Execute The Agreement Speer
5. Proposed Action To Approve The Professional Service Agreement With The Firm Willdan Engineering In The Amount Of Fifty-Six Thousand Three Hundred Ninety-Six Dollars (\$56,396.00) To Provide Construction Management For The Gateway Boulevard Project And Authorize The City Manager, Dennis Speer, To Execute The Agreement Speer
6. Proposed Action Approve To A Resolution To Approve The Professional Services Agreement With The Firm Willdan Engineering In The Amount Of Forty-Seven Thousand Eight Hundred Fifty-Eight Dollars (\$47,858.00) To Provide Construction Management For The Richmond Bike Path Project And Authorize The City Manager, Dennis Speer, To Execute The Agreement Speer
7. Proposed Action To Approve A Letter Of Protest To Antelope Valley Cancer Center Regarding The Closure Of The Radiation Therapy Department – Ridgecrest Office And Authorizing Staff To Draft The Letter For The Mayor's Signature Breeden

Items Pulled From Consent Calendar:

- Item Nos. 3 and 7

Motion To Approve Consent Calendar Item Nos. 2, 4, 5, And 6 Made By Council Member Thomas, Second By Council Member Acton. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Acton, And Thomas); 0 Noes; 0 Abstain; And 1 Absent (Council Member Mower).

Item No. 2 Discussion

Dave Matthews

- Questioned if we had just done this section.
 - Dennis Speer – clarified location

Lindsey Stevens

- Questioned Walmart participation

Motion To Approve Consent Calendar Item No. 2 Made By Council Member Thomas, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Acton, And Thomas); 0 Noes; 0 Abstain; And 1 Absent (Council Member Mower).

Item No. 7 Discussion

Eddie Thomas

- Questioned the contents

Peggy Breeden

- Recognize the value they provide and request them to reconsider. Full council signatures. Bring back to Council for final review before mailing.

Dave Matthews

- Requested Medicare receives a copy.

Keith Lemieux

- Draft letter brought back at next meeting for review.

Motion To Approve Consent Calendar Item No. 7 Made By Council Member Thomas, Second By Council Member Acton. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Acton, And Thomas); 0 Noes; 0 Abstain; And 1 Absent (Council Member Mower).

PUBLIC HEARING

8. **Proposed Action To Conduct A Public Hearing Regarding The Annexation To The Existing Ridgecrest Landscaping And Lighting District No. 2012-1; Tabulation Of The Protest Ballots Received Regarding The Proposed New Assessments; And Adoption Of Resolutions (1) Declaring The Results Of The Property Owner Protest Ballot Proceeding Conducted For The Levy Of Assessments Related To The Annexation Of Tracts 6700, 6775 To The Ridgecrest Landscaping And Lighting District No. 2012-1; And (2) Confirming The Annexation Of Tracts 6700 And 6775 To The Ridgecrest Landscaping And Lighting District No. 2012-1, The Diagram And Assessments Related Thereto, Overruling All Protests Concerning The Assessments, And Ordering The Levy And Collection Of Assessments For Fiscal Year 2016/2017** Speer

Dennis Speer

- Opened Public Hearing and introduced Mr. McGuire of Willdan to conduct the public hearing.

Jim McGuire

- Provided staff report

Public Comment

Scott Leahy

- Requested clarification of property location
 - Dennis Speer – D.R. Horton project

Dave Matthews

- Clarified these are parcels not in the existing Landscaping and Lighting District.
- Questioned the drainage district.

Public Comment Closed at 7:12 p.m.

- City Clerk and consultant opened ballots received and tabulated the totals.
 - No Ballots were received by property owners.
- a. *Motion To Approve A Resolution Declaring The Results Of The Property Owner Protest Ballot Proceeding Conducted For The Levy Of Assessments Related To The Annexation Of Tracts 6700 And 6775 To The Ridgecrest Landscaping And Lighting District No. 2012-1 Made By Council Member Acton, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Acton, And Thomas); 0 Noes; 0 Abstain; And 1 Absent (Council Member Mower).*

b. *Motion To Approve A Resolution Confirming The Annexation Of Tracts 6700 And 6775 To The Ridgecrest Landscaping And Lighting District No. 2012-1, The Diagram And Assessments Related Thereto, Overruling All Protests Concerning The Assessments, And Ordering The Levy And Collection Of Assessments For Fiscal Year 2016-2017 Made By Council Member Acton, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Acton, And Thomas); 0 Noes; 0 Abstain; And 1 Absent (Council Member Mower).*

9. **Proposed Action To Conduct A Public Hearing Regarding The Formation Of The Drainage Benefit Assessment District 2016-1; Tabulation Of The Protest Ballots Received Regarding The Proposed New Assessments; And Adoption Of Resolutions (1) Declaring The Results Of The Property Owner Protest Ballot Proceeding Conducted For The Levy Of Assessments Related To The Annexation Of Tracts 6700, 6775 And Portions Of 6740 To The Ridgecrest Drainage Benefit Assessment District 2016-1; And (2) Confirming The Drainage Benefit Assessment District 2016-1, The Diagram And Assessments Related Thereto, Overruling All Protests Concerning The Assessments, And Ordering The Levy And Collection Of Assessments For Fiscal Year 2016/2017** Speer

Mayor Breeden

- Opened Public Hearing

Public Comment

None Presented

Jim Sanders

- Clarified the location
 - Dennis Speer – same property.

Lori Acton

- Reviewed two parcels regarding exclusion of residential parcels.
 - Jim McGuire – clarified those parcels drain a different direction so would not benefit by the district.
- City Clerk and consultant opened ballots received and tabulated the totals.

- a. *Motion To Approve A Resolution Declaring The Results Of The Property Owner Protest Ballot Proceeding Conducted For The Levy Of Assessments Related To The Annexation Of Tracts 6700, 6775 And Portions Of 6740 To The Ridgecrest Drainage Benefit Assessment District 2016-1 Made By Council Member Acton, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Acton, And Thomas); 0 Noes; 0 Abstain; And 1 Absent (Council Member Mower).*
- b. *Motion To Approve A Resolution Confirming The Drainage Benefit Assessment District 2016-1, The Diagram And Assessments Related Thereto, Overruling All Protests Concerning The Assessments, And Ordering The Levy And Collection Of Assessments For Fiscal Year 2016/2017 Made By Council Member Acton, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Acton, And Thomas); 0 Noes; 0 Abstain; And 1 Absent (Council Member Mower).*

DISCUSSION AND OTHER ACTION ITEMS

10. Proposed Action To Nominate And Appoint A New Member To Planning Commission To Fill Vacancy Ford

Lori Acton

- Nominated Lindsey Stevens as planning commissioner
- Commented on discussion with Ms. Stevens who has made this her home and can provide an outside perspective.

Minute Motion Confirming Nomination To Planning Commission Made By Council Member Acton, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Acton, And Thomas); 0 Noes; 0 Abstain; And 1 Absent (Council Member Mower).

11. Budget Hearing Discussion And Proposed Action To Approve A Resolution Of The Ridgecrest City Council And The Successor To The Ridgecrest Redevelopment Agency Adopting The Annual Budget For Fiscal Year 2016-17, Establishing Appropriations, Estimating Revenues, And Establishing The Policies By Which The Budget May Be And Shall Be Amended Staheli

Tyrell Staheli

- Presented staff report
- Council discussed the imposed addition impact which affected the current proposed budget.

Jim Sanders

- Opposed to passing a budget with a deficit.
- Does not consider the Self-Insurance as expenditure, just moving to reserve.
- Ok with the Permit because we have been receiving the funds but County did not collect so held aside.
- Still have a \$219k deficit. Need to look at some cuts to make up for this.

Peggy Breeden

- Agreed with Mr. Sanders and if can be dealt with a positive outcome recognizing there may be items coming in that will mitigate the expenditures. Want to make sure we understand the impact of cuts. Proposes we approve a continuing resolution. Not ready to make a decision.

Dennis Speer

- Clarified direction to approve continuing resolution and staff come back with a budget showing additional \$220k in cuts.

Peggy Breeden

- Want to look at it and see what we can do.

Lori Acton

- Agree but want to see if there is something else we can do or other options. Want to see ideas that can be done before cutting positions. Suggested unfunded positions we could hold off on.

Peggy Breeden

- Believe staff has made the cuts they can foresee and don't want to lay people off but want to look at what can be postponed.

Public Comment

Margaret Martin

- County employee and have been walking the same path. Public health nurse and in beginning had 3 nurses locally and board of supervisors held employees without raises, loss of staff. Kern County supervisors have asked for huge cuts even when cuts had already been made. Asking this Council to do the same.
 - Dennis Speer – clarified we have already lost 42 employees and budget is down \$4 million. Before bringing to Council departments had already cut a million dollars. Staff has not had COLA's and there are no provisions for the near future.
- Saddened by the loss of the jail and community is taking the brunt of the cuts. Salaries are high among city employees and think rather than cutting services there may be other ways.

Stan Rajtora

- Commented on setting a plan and schedule, each year seems to get worse.
- Requested information on fund 110. Didn't hear anything on what the money is going to be used.
- Commented on the capital expenses. Referenced roads contracts approved tonight. Questioned which capital procurements are assessed overhead of \$15%.

Mike Neel

- Questioned Mr. Speer regarding property taxes to Inyo County for property in Inyokern and suggested property may be worth something and suggested selling.
 - Dennis Speer – mitigation for projects. Portions that satisfy the mitigation requirements we have to maintain ownership. Remaining portions are reserved for future mitigation.
 - Peggy Breeden – clarified that if used as mitigation we are not able to sell.
 - Dennis Speer – confirmed previous statement.
- Suggested we look at this as a one-time income for City.
- Commented on the budget being more the Ridgecrest Police Department rather than City budget. Suggested getting study to contract to Kern County Sheriff. Compared San Bernardino County.
- Encouraged Council be objective and consider this with an unbiased individual or firm.
- Commented on Council looking at where the largest amount of expenditures are then begin cutting.

Bill Campbell

- Referenced second page going back to 2010 transferring funds to streets department on page 4.
- Questioned funds received from hospital for property.
- Commented on funds for senior center.
 - Dennis Speer – clarified the CDBG grant funding.
- Commented on Measure 'L' and use for Police department.
 - Tyrell Staheli – clarified use of Measure 'L'
- Commented on disappointment in use of Measure 'L'. Made a mistake voting for Measure 'L'.
- Council discussed with Mr. Campbell the use of Measure 'L' and the oversight committee report. Reassured Mr. Campbell and public the funds have only been spent on Police and streets.

Lindsey Steven

- Provided handout to Council regarding budget and new revenue sources.
- Commented on need to look for new sources of revenue.
- Suggested additional fees and maximize the fee schedule.
- Commented on winter/summer playground in Kerr McGee center for small children to get out of the weather. Charge fee for each visit.
- Reviewed Revenue and Expense firm that reviews expenses and potential sources of revenues and no charge until City sees benefit.

Peggy Breeden

- Suggested Jason Patin meet with Lindsey to discuss ideas. Appreciate ideas to secure more revenue.

Lori Acton

- Some ideas may be feasible others may not, so would appreciate Mr. Patin looking into this.

Mike Neel

- Referenced money given to 4 companies to generate revenue and jobs in the community but have not seen audits or information. Pertexa, Monarch, WEDA, and E.H. Hackett.
 - Dennis Speer – in process of reminding companies they own the reports. Monarch has responded, EH has met with Mr. Parsons. Others have not responded yet.
- Staff will not provide information to public record requests and companies are now two years into the process. May want to think again before handing out more money that we could use.
 - Jim Sanders – we don't know about EH group and WEDA however Monarch has opened their shop to use the equipment made by funds from the City. This is for hobby, small business, research, etc. Anyone can pay a small membership fee and have access to all the equipment. Good resource for the community.
- All public knows is nothing because we are not getting the information. We spent 2 million dollars and am interested in knowing how many new jobs have been created.

Tom Wiknich

- Clarified that thru a grant from us the Monarch company is now charging people to come in and use the equipment. Question the fact. If we charge fees for our facilities and object to the use of the equipment.
 - Lori Acton and Jim Sanders – this is a sideline bonus the company is doing as community involvement.
- Pinpointing a capital expenditure for equipment that they are now using to make money as a different revenue source.
 - Jim Sanders – always the intent that we were helping companies grow.

Tom Wiknich *(continued)*

- Asked about the single family residences.
 - Dennis Speer – we lease the Matrix property and still have the other properties.
 - Gary Parsons – the residential property we do not own but have a lien on the property. The estate is held up in probate.
- Asked about the desert candles property.
 - Gary Parsons – Habitat for Humanity turned down that property because condition and environmental cost more than it is worth. 3 real estate agencies have been approached and have not brought to council yet. Was a HUD property we received for \$1.00
- Suggested selling this and other existing properties.

Peggy Breeden

- Requested to see the report at a public meeting. Understand the concern but want to wait to see the report.

Shawn King

- Spoke on Measure ‘L’.
- Primary goals are public safety and roads. Initially against a tax and understood the budget would cover then Measure ‘L’ would enhance. Understands funds were used for other things then Measure ‘L’ backfilled.
- Don’t care now where funds come from, need to be safe.
- Requested information be forthcoming on the spending of Measure ‘L’ will help get other people behind the Measure.
 - Eddie Thomas – originally on the oversight committee and struggled putting together the report. Think the present committee will minimize the report to give public a good representation of how the funds have been spent.
 - Lori Acton – questioned the best place to get the word out to public.
- Newspaper and Facebook.

Scott Leahy

- Spoke on the grants given to companies to be used to generate products and eventually create jobs and sales for the City. Spoke on Monarch’s opening of their workspace for use by the community.
- Commented on Measure ‘L’ and previous oversight board report. Glad current committee has been able to keep track of the funds and Council and staff have made an effort to get this done.
- Commented on suggestion to contract out police as being a grave area. Suggested looking at the current situation with the jail and Bakersfield taking care of their own first. Praised the current police department and a contract would create a disconnect between Ridgecrest and Bakersfield.

Scott Leahy *(continued)*

- Main reason we don't have funding is the base. Great employer, no tax base. If Navy was operating as a regular business there would be tax revenue. Infrastructure is used heavily by base contractors and employees. School districts have a payment similar to PILT and encourage Council to explore this type of funding source from the base. Suggested working with Kevin McCarthy and investigate other areas/municipalities that are similarly impacted by a military base.

Jim Sanders

- Comment on idea of contracting to sheriff, after seeing what is happening with the jail then know they would not treat Ridgecrest the way we deserve.

Eddie Thomas

- Have asked for reports from staff, for transparency to public, can these be placed on website.

No Motion Approving A Resolution Adopting The Annual Budget For Fiscal Year 2016-2017

12. Proposed Action To Approve A Resolution Of The Ridgecrest City Council Approving Continuing Appropriations And Year-End Adjustments Staheli

Dennis Speer

- Suggested June 29 as next meeting date. 6:00 p.m.

Tyrell Staheli

- Proposed amendments

Motion To Approve A Resolution Continuing Appropriations And Year End Adjustment Made By Council Member Breeden, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Acton, And Thomas); 0 Noes; 0 Abstain; And 1 Absent (Council Member Mower).

COMMITTEE REPORTS

(Committee Meeting dates are subject to change and will be announced on the City website)

City Organization and Services Committee

Members: Lori Acton; Mike Mower
Meeting: 4th Wednesday each month at 5:00 p.m. as needed
Location: Council Conference Room B

No report

Infrastructure Committee

Members: Jim Sanders; Mike Mower
Meeting: 4th Thursday each month at 5:00 p.m. as needed
Location: Council Conference Room B

Jim Sanders

- Meeting next Thursday, June 23, Conference Room B, will teleconference

Parks, Recreation, and Quality of Life Committee

Members: Eddie Thomas; Lori Acton
Meeting: 1st Tuesday each month at 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

Eddie Thomas

- Requested meeting date and schedule.

❖ **Ad Hoc Youth Advisory Council**

Members: Eddie Thomas
Meeting: 2nd Wednesday of each month, 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

No Report

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

Members: Eddie Thomas; Lori Acton
Meeting: 3rd Tuesday every other month at 4:00 p.m. as needed
Location: Kerr McGee Center Meeting Rooms

No Report

Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Lori Acton and Eddie Thomas
Meetings: 1st Wednesday Of The Month, 8:00 A.M.
Next Meeting: To Be Announced

No Report

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Lori Acton

- BLM meeting next Thursday at 6pm

Peggy Breeden

- Announced GSA meeting 5pm, this Friday
- Groundwater management meeting tomorrow at 1 p.m.

CITY MANAGER REPORT

Dennis Speer

- Full agenda on July 6, need to make sure there will be a quorum.
 - Eddie Thomas – no
 - Peggy Breeden – yes
 - Lori Acton – Yes
 - Jim Sanders – Yes
- Read upcoming project list current and future public works projects.

MAYOR AND COUNCIL COMMENTS

Eddie Thomas

- This council is awesome meeting several weeks going thru the hard issues, hearing the public, and solving issue. Proud of the council for making hard decisions.
- Thanked staff for being here with us and preparing all the information.
- Referencing the website and ability to access information. If Mr. Matthews is having difficulty then we should do something to make it easier. We need to sing our song.

Lori Acton

- I'm tired and if I am then I know the staff is. Appreciate all the time and work our staff have put forward. We have made the hard decisions and asked the questions repeatedly to get the information we need. We have also asked the questions some people did want to hear.

Jim Sanders

- Thanked staff for all the time and effort put into the budget. I know it is hard and time consuming. Thank you.

Peggy Breeden

- Echo each council member and offer my thanks to staff.

ADJOURNMENT at 9:01 p.m.

Rachel J. Ford, CMC
City Clerk

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

SUBJECT: A Resolution Of The City Council Of The City Of Ridgecrest Certifying The Environmental Impact Report (EIR) Prepared For The Construction Of A New Wastewater Treatment Plant On Two Alternative Sites Or Adopting A “No Project Alternative”; Adopting The California Environmental Quality Act Findings Of Fact; And Adopting The Mitigation Monitoring And Reporting Program

PRESENTED BY:

Provost & Pritchard

SUMMARY:

Summary of Impacts

A summary of impacts is provided as Sections II and III of the Findings of Fact and Statement of Overriding Considerations (Exhibit “B”)

Notices and Comments

The Notice of Preparation (NOP) was issued on June 30, 2015 with the comment period ended on July 30, 2015. Comments were received as a result of the NOP. Information and analyses requested in comments received during the comment period for the NOP were included in the Draft Environmental Impact Report (DEIR).

The Notice of Availability (NOA) was Published on April 15, 2016 with the comment period ending on May 31, 2016. Nine comments were received as a result of the NOA. The responses to the comments are included as Chapter 2 of the Final Environmental Impact Report (FEIR).

All the responses to the comments received during the Forty-five day (45) public review period were provided to the interested parties and public agencies on June 24, 2016, approximately 10 days prior to certifying the FEIR.

Final Environmental Impact Report

The Final Environmental Impact Report (FEIR) consists of Chapter 1: Errata to the Draft EIR to correct factual inaccuracies or typographical errors; to provide clarifying information in the Final Environmental Impact Report; and to cover revisions to the analysis as a result of information contained in comment letters. Chapter 2 addresses “Responses to Comments Received”, and Chapter 3, “Mitigation Monitoring and Reporting Program. The Final EIR also incorporates the Draft EIR, including its appendices and all incorporated references.

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTION REQUESTED:

Adopt A Resolution Of The City Council Of The City Of Ridgecrest Certifying The Environmental Impact Report (EIR) Prepared For The Construction Of A New Wastewater Treatment Plant On Two Alternative Sites Or Adopting A "No Project Alternative"; Adopting The California Environmental Quality Act Findings Of Fact; And Adopting The Mitigation Monitoring And Reporting Program

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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

Action Date: July 6, 2016

RESOLUTION NO. 16-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST CERTIFYING THE ENVIRONMENTAL IMPACT REPORT (EIR) PREPARED FOR THE CONSTRUCTION OF A NEW WASTEWATER TREATMENT PLANT ON TWO ALTERNATIVE SITES OR ADOPTING A “NO PROJECT ALTERNATIVE”; ADOPTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT; AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, A summary of impacts is provided as Sections II and III of the Findings of Fact and Statement of Overriding Considerations (Exhibit “B”);

WHEREAS, The Notice of Preparation (NOP) was issued and published in accordance with CEQA Guidelines Section 15082 on June 30, 2015 with the comment period ended on July 30, 2015; and

WHEREAS, Comments were received as a result of the Notice of Preparation; and

WHEREAS, Information and analyses requested in comments received during the comment period for the NOP were included in the Draft Environmental Impact Report (DEIR); and

WHEREAS, a Draft Environmental Impact Report (DEIR) was prepared in accordance with CEQA Guidelines Section 15084 and was filed with the State Clearinghouse (#2015061095) of the Governor’s Office of Planning and Research, in accordance with CEQA Guidelines Section 15085; and

WHEREAS, a Notice of Completion of the DEIR (State Clearinghouse #2015061095) was filed with the State Clearinghouse of the Governor’s Office of Planning and Research, in accordance with CEQA Guidelines Section 15085; and

WHEREAS, a Notice of Availability was issued and published in accordance CEQA Guidelines Section 15082, to announce the period for review and comment by agencies, the public, interested parties, and adjacent property owners within 300 feet of the sites, beginning on April 15, 2016 and ending on May 31, 2016; and

WHEREAS, the City of Ridgecrest, as lead agency pursuant to CEQA, has completed the Final Environmental Impact Report (FEIR) for the construction of the new wastewater treatment plant; and

WHEREAS, the FEIR was fully analyzed and evaluated for environmental effects of each of the three alternatives; and

WHEREAS, action to determine which of the Alternatives will be selected for construction of a new WWTP or to determine if the City will improve and expand the existing WWTP will not be addressed at this time and will be deferred for further consideration; and

WHEREAS, selection of a site for construction of the WWTP, and approvals by federal agencies may be considered subsequent activities encompassed within the original analysis of the environmental effects of the Project.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Ridgecrest hereby:

1. Certifies the Environmental Impact Report prepared for the Construction of a New Wastewater Treatment Plant; and
2. Adopts the California Environmental Quality Act Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.

APPROVED AND ADOPTED this 6th day of July 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

EXHIBIT "A"

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT (State Clearinghouse #2015061095) FOR CITY OF RIDGECREST NEW CITY WASTEWATER TREATMENT PLANT

The City Council of the City of Ridgecrest, California hereby certifies the Final Environmental Impact Report for the City of Ridgecrest New City Wastewater Treatment Plant, State Clearinghouse #2015061095, which consists of the Draft Environmental Impact Report, including its Appendices, the Errata, the Responses to Comments, the Mitigation Monitoring and Reporting Program, these Findings of Fact, the Staff Report and any associated documents (collectively referred to as the "Final EIR"), and finds that it has been completed in compliance with the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) ("CEQA") and that the City of Ridgecrest has received, reviewed, and considered the information contained in the Final EIR, all hearings, and submissions of comment letter from the public and other municipalities and agencies.

Having received, reviewed, and considered the foregoing information, as well as any and all information in the record, the City of Ridgecrest hereby makes these Findings of Fact pursuant to, and in accordance with, Section 21081 of the Public Resource Code as follows:

BACKGROUND

The existing WWTP located on U.S. Naval Air Weapons Station (NAWS) China Lake. The City of Ridgecrest operates the WWTP on the NAWS property under an easement agreement with the federal government. The 6.25-acre WWTP and associated 300 acres of wastewater disposal ponds are currently located on a 355-acre easement from the Navy. An additional 12 acres of wastewater disposal ponds are located at a site owned by the City located approximately four miles to the south. The WWTP and waste disposal ponds have been serving the needs of both the City and NAWS for many years but are in need of significant repair to maintain functionality. Fundamental portions of the plant process components are deteriorated, and certain conditions may be considered hazardous. Considering the condition of the existing WWTP, it cannot continue to adequately serve the City and NAWS without substantial upgrading or facility replacements. Additionally, the existing WWTP has approached its permitted capacity of 3.6 million gallons per day (mgd). In 1993, flows reached 3.3 mgd, before population began to decline in the mid 1990s. Current flows through the WWTP average

approximately 2.2 mgd; however, future growth at the NAWS and within the City is expected to cause flows to approach the permitted capacity again.

The objective of the proposed City of Ridgecrest's New Wastewater Treatment Plant (WWTP) is to construct improvements to the 3.6-mgd (average dry weather flow) facility with updated facilities and technology.

In 2015, the City prepared a Wastewater Treatment Facility Plan that evaluated its current and future wastewater treatment needs. The study identified two Project Alternatives that would serve the City equally well, but that would place facilities at different locations and would require different levels of funding for construction, operations, and maintenance. This EIR evaluated the potential environmental impacts associated with the two recommended Project Alternatives, referred to as Alternatives 1 and 2, as well as the No Project Alternative. For the purposes of this EIR, the proposed Project involves the construction of new or improved 3.6-mgd average daily flow wastewater treatment facility to serve as an upgrade or replacement of the existing, outdated, 3.6-mgd wastewater facility. Alternatives 1 and 2 have numerous components in common, including sites to be utilized, facilities to be constructed and operated –although locations of those facilities may vary within each site—and treatment capacity. Alternatives 1 and 2 and the No Project Alternative are fully described in Chapter 2: Project Alternatives.

Common sites include:

NAWS China Lake Site (NAWS Site): The 355-acre City-easement in the NAWS Site is located northeast of the intersection of Knox Road and Pole Line Road, in the northerly extent of the City limits on the NAWS China Lake base. In addition to approximately 300 acres of wastewater disposal ponds, this Site contains the existing wastewater treatment plant (headworks, digester, clarifiers, etc.) on approximately 6.25 acres. The land occupied by the City wastewater treatment and disposal facilities is owned by the federal government on an easement granted to the City.

City of Ridgecrest (City Site): The City Site, located roughly four miles south of the WWTP at the NAWS Site, consists of properties owned by the City located on both sides of San Bernardino Boulevard, partly within the Ridgecrest City limits and partly within San Bernardino County jurisdiction. The site is approximately 230 acres in size. At present, it contains 12 acres of existing wastewater disposal ponds, approximately 33 acres of alfalfa fields, and a 20-acre off-road vehicle park, with the remainder of the site undeveloped and containing common natural vegetation.

The Project Sites also consist of an existing four-mile long gravity sewer delivery main located within City roadway rights-of-way and easements on the NAWS Site and an

essentially parallel pressurized force main that returns some treated water to the disposal ponds at the City Site.

Common facilities include:

- Existing four-mile long gravity sewage delivery main
- Influent pumps and headworks
- Receiving station for delivery of septage collected from off-site locations (septage receiving station)
- Oxidation ditches
- Aerobic digesters
- Treatment and disposal ponds
- Tertiary treatment and disinfection
- Storage tank for recycled water
- Existing four-mile long, 20-inch force main
- Operations and maintenance buildings
- Parking facilities
- Diesel-powered emergency generator
- Domestic water and wastewater connections

Alternative 1 Specific Characteristics

Alternative 1 would construct certain new upgrades and improvements to the existing wastewater treatment plant located at the NAWS Site. The existing plant occupies a 6.25-acre site. The majority of the proposed new upgrades would occupy an additional approximately 7.4 acres adjacent to the west of the existing WWTP. The City would need to expand the existing easement to incorporate the additional 7.4 acres. Under this Alternative, portions of the existing WWTP would be decommissioned, with new or upgraded facilities constructed both on the existing 6.25-acre NAWS Site as well as on the proposed additional 7.4-acre area abutting to the west.

Alternative 2 Specific Characteristics

Alternative 2 would construct an all-new wastewater treatment plant on approximately 10 acres owned by the City adjacent to the existing 12 acres of disposal ponds at the City Site, approximately four miles south of the NAWS Site. While the existing four-mile-long, 20-inch-diameter effluent force main that is currently used to return some treated wastewater from the WWTP at the NAWS Site to the 12 acres of City Site disposal ponds would remain in place, the main would be operated in reverse of its current direction, meaning effluent from the new WWTP to be built at the City Site would be pumped north to the NAWS Site wastewater disposal ponds. A new 16-inch-diameter force main would be constructed parallel to, the existing force main. The new

force main would cross numerous properties owned by the United States. Additional linear easements would be needed for construction and operation of the new main.

Following construction of either Alternative 1 or Alternative 2, the existing wastewater treatment ponds at both sites would continue to function and any remaining components of the existing treatment plant deemed unsuitable for continued use at the NAWS Site would be decommissioned and the site would be used for solids dewatering and storage, and for additional tertiary treatment to provide recycled water.

No Project Alternative

The No Project Alternative would involve no Project being built and therefore would result in no direct changes to the physical environment. The City would continue to operate its existing 3.6-mgd wastewater treatment facility on the NAWS Site, the wastewater disposal ponds located at the NAWS and City Sites, and the existing underground four-mile-long, 20-inch-diameter effluent force main and gravity fed influent main. The No Project Alternative reflects the existing environmental baseline.

The City of Ridgecrest has not identified a Preferred Project of the two Alternatives. Alternatives 1 and 2 and the No Project Alternative are each fully evaluated for potential environmental impacts to assist the City with identifying the environmentally preferred alternative and in selecting the Preferred Project. The FEIR identified no significant differences in environmental impacts of Alternative 1 and Alternative 2.

The proposed wastewater treatment plant involves a series of approvals and both discretionary and ministerial actions by the City of Ridgecrest including, but not limited to the selection of a site for construction of the WWTP, review of the site for compliance with Public Works standards, and issuance of building permits.

The proposed wastewater treatment plant may also require approvals by other responsible and/or regulatory agencies including, but not limited to: Caltrans, Kern County Airport Land Use Commission, San Bernardino County, Regional Water Quality Control Board – Region 6, Lahontan, State Water Resources Control Board, Eastern Kern Air Pollution Control District.

The Final Environmental Impact Report (FEIR) has been prepared in accordance with CEQA. This Final EIR is intended to address all of the impacts, mitigation measures, and the three Alternatives associated with the Project. An Initial Study for the project was prepared by the City of Ridgecrest's consultant and a Notice of Preparation (NOP) of an EIR was distributed to a number of local, State, and federal agencies, interested individuals or organizations, property owners within 300 feet of the boundaries of the two Alternatives, and the State Clearinghouse between June 30, 2015 and July 30,

2015. Various agencies and individuals provided written comments within the State-mandated 30-day public review period for the NOP.

Notices of Availability of the Draft EIR were provided to the California State Clearinghouse and provided to a number of local, State, and federal agencies, interested individuals or organizations, and to property owners within 300 feet of the boundaries of the two Alternatives. The State-mandated 45-day public review of the Draft EIR began on April 15, 2016 and ended on May 31, 2016. A Response to Comments package was prepared which presented responses to all written comments received in response to the public review of the Draft EIR

This Final EIR has been prepared for the City of Ridgecrest in accordance with CEQA, as amended. Pursuant to California Public Resources Code 21082.1, the City of Ridgecrest has independently reviewed and analyzed the information contained in the Final Environmental Impact Report. The conclusions and discussions contained herein reflect the independent judgment of the City of Ridgecrest as to those issues known at the time of publication. The Final EIR was certified by the City Council of the City of Ridgecrest on July 6, 2016.

THE ENVIRONMENTAL IMPACT REPORT

The FEIR prepared for the City of Ridgecrest New City Wastewater Treatment Plant, State Clearinghouse #2015061095, is hereby incorporated by reference and is available for review during normal business hours at the City of Ridgecrest Planning Department,

Some impacts of the Project were found to be “Significant but Unavoidable.” The City of Ridgecrest finds that those impacts have been described accurately but will remain significant and unavoidable. A Statement of Overriding Considerations is provided in Section I.

Impacts found to be significant but unavoidable, mitigation which would lessen the significant impacts, and findings related to the impact are listed in Section II. Impacts for which the adoption of a program to monitor mitigation measures for certain project impacts would reduce the impact to levels which are “Less Than Significant” are listed in Section III.

With respect to all impacts identified in the FEIR as having “No Impact” or “Less Than Significant,” the City of Ridgecrest finds that those effects have been described accurately. The City of Ridgecrest further finds that these effects will have no impact or are less than significant before implementation of mitigation measures.

SECTION I

STATEMENT OF OVERRIDING CONSIDERATIONS

The FEIR has identified and discussed significant effects which will occur as a result of the proposed New Wastewater Treatment Plant for the City of Ridgecrest. With the implementation of the mitigation measures discussed in the FEIR, these effects can be mitigated to a level of insignificance except for project-related significant but unavoidable adverse impacts in the area of Hydrology and Water Quality for Alternatives 1 and 2, and in the area of Noise for Alternatives 1 and 2 only, as identified in Section II of these Findings of Fact.

Having reduced the effects of the proposed Project by adopting a program to monitor mitigation measures for certain project impacts (as discussed in Section III of these Findings of Fact) and having balanced the benefits of the proposed Project against the proposed Project's potential unavoidable adverse impacts (as noted in Section II of these Findings), the City of Ridgecrest hereby determines that the benefits of the proposed Project, which includes Alternatives 1 and 2, outweigh these potential unavoidable adverse impacts based on the following overriding considerations:

1. Provide reliable, high quality and cost effective wastewater treatment and disposal capacity and services to existing and future residents within the City of Ridgecrest.
2. Improve the water quality of treated wastewater to comply with current and projected State Waste Discharge Order requirements and to minimize adverse impacts upon Ridgecrest groundwater.
3. Provide for an adequate permitted capacity for wastewater treatment to accommodate existing and future growth within the City of Ridgecrest.
4. Improve the efficiency and reliability of wastewater treatment within the City of Ridgecrest.

SECTION II

**SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL
IMPACTS WHICH CANNOT BE MITIGATED TO A LEVEL
OF INSIGNIFICANCE**

The City of Ridgecrest has determined that certain environmental impacts cannot be feasibly mitigated to a level of insignificance. Consequently, in accordance with Section 15093 of the State CEQA Guidelines, a Statement of Overriding Considerations has been prepared (see Section I of these Findings of Fact) to substantiate the City's decision to accept these unavoidable adverse environmental impacts because of the benefits afforded by the proposed Alternatives.

Impact IX-a: Would the Project violate any water quality standards or waste discharge requirements?

Mitigation Alternatives 1 and 2:

- HYD-1: The City shall prepare and implement an irrigated land nutrient management plan for the golf course and alfalfa field irrigation site. This will help insure that nutrients (N), water and fertilizer will be applied at agronomic rates only and thus do not adversely affect groundwater.
- HYD-2: The City shall prepare and implement a groundwater study at the City site to determine if additional groundwater monitor wells are needed for the long-term assessment of groundwater impacts from the new percolation ponds and construct new monitor wells as indicated and approved by the RWQCB.
- HYD-3: The City shall construct best practicable treatment and control (BPTC) technology to mitigate impacts from TDS and nitrogen on the shallow groundwater. BPTC is to be determined with the submittal of the anti-degradation analysis per SWRCB Resolution 68-16 in the Report of Waste Discharge submitted for a Waste Discharge Permit.

Findings: Beneficial uses of the receiving water will not be impacted by any of the constituents considered, based on the water quality objectives. The poor quality of shallow groundwater means that for all the potential constituents of concern considered, except nitrogen, boron, total dissolved solids, and coliform, the quality of the effluent being percolated is higher than the quality of the groundwater and no degradation will occur. Significant and unavoidable impacts will occur at the City site for nitrogen and at the NAWS golf course for TDS. Mitigation measures **HYD-1**, **HYD-2**, and **HYD-3**, would help to reduce impacts to nitrogen and effluent TDS concentration. However, impacts would still be considered **Significant and Unavoidable**

Impact IX-f: The Project may otherwise degrade water quality.

Mitigation Alternatives 1 and 2:

Refer to Mitigation Measures HYD-1 – HYD-3

Findings: Beneficial uses of the receiving water will not be impacted by any of the constituents considered, based on the water quality objectives. The poor quality of shallow groundwater means that for all the potential constituents of concern considered, except nitrogen, boron, total dissolved solids, and coliform, the quality of the effluent being percolated is higher than the quality of the groundwater and no degradation will occur. Significant and unavoidable impacts will occur at the City site for nitrogen and at the NAWS golf course for TDS. Mitigation measures **HYD-1**, **HYD-2**, and **HYD-3**, would help to reduce impacts to nitrogen and effluent TDS concentration. However, impacts would still be considered **Significant and Unavoidable**

Impact XII-a: The Project could result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Mitigation Alternatives 1 and 2:

- N-1: Construction activities shall begin no earlier than 7:00 am and conclude no later than 6:00 pm, Monday through Friday. Construction activities outside of these hours and days may only occur in the event of an emergency.
- N-2: All construction equipment shall be regularly maintained and equipped with the following noise reduction devices:
- i. The appropriate manufacturer's noise reduction device (s) including muffler (or the equivalent) that is free of rust, holes, and exhaust leaks.
 - ii. Engine housing shall be kept closed and noise-insulating material shall be mounted on the engine housing to reduce noise, to the extent practical without interfering with the manufacturer's guidelines for engine operation or exhaust.
 - iii. Portable compressors, generators, pumps, and other such devices shall be covered with noise-insulating fabric to the extent practical without interfering with the manufacturer's guidelines for engine operation or exhaust, and shall further reduce noise by operating such devices at lower engine speeds during work to the maximum extent possible.

- iv. Construction equipment not actively being utilized shall be turned off.
- v. Vehicle idling on-site shall be limited to 5 minutes.
- vi. Reduced-volume backup alarms shall be used for all construction vehicles, as allowed by OSHA.

Findings: Based on the projected noise levels, it is anticipated that temporary construction-related impacts for both Alternative 1 and 2 would remain significant after mitigation.

SECTION III
IMPACTS THAT CAN BE MITIGATED TO A LEVEL OF
INSIGNIFICANCE

Several areas were determined to have a potentially significant impact, but the City of Ridgecrest has determined that these mitigation measures will result in a substantial reduction of the following impacts which have been mitigated to a level of insignificance. Mitigation measures referred to below are found in the Mitigation Monitoring and Reporting Program (Section III of the FEIR).

3.1 Aesthetics

Impact I-a: The Project may have a substantial adverse effect on a scenic vista.

Mitigation Alternatives 1 and 2:

AES-1: In accordance with the City of Ridgecrest General Plan and Zoning Code, County of San Bernardino General Plan and Zoning Code and the Comprehensive Land Use Management Plan for NAWS China Lake, the proposed Project shall preserve existing natural aesthetic resources (vegetation) and re-establish natural vegetation around each site where feasible, install eco-friendly xeriscape landscaping and gateway features at main facility entrances that are visible from sensitive receptors and public rights-of-way. The City shall prepare professional landscaping and lighting plans for the facility in compliance with the aforementioned land use plans and development codes at the time of building permits.

AES-2: Prior to construction of any proposed structures, all proposed lighting shall be indicated on site plans. The lighting plan shall incorporate lighting that directs light pools downward to prevent glare on adjacent and surrounding areas that meet minimum security and safety requirements

Findings: With the implementation of AES-1 and AES 2, the proposed Project under either Alternative would result in a less than significant impact.

Impact I-c: The Project may substantially degrade the existing visual character or quality of the site and its surroundings.

Mitigation Alternatives 1 and 2:

Refer to Mitigation Measures HYD-1 – HYD-3

Findings: This impact would be reduced to less than significant with the incorporation of Mitigation Measures AES-1 and AES-2 as described in Impact Assessment I-a.

3.2 Agriculture and Forestry Resources

No potentially significant impacts for which mitigation is necessary.

3.3 Air Quality

Impact III-b: The Project may violate an air quality standard or contribute substantially to an existing or projected air quality violation.

Mitigation Alternatives 1 and 2:

- AQ-1: The following measures for the control of construction-generated PM shall be implemented:
- a. Vehicle speed for all on-site construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. Signs identifying construction vehicle speed limits shall be posted along onsite roadways, at the site entrance/exit, and along unpaved site access roads.
 - b. All onsite unpaved roads and offsite unpaved project-site access road(s) shall be effectively stabilized of dust emissions using water or EKAPCD-approved dust suppressants/palliatives, sufficient to prevent wind-blown dust exceeding 20% opacity at nearby residences or public roads. If water is used, watering shall occur a minimum of three times daily, sufficient to keep soil moist along actively used roadways. During the dry season, unpaved road surfaces and vehicle parking/staging areas shall be watered immediately prior to periods of high use (e.g. worker commute periods, truck convoys, etc.) Reclaimed (non-potable) water shall be used to the extent available.
 - c. Reduce and/or phase the amount of the disturbed area (e.g. grading, excavation) where possible.
 - d. All disturbed areas shall be sufficiently watered or stabilized by EKAPCD-approved methods to prevent excessive dust. On dry days, watering shall occur a minimum of three times daily on actively disturbed areas. Watering frequency shall be increased whenever wind speeds exceed 15 mph or, as necessary, to prevent wind-blown dust exceeding 20% opacity at nearby residences or public roads. Reclaimed (non-potable) water shall be used to the extent available.
 - e. All clearing, grading, earth moving, and excavation activities will cease during periods when dust plumes of 20% or greater opacity affect public roads or nearby occupied structures.

- f. All disturbed areas anticipated to be inactive for periods of 30 days, or more, shall be treated to minimize wind-blown dust emissions. Treatment may include, but is not limited to, the application of an EKAPCD-approved chemical dust suppressant, gravel, hydro-mulch, revegetation/seeding, or wood chips,
- g. All active and inactive disturbed surface areas shall be compacted, where feasible.
- h. Limit equipment and vehicle access to disturbed areas.
- i. Where applicable, permanent dust control measures shall be implemented as soon as possible following completion of any soil disturbing activities
- j. Stockpiles of dirt or other fine loose material shall be stabilized by watering or other appropriate methods sufficient to reduce visible dust emissions to a limit of 20% opacity. If necessary and where feasible, 3-sided barriers shall be constructed around storage piles and/or piles shall be covered by use of tarps, hydro-mulch, woodchips, or other materials sufficient to minimize wind-blown dust.
- k. Water shall be applied prior to and during the demolition of onsite structures sufficient to minimize wind-blown dust.
- l. Where acceptable to the fire department, weed control will be accomplished by mowing instead of disking, thereby leaving the ground undisturbed and with a mulch covering.
- m. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or shall maintain at least two feet of freeboard (minimum vertical distance between top of the load and top of the trailer) in accordance with California Vehicle Code Section 23114.
- n. Gravel pads, grizzly strips, or other material track-out control methods approved for use by the EKAPCD shall be installed where vehicles enter or exit unpaved roads onto paved roadways.
- o. Haul trucks and off-road equipment leaving the site shall be washed with water or high-pressure air, and/or use rocks/grates at the project entry points, when necessary, to remove soil deposits and to minimize the track-out/deposition of soil onto nearby paved roadways.
- p. Paved road surfaces located adjacent to the site access road(s), including adjoining paved aprons, shall be cleaned, as necessary, to remove visible

accumulations of track-out material. If dry sweepers are used, the area shall be sprayed with water prior to sweeping to minimize the entrainment of dust. Reclaimed water shall be used to the extent available.

- q. Portable equipment, 50 horsepower (hp) or greater, used during construction activities (e.g. portable generators) shall be registered with California statewide portable equipment registration (issued by the California Air Resources Board) or permitted by EKAPCD.
- r. The designated construction monitor will document and immediately notify EKAPCD of any air quality complaints received. If necessary, the applicant and/or contractor will coordinate with EKAPCD to identify any additional feasible measures and/or strategies to be implemented to address public complaints.
- s. Off-road equipment shall be maintained and properly tuned in accordance with manufacturer recommendations.
- t. The owner/operator shall require that off-road diesel engines be shut off when not in use for more than five minutes to reduce emissions from idling, to the extent possible.
- u. Alternatively fueled equipment (e.g. electric, propane, etc.), in lieu of diesel- or gasoline-fueled equipment, shall be used whenever possible and to the extent available.
- v. All on-road and off-road equipment shall be fitted with emission control devices (e.g. diesel particulate filters, oxidation catalysts, etc.), per manufacturer recommendations.
- w. The on-site idling of on-road diesel fueled trucks shall be restricted to no more than 5 minutes, per ARB engine idling limitations, excluding vehicles that need to idle as part of their operation, such as concrete mixer trucks.

AQ-2: A Fugitive Dust Control Plan shall be prepared for the proposed Project to ensure consistency with the EKAPCD Rule 402 for the control and reduction of Fugitive Dust. The Fugitive Dust Control Plan shall include measures to control nuisance caused by fugitive dust during the operation of the WWTF, as well as during construction, and shall address surface soil erosion and loss of topsoil. The Fugitive Dust Control Plan shall be submitted to EKAPCD and approved by EKAPCD prior to commencement of construction activities.

Findings: With incorporation of Mitigation Measure AQ-1 and AQ-2, this impact would be considered less than significant.

Impact III-c: The Project may result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors.

Mitigation Alternatives 1 and 2:

Refer to Mitigation Measures AQ-1 and AQ-2

Findings: Incorporation of Mitigation Measures AQ-1 and AQ-2 would reduce fugitive dust emissions by approximately 50 to 61 percent. Additional measures have also been included that would reduce emissions of diesel PM from on-road vehicles and off-road equipment. Implementation of AQ-1 would ensure compliance with applicable EKAPCD rules and regulations, including Rule 402, which imposes limitations on visible dust emissions at offsite locations and Rule 419 for nuisance-related impacts. AQ-2 requires preparation of a Fugitive Dust Control Plan which further reduces criteria pollutants. With mitigation, this impact would be considered less than significant.

Impact III-e: The Project may create objectionable odors affecting a substantial number of people.

Mitigation Alternatives 1 and 2:

AQ-3: An Odor Control Mitigation Plan (OCMP) shall be prepared for the proposed Project Alternatives to ensure consistency with EKAPCD Rule 419 for the control of nuisance impacts to nearby sensitive land uses. The OCMP shall identify processes that would have a high potential for odor generation and appropriate operational controls and procedures for the control and reduction of odorous emissions. The OCMP shall be submitted to and approved by the City of Ridgecrest Planning Department prior to operation.

Findings: Implementation of the AQ-3 (OCMP) would help to minimize and control odorous emissions from the facility. In addition, the OCMP would also help to ensure compliance with applicable EKAPCD Rule 419 for the control of nuisance impacts. With mitigation, this impact would be considered less than significant.

3.4 Biological Resources

Impact IV-a: The Project may have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or

special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Mitigation Alternatives 1 and 2:

BIO – 1: Le Conte’s thrasher

In order to minimize construction disturbance to Le Conte’s thrasher and other migratory bird nests, the applicant will implement one or more of the following measure(s) as necessary, prior to Project Alternative construction:

- a. Avoidance. In order to avoid impacts to all nesting birds from construction activities, these activities will occur outside of the typical avian nesting season, or between September 1 and January 31.
- b. Pre-construction surveys. If construction must occur between February 1 and August 31, a qualified biologist will conduct pre-construction surveys for active migratory bird nests within 15 days of the onset of these activities.
- c. Establish buffers. Should any active nests be discovered in or near proposed construction zones, the biologist will identify a suitable construction-free buffer around the nest. This buffer will be identified on the ground with flagging or fencing, and will be maintained until the biologist has determined that the young have fledged.

BIO – 2: Desert Tortoise (Mojave Population)

Prior to construction, the following measures adapted from the U.S. Fish and Wildlife Service Desert Tortoise (Mojave Population) Field Manual (*Gopherus agassizii*) (December 2009) will be implemented.

- a. Pre-construction Surveys. Pre-construction surveys will be conducted in suitable desert tortoise habitats on the Project Alternative sites prior to the beginning of ground disturbance, construction activities, and/or any Project Alternative activity likely to impact the desert tortoise. These surveys will be conducted in accordance with the USFWS Desert Tortoise Field Manual.
- b. Consultation and Permitting. Survey results will be submitted to the USFWS and CDFW. Should surveys find a desert tortoise or desert tortoise sign (burrows, scat, and carcasses) consultation with the USFWS and CDFW will likely result in the requirement of “take authorization” in the form of a Biological Opinion (BO) issued by the USFWS and an Incidental

Take Permit (ITP) issued by the CDFW in order for the project to lawfully proceed.

- c. Permit Compliance. The project applicant will comply with all conditions of a BO and ITP issued for the Project Alternative. Conditions of these permits generally include but are not limited to compensatory mitigation, a Desert Tortoise Translocation Plan, additional surveys, a Habitat Restoration and Revegetation Plan, an Exclusionary Fencing Plan, a Worker Environmental Awareness and Training Program, monitoring, and a Trash Abatement Program.

BIO – 3: Burrowing Owl

Prior to construction one or more of the following measures will be implemented as necessary:

- a. Take Avoidance Surveys. A take avoidance survey will be conducted by a qualified biologist for burrowing owls within 30 days of the onset of construction. This take avoidance survey will be conducted according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFG 2012). The survey area will include all suitable habitat within and up to 500 feet outside of Project Alternative impact areas, where accessible.
- b. Avoidance of Active Nests. If take avoidance surveys are undertaken during the breeding season (February through August) and active nest burrows are located within or near construction zones, a construction-free buffer of 250 feet should be established around all active owl nests. The buffer areas should be enclosed with temporary fencing, and construction equipment and workers should not enter the enclosed setback areas. Buffers should remain in place for the duration of the breeding season. After the breeding season (i.e. once all young have left the nest), passive relocation of any remaining owls may take place as described below.
- c. Passive Relocation of Resident Owls. During the non-breeding season (September through January), resident owls occupying burrows in areas proposed for development may be relocated to alternative habitat. The relocation of resident owls must be conducted according to a relocation plan prepared by a qualified biologist. Passive relocation will be the preferred method of relocation.

BIO – 4: Mohave ground squirrel

Prior to construction, the following measures will be implemented.

- a. Pre-construction Surveys. Protocol level surveys will be conducted in desert scrub habitats of the Project Alternative sites prior to the beginning of ground disturbance, construction activities, and/or any project activity likely to impact the Mohave ground squirrel. These surveys will be conducted by a qualified biologist in accordance with the CDFW's Mohave Ground Squirrel Survey Guidelines (July 2010). The surveys consist of visual surveys and trapping surveys if visual surveys fail to detect the species. Negative results of these surveys are valid for one year.
- b. Consultation and Permitting. Survey results will be submitted to the CDFW. Should surveys find Mohave ground squirrel on site, consultation with the CDFW will be required, and likely result in the requirement of "take authorization" in the form of a an Incidental Take Permit (ITP).
- c. Permit Compliance. If an ITP is issued for the Project Alternative, the project applicant will comply with all conditions of the ITP. Conditions of this permit generally include but are not limited to compensatory mitigation, a Worker Environmental Awareness and Training Program, monitoring, ground squirrel burrow excavation and relocation of Mohave ground squirrels, and reporting.

BIO – 5: American Badger

The following measures will be implemented to avoid and minimize the potential for Project Alternative-related mortality of American badgers.

- a. Preconstruction Surveys. A preconstruction survey for American badgers will be conducted by a qualified biologist within 30 days of the onset of construction, within desert scrub habitats of the Project Alternative sites.
- b. Avoidance. Should an active sleeping den be identified during the preconstruction surveys, the den shall be identified in the field with brightly-colored fencing or flagging, and avoided until a qualified biologist has determined that it has been abandoned. Should an active natal den be identified, a suitable disturbance-free buffer will be established around the den and maintained until a qualified biologist has determined that the cubs have dispersed or the den has been abandoned.

Findings: Implementation of these measures will reduce Project impacts to sensitive, threatened, and endangered biological species to a less than significant level, ensure compliance with state law, and minimize the risk that construction activities during project development would result in mortality to individual species.

Impact IV-c: The Project may have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Mitigation Alternative 2:

- BIO-6: (Preparation of erosion control plan). Prior to the start of construction, an erosion control plan will be prepared. Typically, specified erosion control measures must be implemented prior to the onset of the rainy season. The site must then be monitored periodically throughout the rainy season to ensure that the erosion control measures are successfully preventing onsite erosion and the concomitant deposition of sediment in onsite and offsite drainages. Elements of this plan would address both the potential for soil erosion and non-point source pollution. At a minimum, elements of the erosion control plan will include the following:
- i. Protection of exposed graded slopes from sheet, rill and gully erosion. Such protection could be in the form of erosion control fabric, hydromulch containing the seed of native soil-binding plants, straw mechanically imbedded in exposed soils, or some combination of the three.
 - ii. Use of best management practices (BMPs) to control soil erosion and non-point source pollution. BMPs may include measures 1 above, but they may include any number of additional measures appropriate for this particular site and this particular Project Alternative, including grease traps in parking areas, regular site inspections for pollutants that could be carried by runoff into natural drainages, etc.

Findings: Implementation of an erosion control plan as discussed above will reduce impacts to water quality in downstream waters to a less than significant level.

3.5 Cultural Resources

Impact V-a: The Project may cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

Mitigation Alternatives 1 and 2:

- CR-1: If, in the course of project construction or operation, any archaeological or historical resources are uncovered, discovered, or otherwise detected or observed, activities within one hundred (100) feet of the find shall be ceased and the County of Fresno shall be notified immediately. The project proponent shall retain a qualified archaeologist to assess the significance of the find and

make mitigation recommendations, if warranted. The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System (CHRIS). The resources shall be photo-documented and collected by the archaeologist for submittal. The archaeologist shall be required to submit to the County for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.

Findings: Implementation of mitigation measure as discussed above will reduce impacts to historical resources to a less than significant level.

Impact V-b: The Project may cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

Mitigation Alternatives 1 and 2:

Refer to Mitigation Measure CR-1

Findings: Mitigation Measure CR-1 discussed under Impact V-a will ensure that any impacts will be less than significant.

Impact V-c: The Project may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Mitigation Alternatives 1 and 2:

Refer to Mitigation Measure CR-1

Findings: Project construction will not be expected to disturb any paleontological resources not previously disturbed; however, the Mitigation Measure CR-1 discussed under Impact V-a will ensure that impacts will be less than significant.

Impact V-d: The Project may potentially disturb human remains, including those interred outside of formal cemeteries.

Mitigation Alternatives 1 and 2:

CR-2: If human remains are uncovered, or in any other case where human remains are discovered, the Kern or San Bernardino (where applicable) County Coroner is to be notified to arrange their proper treatment and disposition. If the remains are identified – on the basis of archaeological context, age, cultural associations, or biological traits – as those of a Native American, California Health and Safety Code 7050.5 and Public Resources Code 5097.98 require that the coroner notify the NAHC within 24 hours of

discovery. The NAHC will then identify the Most Likely Descendent who will be afforded an opportunity to make recommendations regarding the manner in which the remains are treated.

Findings: Although there is no indication that the Project will disturb any human remains, in the event that human remains are encountered the mitigation measure listed above shall be followed. Compliance with the mitigation measure will reduce the impact to less than significant.

3.6 Geology and Soils

No potentially significant impacts for which mitigation is necessary.

3.7 Greenhouse Gas Emissions

No potentially significant impacts for which mitigation is necessary.

3.8 Hazards and Hazardous Materials

Impact VIII-a: *The Project has the potential to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.*

Mitigation Alternatives 1 and 2:

HAZ-1: An environmental training program shall be established to communicate environmental concerns and appropriate work practices, including spill prevention, emergency response measures, and proper best management practices implementation, to all field personnel associated with construction activities. The training program shall emphasize site-specific physical conditions to improve hazard prevention (e.g. identification of potentially hazardous substances) and shall include a review of all site-specific plans.

A Hazardous Substance Control and Emergency Response Plan shall be prepared by the contractor. This plan shall be submitted to the City along with the grading permit application for each structure or with the encroachment permit application for the construction of pipelines. The plan shall prescribe hazardous-materials handling procedures for reducing the potential for a spill during construction and shall include an emergency response program to ensure quick and safe cleanup of accidental spills. Furthermore, the plan shall identify areas where refueling and vehicle maintenance activities and storage of hazardous materials, if any, shall be permitted.

HAZ-2: Oil-absorbent material, tarps, and storage drums shall be used to contain and control any minor releases in construction areas. Emergency spill supplies

and equipment shall be kept adjacent to all areas of work and in staging areas, and shall be clearly marked. Detailed information for responding to accidental spills and for handling any resulting hazardous materials shall be provided in the Alternative's Hazardous Substances Control and Emergency Response Plan.

Operation of the pumps and pipelines associated with Alternatives 1 and 2 would not require the storage and use of hazardous materials. The proposed wastewater treatment facility, in either Alternative, would use sodium hypochlorite and alum (aluminum sulfate), both of which are classified as hazardous substances. In addition, small quantities of fuel and related materials would be used and stored as part of Alternative operations. Appropriate safety measures, such as controlled access and secondary containment, shall be provided. For both Alternatives 1 and 2 this shall include the preparation and implementation of the following Hazardous Materials Business Plan, as detailed in mitigation measure HAZ-3 below.

HAZ-3: During proposed Project Alternative operations, the City shall prepare a Hazardous Materials Business Plan for the wastewater treatment facility that would address handling and storage of all hazardous chemicals that would be used during the treatment process. The plan shall address containment, site layouts, and emergency response and notification procedures for a spill or release.

Findings: Mitigation measures as listed above shall ensure that potential impacts remain less than significant.

Impact VIII-b: *The Project may create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.*

Mitigation Alternatives 1 and 2:

Refer to Mitigation Measure HAZ-1 through HAZ-2

Findings: With incorporation of Mitigation Measures HAZ-1 through HAZ-2 and due to similarity to current conditions, impacts would be less than significant for Alternatives 1 and 2. Under Alternative 2 alone, transport and use of small amounts of hazardous materials would occur within one-quarter mile of Richmond Elementary School. This would be limited to gasoline, diesel, oil, and similar materials. The mitigation measures as discussed in Impact VIII-a, would reduce any possible impacts to students of the school to a less than significant level.

Impact VIII-i: The Project may generate vectors.

Mitigation Alternatives 1 and 2:

HAZ-4: Pre-treatment and adulticiding methods shall be employed at the WWTP to control mosquitoes. Pooling water sources around the WWTP such as large puddles from storms and irrigation tail water shall be treated as it accumulates. Adulticiding shall be accomplished in accordance with Best Management Practices which may include fogging the area where severe mosquitoes occur.

Findings: The City of Ridgecrest has an active vector control program for the control of mosquitoes in the area. The Public Works Department administers the program. The following mitigation measures shall ensure that potential impacts remain less than significant.

3.9 Hydrology and Water Quality

Impact IX-e: The Project may create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Mitigation Alternatives 1 and 2:

HYD-4: Prepare a Storm Water Pollution Prevention Plan (SWPPP) for construction of the chosen alternative, in accordance with the specifications in the current Construction General Permit.

HYD-5: Identify and conform with construction and post-construction Best Management Practices for storm water management, and implement those BMPs to minimize erosion, promote groundwater recharge and protect ephemeral streams from pollution.

3.10 Land Use and Planning

Impact X-b: Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

Mitigation Alternatives 1 and 2:

Refer to Mitigation Measure AES-1

LU-1: In order minimize impacts to parks the applicant will implement one or more of the following measure(s) as necessary prior to project construction:

- **Avoidance.** In order to avoid impacts to parks, prior to final design, the city will make a good faith effort to avoid Park designated areas as construction locates for the effluent disposal ponds.
- **Replacement.** If avoidance is not feasible, the City shall process a General Plan Amendment to change the land use designation for the 20-acre off-road park area to Industrial or Institutional, consistent with the proposed effluent disposal ponds planned for the site. Additionally, the City shall designate new lands for parks and replace the existing off-road vehicle park, like for like, within five years of completion of project construction, to offset impacts to existing parks.

Findings: Implementation of AES-1 and LU-1 would ensure that the proposed Project Alternatives are consistent with the policies and requirements of the NAWS China Lake, City of Ridgecrest documents, reducing impacts to less than significant.

3.11 Mineral Resources

No potentially significant impacts for which mitigation is necessary.

3.12 Noise

No potentially significant impacts for which mitigation is necessary. Impacts related to Noise were determined to have No Impact, Less Than Significant Impacts, or Significant and Unavoidable Impacts (refer to Section II).

3.13 Population and Housing

No potentially significant impacts for which mitigation is necessary.

3.14 Public Services

Impact XIV-a: The project may result in substantial adverse physical impacts associated with the provision of Parks.

Mitigation Alternatives 1 and 2:

Refer to Mitigation Measure LU-1

Findings: Mitigation measure LU-1 will be implemented to either avoid construction on the park land or replace the facility, like for like, within five years, and process a General Plan Amendment to change the land use designation of the parcel.

3.15 Recreation

Impact XV-a: *The Project may increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.*

Mitigation Alternatives 1 and 2:

Refer to Mitigation Measure LU-1

Findings: Mitigation measure LU-1 will be implemented to either avoid construction on the park land or replace the facility, like for like, within five years, and process a General Plan Amendment to change the land use designation of the parcel.

Impact XV-b: *The Project may include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

Mitigation Alternatives 1 and 2:

Refer to Mitigation Measure LU-1

Findings: Mitigation measure LU-1 will be implemented to either avoid construction on the park land or replace the facility, like for like, within five years, and process a General Plan Amendment to change the land use designation of the parcel.

3.16 Transportation/Traffic

Impact XVI-d: *The Project may substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).*

Mitigation Alternatives 1 and 2:

TR-1: During construction, fences, barriers, lights, flagging, guards, and signs will be installed as determined appropriate by the public agency having jurisdiction, to give adequate warning to the public of the construction and of any dangerous condition to be encountered as a result thereof. Any traffic control activity on SR 178 shall meet Caltrans standards with an encroachment permit.

TR-2: Prior to the commencement of construction activities, the City shall finalize and pave each access approach. Additionally, the City shall finalize and all-weather surface each onsite access driveway. All access approaches and

driveways shall be designed to ensure adequate access and circulation for emergency vehicles.

- TR-3 Provide a Traffic Control Plan to the Kern County Public Works Department, Building & Development Division for any construction that may take place within any County maintained roadway and Caltrans District 9, that addresses the routes, duration and manner of traffic control that will be implemented to accommodate construction related traffic.
- TR-4 Enter into a secured agreement with the Kern County Public Works Department, Building & Development Division for any construction that may take place within any County maintained roadway to ensure that any County roads that are demonstrably damaged by project-related activities are promptly repaired and, if necessary, paved, slurry-sealed, or reconstructed as per requirements of the State and or Kern County.
- TR-5 Obtain all necessary Encroachment Permits for any proposed work within the County road right of way. These permits shall be obtained from the Kern County Public Works Department, Permits Engineer.
- TR-6 Obtain all necessary Transportation Permits for any oversized or overweight (heavy) loads that will utilized County maintained roads, which may require California Highway Patrol escort. These permits may be obtained from our Permits Engineer.
- TR-7 Project construction timing may coincide with other neighboring projects. Coordinate construction traffic with The City of Ridgecrest and Kern County Public Works Departments to avoid possible conflicts during the project construction phases.
- TR-8 Any traffic control activity on SR 178 shall meet Caltrans standards and shall be accompanied by an encroachment permit issued by Caltrans

Findings: With implementation of TR-1 and TR-2, impacts would be less than significant.

Impact XVI-e: *The Project may result in inadequate emergency access.*

Mitigation Alternatives 1 and 2:

Refer to Mitigation Measure TR-2

Findings: Implementation of mitigation measure TR-2 would ensure that adequate emergency access approaches and driveways are installed at the Project Alternatives' sites. Therefore, with implementation of TR-2, impacts would be less than significant.

3.17 Utilities and Service Systems

No potentially significant impacts for which mitigation is necessary.

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

SUBJECT:

Nomination and Appointment to fill a vacancy on the Planning Commission

PRESENTED BY:

Rachel J. Ford – City Clerk

SUMMARY:

City of Ridgecrest has received a letter of resignation from Planning Commissioner Scott Davis.

Mr. Davis was appointed by Mayor Pro Tempore Jim Sanders therefore Mr. Sanders will be nominating a replacement to fill the vacancy until expiration of the term in December 2016.

A new Planning Commission will be appointed in January 2017 after the General Municipal Election.

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTION REQUESTED:

Nomination and confirmation of appointment to planning commission

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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

Action Date: July 6, 2016

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

SUBJECT: Request for Sponsorship of the Petroglyph Rock Art Festival from the City of Ridgecrest

PRESENTED BY:
Rachel J. Ford – City Clerk

SUMMARY:

Once again a Petroglyph Rock Art Festival will be held November 5-6, 2016. Business leaders from the Ridgecrest community are planning the Petroglyph Rock Art Festival to highlight the rock art in the area and to brand the Ridgecrest area as the rock art capital of North America. With the Petroglyphs in Little Petroglyph Canyon, the area is widely known for having some of the finest Petroglyphs in North America and Little Petroglyph Canyon is designated as a national historic landmark.

The festival has been established as an annual event and is a tremendous draw to bring tourists to the Ridgecrest area to stay in our hotels, eat in our restaurants and shop at local businesses. Once tourists have been to Ridgecrest, we envision many of them coming back again because there is much to see within a short drive of the Ridgecrest area.

The Petroglyph Education Foundation has been actively raising donations to fund the event and this year has made a request for the City of Ridgecrest to sponsor the event through Special Event Insurance and in-kind services including traffic control and crowd control.

As a City sponsored event, the City's General Liability Insurance coverage is available at no additional cost to the City.

FISCAL IMPACT:

In-Kind Contributions to be determined

Reviewed by Finance Director

ACTION REQUESTED:

Discuss the subject request and determine level of sponsorship for the event. Approve a resolution authorizing special event insurance and in-kind services

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Rachel Ford
(Rev. 02/13/12)

Action Date: July 6, 2016

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RESOLUTION NO. 16-XX

A RESOLUTION OF THE RIDGECREST CITY COUNCIL SUPPORTING THE 2016 PETROGLYPH FESTIVAL AS A SIGNATURE EVENT OF THE CITY AND AUTHORIZE SPECIAL EVENT INSURANCE AND IN KIND SERVICE TO SUPPORT THE EVENT

WHEREAS, the City recognizes and acknowledges the importance of public events that serve to enrich the civic, charitable, cultural, economic, athletic, and education of the community; and,

WHEREAS, the City encourages support of public events that provide the community and visitors these enrichments; and,

WHEREAS, the City desires to support the 2016 Petroglyph Festival as a signature event and consider allocating in-kind services to assist with costs associated with holding a signature event in the community; and,

WHEREAS, the City can benefit from a successful Signature Event, with increased revenues from tourism.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Ridgecrest does hereby:

1. Declare that the 2016 Petroglyph Festival is a Signature Event for the City of Ridgecrest; and,
2. Authorize the City Clerk to request Special Event Insurance Certificates for the Petroglyph Festival scheduled on November 5-6, 2016.
3. Commit to providing in-kind services in an amount to be determined.

APPROVED AND ADOPTED this 6th day of July, 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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CITY OF RIDGECREST
Special Events Application
PERMIT FEE \$215.00

FOR CITY CLERK'S USE ONLY			
Date Received	ROUTING:	Public Wks.	Police
6/15/2016		Risk Mgmt	City Mgr.
			Parks
			City Clerk

Applicant's Name: DOUGLAS LUECK

Organization's Name: PETROGLYPH EDUCATION FOUNDATION

Street Address: 643 N CHINA LAKE BLVD SUITE C

City: RIDGECREST State: CALIF Zip: 93555

Person in Charge of Event: DOUG LUECK / Debbie BENSEN

Home Phone: 760-371-5742 Work Phone: 760-375-8202 ext: _____ Email: DLUECK@VISITDESERTS.COM

Name of Event: 3RD ANNUAL / Ridgecrest Petroglyph Festival

Date of Event: NOV 5-6 2016 Time of Event - From: 6:00 AM To: 5:00 PM
(MM/DD/YYYY) ONLY

Location of Event/Route of Parade, including starting point and termination point (attach diagram or map):
KERN COUNTY PETROGLYPH PARK

Are lane, street closures, detours, traffic control, etc. required? Yes No If Yes, Explain *
LAS FLORES ONLY / FRENCH TO COSO ST (ONLY)

*Items noted above will be done by City Public Works and/or Police Departments (there will be a charge)

Time of Event/Route Preparation: NOV 5 6:00 AM 2016 Time of Route/Event Clean-up: NOV 6 6:00 PM 2016

Estimated Number of Participants: 350-450 Time of Participant Assembly: _____

Estimated Number of Spectators: 10,000-12,000 Maximum Length IF a Parade: N/A

Participants Present (e.g. bands, floats, vehicles, etc.): N/A

Number of Portable Rest Rooms: 25 Location(s) VARIES

Use of Amplified Sound Systems? Yes No Location(s) N/A

Judging/Announcing Locations: N/A

Use of Portable Generators? Yes No Location(s) IN PARK ONLY 4 UNITS

Use of Walkie-Talkies? Yes No How Many? N/A Will alcoholic beverages be available? Yes No

Event/Parade Route Vendors? Yes** No Number/Location(s) N/A
(**MUST OBTAIN A CITY BUSINESS LICENSE)

Parking Facilities for Event/Parade Participants? Yes No Location(s) IN COUNTY PARK

Insurance for this event will be provided by: Name: CITY OF RIDGECREST

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____

Douglas Lueck
Signature of Applicant

4/14/16
Date (MM/DD/YYYY)

WAIVERS AND GUARANTIES

1. Applicant has read the rules and regulations and agrees to abide by and enforce the same.
2. Applicant also agrees to abide by all rules, regulations, laws or statutes which apply to this event which have been or may be established by the City, County, State, or Federal governments.
3. Applicant and any other persons, organizations, firms, or corporations on whose behalf the application is made, by filing such application do stipulate, contract, and agree that they will jointly and severally indemnify and hold the City of Ridgecrest and its officers and employees harmless against liability for any and all claims for damage to property, injury to, or death of persons from the issuance of the special event permit.

Name of Applicant <u>Doug Lueck</u>				
Event Name <u>Petroglyph Education Festival</u>			Event Date <u>Nov. 5-6, 2016</u> (MM/DD/YYYY)	
CITY OF RIDGECREST USE ONLY				
Approved	Denied	Department	Comments	
		Police		
		By:		
		Public Works		
		By:		
		Parks/Rec/Cultural Affairs		
		By:		
✓		Risk Management	Reso For Insurance to Council 7/6/2016, Insurance Pending	
		By: <u>Rachel G. Ford</u>		
		CITY MANAGER		
		By:		
Permit Fee of \$215.00 Waived <input type="checkbox"/> Yes <input type="checkbox"/> No				
Office Use Only FEES				
	Equipment	Labor	Materials	Total Cost
Police # of Officers <u> </u>				
Public Works				
Parks/Recreation				
Total Fees Due				

I hereby agree to pay the above total fees. I understand payment, made payable to: The City of Ridgecrest is due to the City Clerk's Office within 15 days of the event.

Signature Title Date (MM/DD/YYYY)

APPLICANT'S PROJECT NO. _____

CITY NO. _____

DATE _____

CITY OF RIDGECREST
100 WEST CALIFORNIA AVENUE
RIDGECREST, CALIFORNIA 93555

APPLICATION AND PERMIT FOR ENCROACHMENT

petroglyph EDUCATION FOUNDATION LAS FLORES AVE/FRENCH ST
CONTRACTOR ADDRESS OF PROJECT

43 N China Lake Blvd city of Ridgecrest
ADDRESS OWNER

Ridgecrest, Calif 93555 same
CITY STATE ZIP MAILING ADDRESS

760-375-8202 Ridgecrest, Calif 93555
TELEPHONE NUMBER CITY STATE ZIP

N/A LAS FLORES AVE/FRENCH ST LEROY JACKSON
STATE CONTRACTORS LICENSE NO. LOCATION OF PROJECT: *part*

NOV 4 TO NOV 6 2016
COMMENCEMENT DATE

NOV 6 2016
APPROXIMATE DATE OF COMPLETION

WILL TRAFFIC BE BLOCKED AT ANY TIME?

YES

NO

WILL ANY EXCAVATION BE OVER 5' DEEP?

YES

NO

PURPOSE OF PERMIT:
(Circle all that apply)

INSTALLATION

REPAIR

EXCAVATION

Electric Gas Telephone Television Sewer Water Curb, Gutter, and/or Sidewalk Other: ROAD closed
(Circle one) LAS FLORES AVE

COMMENTS:

COURT LIBRARY BUILDING TO FRENCH
closed

NOTICE

Applicant assumes full responsibility to remove and/or relocate any obstructions and/or utilities above or below ground which interfere with the installation of the facility for which this permit is issued.

Douglas Lueck
Signature of Applicant

DOUGLAS LUECK

Name of Applicant (Please Print)

Applicant is: (Circle One)

PROJECT OWNER

PROJECT CONTRACTOR

INSPECTION DEPARTMENT

WORK ACCEPTABLE _____

DATE _____

SQ.FT. OF EXCAVATION _____

INSPECTOR'S SIGNATURE _____

RESOLUTION NO. 15-88

A RESOLUTION OF THE RIDGECREST CITY COUNCIL SUPPORTING THE 2015 PETROGLYPH FESTIVAL AS A SIGNATURE EVENT OF THE CITY AND CONSIDER ALLOCATING FUNDING FROM THE FISCAL YEAR 2015-2016 BUDGET TO SUPPORT THE EVENT

WHEREAS, the City recognizes and acknowledges the importance of public events that serve to enrich the civic, charitable, cultural, economic, athletic, and education of the community; and,

WHEREAS, the City encourages support of public events that provide the community and visitors these enrichments; and,

WHEREAS, the City desires to support the 2015 Petroglyph Festival as a signature event and consider allocating funding and in-kind services in the Fiscal Year 2015-2016 budget to assist with costs associated with holding a signature event in the community; and,

WHEREAS, the City can benefit from a successful Signature Event, with increased revenues from tourism.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Ridgecrest does hereby:

1. Declare that the 2015 Petroglyph Festival is a Signature Event for the City of Ridgecrest; and,
2. Commit to allocating funding in the amount of \$8,000.00 for Fiscal Year 2015-2016, to assist local agencies with costs associated with holding the event; and
3. Commit to providing in-kind services in an amount to be determined.

APPROVED AND ADOPTED this 2nd day of September, 2015 by the following vote:

AYES: Council Members Acton, Thomas, and Mower

NOES: Mayor Breeden and Council Member Sanders

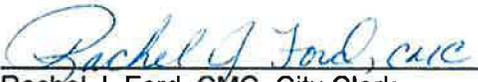
ABSTAIN: None

ABSENT: None

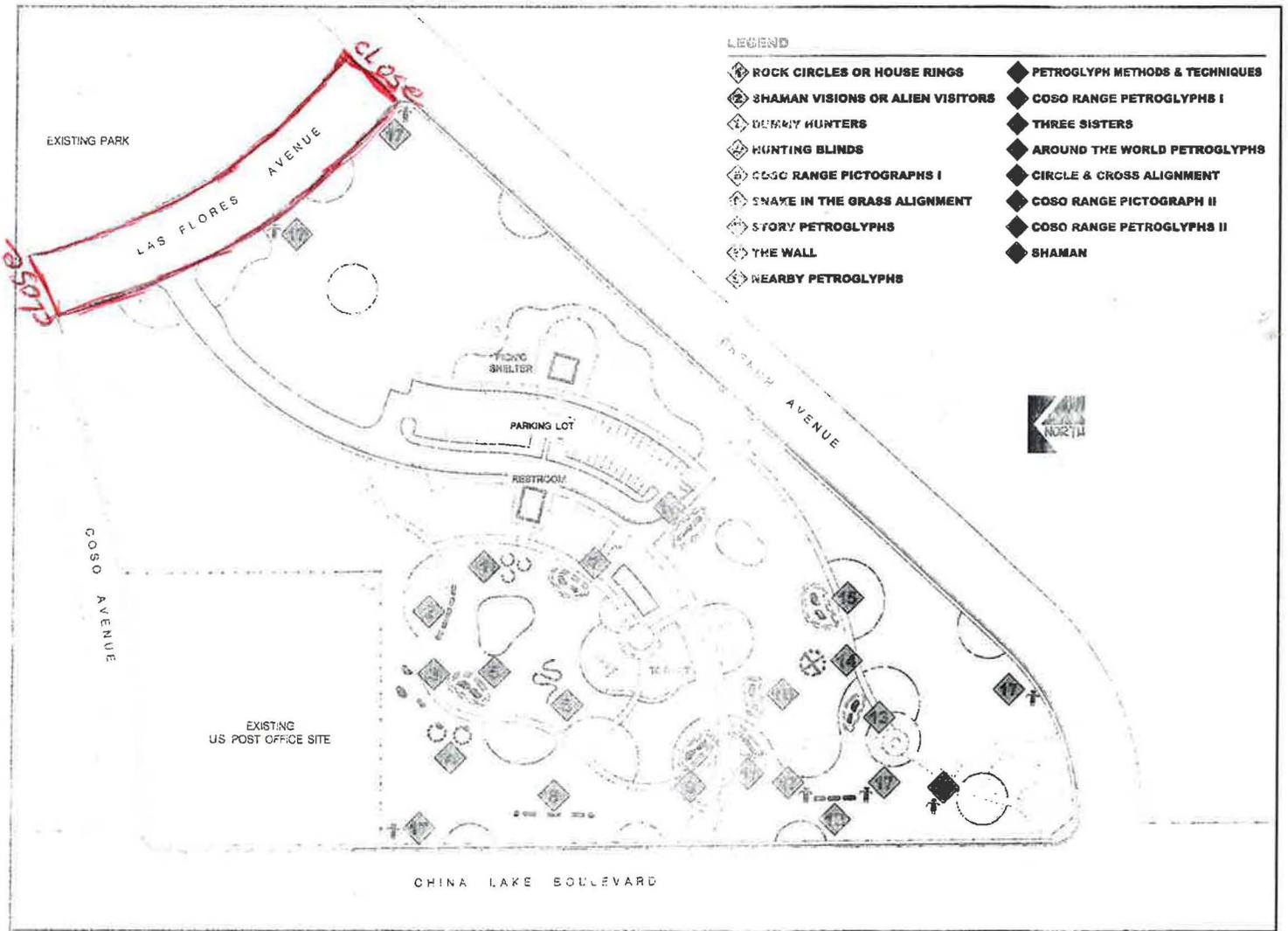


Peggy Breeden, Mayor

ATTEST:



Rachel J. Ford, CMC, City Clerk



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

SUBJECT:

Discussion And Proposed Action To Approve A Resolution Designating A Voting Member And Alternate To Attend The League Of California Cities Annual Conference And Represent The City Of Ridgecrest.

PRESENTED BY:

Rachel J. Ford, CMC – City Clerk

SUMMARY:

The League's 2016 Annual Conference is scheduled for October 5-7, 2016 in Long Beach, California.

An important part of the Annual Conference is the Annual Business Meeting (*at the closing General Assembly*). At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, the City Council must designate a voting delegate. The City may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity

Council will discuss and select a voting delegate and alternate voting delegates to serve as our voice at the League of California Cities annual business meeting.

FISCAL IMPACT:

No Fiscal Impact

Reviewed by Finance Director

ACTION REQUESTED:

Approve a resolution designating a voting delegate and alternate voting delegates to attend the annual business meeting of the League of California Cities

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve a resolution designating both a voting delegate and alternate voting delegates for the annual business meeting of the League of California Cities.

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RESOLUTION NO. 16-XX

A RESOLUTION OF THE RIDGECREST CITY COUNCIL DESIGNATING VOTING DELEGATES AND ALTERNATES FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

WHEREAS, the League of California Cities hosts an Annual Conference; and,

WHEREAS, business meetings and actions occur at this conference; and,

WHEREAS, the conference will be held October 5-7, 2016 in the City of Long Beach; and,

WHEREAS, the City Council must approve voting delegates by adoption of resolution.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Ridgecrest hereby designates _____ as the voting delegate and appoints _____ as the first alternate voting delegate and _____ as the second alternate voting delegate.

APPROVED AND ADOPTED, this 6th day of July 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Peggy Breeden, Mayor

ATTEST:

Rachel J. Ford, CMC
City Clerk

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1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Council Action Advised by July 31, 2016

June 10, 2016

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference – October 5 – 7, Long Beach**

The League's 2016 Annual Conference is scheduled for October 5 – 7 in Long Beach. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly), scheduled for noon on Friday, October 7, at the Long Beach Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 23, 2016. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 5, 8:00 a.m. – 6:00 p.m.; Thursday, October 6, 7:00 a.m. – 4:00 p.m.; and Friday, October 7, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, September 23. If you have questions, please call Kayla Gibson at (916) 658-8247.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.



CITY: _____

**2016 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Friday, September 23, 2016. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ E-mail _____

Mayor or City Clerk _____ Phone: _____
(circle one) (signature)

Date: _____

Please complete and return by Friday, September 23, 2016

League of California Cities
ATTN: Kayla Gibson
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: kgibson@cacities.org
(916) 658-8247

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

SUBJECT:

Proposed Action To Approve A Letter Of Protest To Antelope Valley Cancer Center Regarding The Closure Of The Radiation Therapy Department – Ridgecrest Office

PRESENTED BY:

Peggy Breeden - Mayor

SUMMARY:

At the Regular meeting of Council dated June 1, 2016, Mayor Breeden requested an agenda item authorizing the City of Ridgecrest City Council to issue a formal letter of protest to Antelope Valley Cancer Center regarding the recent closure of the Radiation Therapy Department in the Ridgecrest Office. Subsequently, on June 15, 2016, Council requested staff draft the letter and return at this meeting for final review.

This item allows for Council discussion and editing of the draft Letter of Opposition and An approved motion for this item would authorize the Mayor and each Council Member to sign the letter prior to distribution to both the Antelope Valley Cancer Center and copy to Centers for Medicare and Medicaid.

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTION REQUESTED:

Proposed action is to approve by minute motion a letter of protest to Antelope Valley Cancer Center and copy to the Centers for Medicare and Medicaid, regarding the closure of the Radiation Therapy Department at the Ridgecrest Office.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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

Action Date: July 6, 2016

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CITY OF RIDGECREST

Telephone 760 499-5000

FAX 760 499-1500

100 West California Avenue, Ridgecrest, California 93555-4054

July 6, 2016

Antelope Valley Cancer Center
1517 N. Downs St
Ridgecrest, CA 93555

To Whom It May Concern:

The purpose of this letter is in response to, and expressing the opposition of the Mayor, City Council, and concerned citizens of the City of Ridgecrest California, regarding closure of the Antelope Valley Cancer Center Radiation Therapy Department – Ridgecrest Office.

The City of Ridgecrest, as well as nearby communities of Lone Pine, Independence, Big Pine, Bishop, Weldon, Onyx, Lake Isabella, Kernville and others, are remotely located and this closure places a hardship on the citizens who now must travel in excess of 90 miles one way to receive lifesaving treatment. For some this hardship is compounded with an inability to obtain transportation, lack of funds to cover additional expenses incurred by traveling a greater distance, and could result in loss of life when treatment is not readily available.

We recognize the tremendous value the Radiation Therapy Department provides to the City of Ridgecrest and surrounding communities and understand the decision was largely a response to recent changes made by Medicare, however the service is gravely needed in our area and we respectfully request the Antelope Valley Cancer Center reconsider the decision to close the department.

Sincerely,

Peggy Breeden, Mayor

Jim Sanders, Mayor Pro Tempore

Lori Acton, Vice Mayor

Eddie Thomas, Council Member

Mike Mower, Council Member

cc: Centers for Medicare & Medicaid Services
7500 Security Boulevard, Baltimore, MD 21244

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

SUBJECT:

Blue Zones Speaking Event: City Partnership & In-Kind Support

PRESENTED BY:

Peggy Breeden – Mayor

SUMMARY:

Mayor Breeden was asked by Ridgecrest Regional Hospital to bring this item to the full Council for discussion and possible approval of in-kind services for the Blue Zones Speaking Event.

Sponsored by Ridgecrest Regional Hospital (RRH), Blue Zones evangelist Tony Buettner will be speaking at a public event on July 13th at the Kerr McGee Center. This event will be the first public event for a Wellness Campaign started by RRH. From this event, Mr. Buettner will evaluate the potential for Ridgecrest to become a Blue Zone as well as educate all attendees.

Becoming a Blue Zone would have profound and terrific ramifications on our community. Resources would become available and consultants would help start and guide a very exciting Wellness movement. So RRH is looking to open the July 13th speaking event to the entire community, which requires considerable space and audio/video considerations.

RRH is requesting a partnership with the City of Ridgecrest. This partnership would entail the in-kind provision of Kerr McGee Center full banquet hall, the projection & audio equipment necessary to fill the room, and the necessary staff time from Parks & Recreation and Information Technology Depts. in order to set up and train event staff.

Event Details:

- Date: July 13th, 2016
- Length: 6:00pm to 8:00pm (2 hours)
- IT Support: projection & audio setup (level of Economic Outlook Conference) and tutorial to event staff for the running of audio & video
- Facility: Full Banquet Hall @ Kerr McGee Center
- Tables & Chairs: 60 tables & approximately 500 chairs (layout attached & submitted to Parks & Recreation)

FISCAL IMPACT:

Staff estimates the cost to set-up and take-down for the event to be approximately \$780 for Parks & Rec staff and \$360 for IT. These costs are above and beyond routine scheduled duties and are typically offset by the fees charged. Total proposed unreimbursed cost to the City for this event is approximately \$1,140

Reviewed by Finance Director

ACTION REQUESTED:

Council discussion and consideration of request to City of Ridgecrest to provide in-kind services for the Blue Zones speaking engagement.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

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

SUBJECT:

Appointment to the Kern Economic Development Corporation

PRESENTED BY:

Peggy Breeden - Mayor

SUMMARY:

The Kern Economic Development Corporation is a non-profit, mutual benefit corporation organized for the purpose of attracting new business and industry to all cities and communities in Kern County, to retain existing industry and businesses currently located in Kern County, to compile a comprehensive data base to be used in attracting and retaining industry and to support the development of a skilled and experienced labor force and educational programs to assure a source of talent for industry.

It is in the best interest of the City of Ridgecrest to have a member appointed to the board to give input and help the community continue to grow and thrive.

This item is to appoint a representative of this agency.

FISCAL IMPACT:

None

Reviewed by Finance Director

ACTION REQUESTED:

Appoint a representative to the board of directors of the Kern Economic Development Corporation to represent the interest and mission of the City of Ridgecrest

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:

Submitted by: Rachel J. Ford
(Rev. 02/13/12)

Action Date: June 6, 2016

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BYLAWS OF

KERN ECONOMIC DEVELOPMENT CORPORATION

ARTICLE I

NAME, OFFICE AND SEAL

Section 1. The name of the Corporation shall be Kern Economic Development Corporation (hereinafter referred to as "Corporation" or "KEDC").

Section 2. The principal office for the transaction of business of the Corporation is fixed and located in Kern County, California. The Board of Directors may at any time change the location of the principal office within Kern County.

Section 3. The corporate seal of the Corporation shall have inscribed thereon the name of the Corporation and the year of its incorporation.

ARTICLE II

PURPOSE AND OBJECTIVES

The Kern Economic Development Corporation is a non-profit, mutual benefit corporation organized for the purpose of attracting new business and industry to all cities and communities in Kern County, to retain existing industry and businesses currently located in Kern County, to compile a comprehensive data base to be used in attracting and retaining industry and to support the development of a skilled and experienced labor force and educational programs to assure a source of talent for industry.

To accomplish its purposes, the Corporation shall:

1. Initiate and maintain an integrated development program for Kern County and its cities and communities, aimed at attracting new businesses to diversify Kern County's economic base through target marketing to prospective users;

2. Encourage and provide a supportive climate for economic growth and the conduct of business and industry by facilitating compliance with government regulations at all levels by streamlining procedures for permitting and other processes, where possible;

3. Actively seek out desirable businesses and industries looking to expand or relocate and assist them in locating into Kern County;

4. Make every effort to reach and to assist existing businesses and industries located within Kern County with their expansion plans;
5. Impartially serve all cities and communities within Kern County;
6. Maintain a solid and continuing base of support from the County and from the cities and communities within the County, and supporting agencies and organizations to maximize the Corporation's effectiveness;
7. Advocate and facilitate the cooperative efforts between the private and public sectors;
8. Promote and assist in the development of community facilities which enhance the desirability of Kern County and its communities;
9. Make efficient and effective use of the resources supplied by the County and the cities and communities within the County;
10. Solicit funding from private sources in support of the Corporation.

ARTICLE III

MEMBERSHIP, VOTING AND DUES

Section 1. Individual Members - Any reputable person having an interest in Kern Economic Development Corporation objectives shall be eligible to apply for membership. Each regular member shall have one (1) vote and be eligible to become a member of the Board of Directors and an Officer of the Corporation.

Section 2. Government Agency/Non-Profit Organization members - Any government agency or non-profit organization situated solely within Kern County and that has an interest in Kern Economic Development Corporation objectives shall be eligible to apply for membership. Such membership shall be in accordance with the provisions of the County of Kern Contract, and otherwise each government agency or non-profit organization member shall have one (1) vote. The agency or non-profit organization member must designate an individual to represent it. The representative may cast the vote for the agency or non-profit organization member and shall be eligible to become a member of the Board of Directors and an Officer of the Corporation.

Section 3. Private Entity Members - Any for-profit corporation, partnership, limited liability company or other business entity having an interest in the Kern Economic Development Corporation objectives shall be eligible to apply for membership. Each entity shall have one (1) vote. The entity must designate an individual to represent it. The representative may cast the vote for the entity and shall be eligible to become a member of the Board of Directors and an Officer of the Corporation.

Section 4. Membership Application - Applications for membership shall be reported to the Board of Directors. Qualifications for membership shall be determined by the Board of Directors.

ARTICLE IV

BOARD OF DIRECTORS

Section 1. Composition - The governing board of this Corporation (the Board of Directors) shall include Directors appointed in accordance with the provisions of the contract with the County of Kern (including two representatives from the Kern County Board of Supervisors and one representative from the Kern County Board of Trade) and shall consist of twenty-two (22) to thirty-five (35) representatives of members in good standing from the private sector; up to five (5) representatives of members in good standing from the workforce/education sector; up to eleven (11) representatives from municipalities which are members in good standing; one representative (total) from a special district/unincorporated community which is a member in good standing; one ex-officio representative from the Kern Economic Development Foundation; and the Corporation President as ex-officio Director.

Section 2. Nominations - All Directors shall be invited to nominate up to three (3) individual members or designated representatives of entity members (which members shall have been in good standing for at least one year) for board positions the terms of which are expiring. Call for nominations will be made at the board meeting immediately prior to the Annual Meeting and nominations shall be submitted to the Nominating Committee (to be appointed by the Board Chairman). The nomination and election schedule shall be determined by the Chairman or a designee prior to the call for nominations. A ballot with a listing of nominees and the organization and professional experience of each will be sent to each Director. Votes will be collected prior to the Annual Meeting, and a final slate of Directors will be presented by the Nominating Committee for adoption by the full Board of Directors at the Annual Meeting.

Section 3. Director Criteria – Directors shall generally reflect the following criteria and characteristics:

1. The Director should hold a leadership position within his or her member organization or within the local division of a larger organization, or be the person designated by the member generally to represent it in public affairs in Kern County.

2. The Director should have a demonstrated record of community leadership by engagement with the Kern County community through service on governmental, nonprofit or other boards or committees.

3. The Board of Directors as a whole should reflect the diversity of Kern County businesses and communities by reflecting (a) the variety of business, commercial and professional sectors in the Kern County economy, (b) the geographic

distribution of Kern County's businesses and governments, (c) a variety of perspectives and experience as they relate to economic and community development, and (d) demographic diversity.

Section 4. Term of Membership - The term of office for Directors elected or appointed at and after the 2016 Annual Meeting shall be one (1) three (3)-year term. Directors elected or appointed prior to the 2016 Annual Meeting shall serve the balance of their terms. If a Director who represents a member ceases to be an officer, partner, limited liability company member or employee of that member, his or her Director (and officer, if applicable) position by that fact shall become vacant. Directors appointed to replace a Director who represented the same member will complete the replaced Director's term. Other Directors appointed to fill a vacancy between Annual Meetings shall serve a full three (3)-year term plus the time to the next Annual Meeting. Upon completion of a Director's term, a Director may retire from the board or may be nominated for an additional term as long as the member, or the member the Director represents, continues to be a member in good standing. If a member who is a Director or has a representative who is a Director ceases to be in good standing, that Director (and officer, if applicable) position by that fact shall become vacant.

Section 5. Vacancies - Vacancies will be filled by the Board of Directors of the Corporation.

Section 6. Attendance - Absence from three (3) consecutive regular meetings of the Board by a Director or his alternate or his proxy may be construed by the Board, acting by adopted motion, as a resignation from the Board. After two (2) consecutive absences, the President shall investigate the matter and report to the Board, which may take action to either replace or retain the affected Director at the time of the third meeting.

Section 7. Election of Officers - The Board of Directors shall elect a Chairman of the Board, Vice-Chairman, a Secretary and a Treasurer as officers of the Corporation. The Immediate Past Board Chair shall serve an additional year on the Executive Committee and on the full Board of Directors. In addition to the powers and authorities expressly conferred upon them by these Bylaws, the Board may exercise all powers of the Corporation and do all such acts and things, as are not prohibited by statute or these Bylaws.

Section 8. Open Meeting Laws - The Board of Directors and any sub-committees shall conduct all business in accordance with the Ralph M. Brown Act (Government Code Section 54950 et. seq.).

Section 9. Meeting Notice - Meetings of the Board of Directors may be held at such place as a majority of the Directors designate or as may be designated in the Notice calling the meeting. Meetings will be held at regular intervals as determined by the Board of Directors. Notice of regular meetings of the Board of Directors shall be given to each Director by e-mail. Notice shall be given at least ten (10) days prior to the day designated for such meeting.

Special meetings of the Board of Directors may be called by the Chairman, upon

24 hour notice, or, in like manner and on like notice, at the written request of at least twelve (12) Directors. The notice must state the subjects to be discussed and the meeting will be limited to those subjects.

Emergency meetings may be called by the Chairman upon 24-hours notice, in accordance with the Ralph M. Brown Act (Government Code Section 54950 et. seq.).

Section 10. Waiver of Notice - Either before or after any meeting of the Board of Directors, any Director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to giving of such notice. Attendance by a Director at any meeting of the Board shall be a waiver by him of notice of the time and place thereof.

Section 11. Quorum - At all meetings of the Board of Directors, a quorum is a simple majority of the Directors present in person. The acts of the majority of the Directors present and voting at a meeting at which a quorum is present shall be the acts of the Board of Directors. Once a quorum has been constituted, it shall be assumed to remain until the meeting has been adjourned or the absence of a quorum has been questioned and been found to be in order. In either case, the meeting shall be adjourned and cannot be reconvened until the entire Board of Directors has been given proper notice as stated in these Bylaws.

Section 11. Annual Meeting - An Annual Meeting of the Corporation will be held each year for the purpose of transacting such proper business as may come before the meeting.

ARTICLE V

OFFICERS

Section 1. Number - The executive officers of the Corporation shall be a Chairman, a Vice-Chairman, a Secretary and a Treasurer, all of which shall be elected by the Board of Directors, and a President, who shall be appointed by the Board of Directors.

Section 2. Election - The election of officers shall take place at the Annual Meeting of the Corporation.

Section 3. Term and Removal - The officers of the Corporation shall hold office for two years or until their respective successors are chosen and have qualified. Any officer elected by the Board of Directors may be removed by the Board of Directors whenever, in its judgment, the best interests of the Corporation will be served thereby. If an office becomes vacant for any reason, the vacancy shall be filled by the Board of Directors.

Any agents and employees of the Corporation, other than officers elected by the Board of Directors, shall hold office or employment at the discretion of the Board of Directors.

ARTICLE VI
DUTIES OF OFFICERS

Section 1. Chairman of the Board - The Chairman of the Board shall be the principal officer of the Board of Directors of the Corporation and shall in general supervise all of the business and affairs of the Board of Directors. The Chairman shall preside at all meetings of the Board of Directors and in general will perform all duties incident to the office of Chairman and such other duties as may be prescribed by the Board of Directors from time to time. The Chairman of the Board will meet on a regular basis with the President of the Corporation, to provide ongoing assistance in the management and supervision of the activities of the Corporation.

Section 2. Vice-Chairman - The Vice-Chairman of the Board shall act as the principal officer of the Board of Directors in the absence or unavailability of the Chairman of the Board.

Section 3. President - The President shall be the chief executive officer of the Corporation and shall have such powers and duties as may be designated by the Board. The President shall be responsible for the general and active management of the business of the Corporation. The President shall keep in close contact with the Chairman of the Board regarding the ongoing business and activities of the Corporation. The President shall be an ex-officio member of the Board and all committees.

Section 4. Secretary - The Secretary or a Board designee shall keep the minutes of all meetings, shall have custody of the Corporation's seal for affixing to documents requiring attestation and shall have charge of any books and papers as the Board of Directors may require, all of which shall be open to the examination of any Director upon reasonable notice. The Secretary or a Board designee shall, in general, perform all duties incident to the office of Secretary and shall give notice as required of all meetings of the Board of Directors.

Section 5. Treasurer - The Treasurer or a Board designee shall have custody of the Corporation funds and securities, shall keep full and accurate accounts of receipts and disbursements in books belonging to the Corporation and shall deposit all monies and other valuable effects in the name and to the credit of the Corporation in such depositories as may be designated by the Board of Directors or the Executive Committee.

ARTICLE VII
COMMITTEES

Section 1. Executive Committee - The Board of Directors shall establish an Executive Committee to serve at the pleasure of the Board. The Executive Committee shall have the full authority of the Board, except that the Executive Committee shall not take any action prohibited under Section 7212 of the California Corporations Code, including but not limited to:

1. Take any final action on a matter requiring approval of the members;
2. Fill vacancies on the Board or on any committee that has the authority of the Board;
3. Fix compensation for the Directors for serving on the Board or on any committee;
4. Create any other committees of the Board or appoint members of committees of the Board;
5. Approve any contract or transaction between the Corporation and one or more of the Directors or between the Corporation and an entity in which one or more of the Directors has a material financial interest, subject to Section 5322(d) (3) of the California Corporations Code.

Section 2. Composition of Committees – The committees of the Board presently authorized are the Executive, Nominating and Membership Committees. Their membership is as follows:

1. The Executive Committee shall be comprised of the Chairman, Vice-Chairman, Secretary, Treasurer and President, two (2) representatives appointed by the County of Kern, the immediate past chairman of the Corporation for the first year after leaving the Chairman position, and any other Director elected by the Board in compliance with Corporations Code Section 7212.
2. The Nominating Committee shall be appointed by the Chairman.
3. The Membership Committee shall be appointed by the Chairman.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 1. Checks and Notes - All checks, drafts, trade acceptances and promissory notes of the Corporation shall be signed by such officer(s) or employee(s) as the Board of Directors may designate.

Section 2. Fiscal Year - The fiscal year of the Corporation shall end June 30.

Section 3. Deposits - All funds of the Corporation not otherwise employed

shall be deposited to the credit of the Corporation in such depositories as the Board or Executive Committee may designate. For the purpose of such deposit, any officer or employee, to whom such power has been delegated by the Board, may endorse, assign and deliver checks, drafts and other orders for the payment of money to the Corporation.

Section 4. Acceptance of Gifts, Donations, etc. - Any gift, donation, bequest or subscription to the Corporation shall be reported to the Board of Directors.

Section 5. Rules of Procedure - All meetings of the Board and its Committees shall be governed by the current edition of Robert's Rules of Orders and in compliance with the Ralph M. Brown Act (Government Code Section 54950 et. seq.).

Section 6. Books and Records - The Corporation shall keep correct and complete books, records of account and minutes of the proceedings of its Board of Directors. At the principal office of the Corporation, a record shall be kept of the names and addresses of the Board and of any committee members. All books and records of the Corporation may be inspected by any Director or the Director's agent in a reasonable manner. All records including minutes of the proceedings of the Board of Directors and any committee meetings shall be kept in compliance with the Ralph M. Brown Act (Government Code Section 54950 et. seq.).

ARTICLE IX

AMENDMENTS

These Bylaws may be altered, amended or repealed at any regular or special meeting of the Board of Directors by the vote of a majority of the Directors, provided notice of the proposed change shall have been mailed to each Director not less than seven (7) days prior to such meeting.

KNOW ALL MEN BY THESE PRESENT: That the undersigned Secretary of Kern Economic Development Corporation does hereby certify that at a properly convened meeting of the Board of Directors held on the 15th day of June, 2016, the foregoing Bylaws were duly amended by affirmative vote of the Directors then in office and that they constitute the official Bylaws of said Corporation.

Secretary



**2016-2017 Fiscal Year
Board of Directors and Executive Committee Meeting Dates**

BOARD OF DIRECTORS MEETINGS - (QUARTERLY)

Date	Location	Time
September 29, 2016	TBD	9:00 a.m.
January 26, 2017	TBD	9:00 a.m.
April 27, 2017	TBD	9:00 a.m.
June 29, 2017 (Annual Meeting)	TBD	9:00 a.m.

You will be sent a notice for both the Board meetings prior to the scheduled meetings.

Annual Dinner: TBD at JEH Ranch

EXECUTIVE COMMITTEE MEETINGS - (MONTHLY) Third Wednesday

There are no Executive Committee meetings scheduled for the month of July and December.

Date	Location	Time
July 15, 2016	DARK	
August 17, 2016	Kern EDC Conference Room	8:00 a.m.
September 21, 2016	Kern EDC Conference Room	8:00 a.m.
October 19, 2016	Kern EDC Conference Room	8:00 a.m.
*November 16, 2016	Kern EDC Conference Room	8:00 a.m.
December 21, 2016	DARK	
January 18, 2017	Kern EDC Conference Room	8:00 a.m.
February 15, 2017	Kern EDC Conference Room	8:00 a.m.
March 15, 2017	Kern EDC Conference Room	8:00 a.m.
April 19, 2017	Kern EDC Conference Room	8:00 a.m.
May 17, 2017	Kern EDC Conference Room	8:00 a.m.
June 21, 2017	Kern EDC Conference Room	8:00 a.m.

*Date subject to change

All board members are welcome to attend the Executive Committee meeting and if for any reason you wish to have an item placed on the agenda feel free to call Cheryl Scott with the information you would like to cover.

STAFF CONTACTS



Richard Chapman

President & CEO

Phone: (661) 862-5161

Email: Richard@kcdc.com



Cheryl Scott

Vice President

Phone: (661) 862-5162

Email: Cheryl@kcdc.com



Melinda Brown

Director of Business Development

Phone: (661) 862-5058

Email: Melinda@kcdc.com



Tamara Baker

Marketing & Research Coordinator

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Email: Tamara@kcdc.com



Courtney Ansolabehere

Marketing & Foundation Assistant

Phone: (661) 862-5157

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Michelle Lidgett

Administrative Assistant

Phone: (661) 862-5164

Email: Michelle@kcdc.com