



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

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

**August 16, 2006
6:00 p.m.**

**Tape Recorded
Tape 06-17**

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

CALL TO ORDER – 6:33

ROLL CALL

PRESENT: Mayor Pro Tem Richard Martin, Vice Mayor Daniel Clark, Council Member Ronald Carter

ABSENT: Mayor Marshall Holloway and Council Member Steven Morgan

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

REGULAR SESSION – 6:30 p.m.

PLEDGE OF ALLEGIANCE led by

INVOCATION – Reverend Bill Logan, Immanuel Baptist Church

APPROVAL OF AGENDA

Mr. Rose requested addition of an item to the Ordinances and Resolutions section that arose subsequent to posting of the agenda: A Redevelopment Agency Resolution Authorizing The Executive Director To Execute A

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Subordination Agreement And Estoppel Certificate (Women's Center – High Desert, Inc.) Moved by Council Member Clark, second Carter TO APPROVE THE AGENDA WITH THE ADDITION OF THE ABOVE ITEM. No public comment. Carried with a voice vote of 3 ayes, 2 absent; Mayor Holloway and Council Member Morgan absent.

PROCLAMATIONS AND PRESENTATIONS

1. Proclamation – Energy Efficiency Month

Council presented a proclamation to Wen Houtkooper, Executive Director, United Way of Indian Wells Valley, Harris Brokke, Board Member, and Debbie Hess, Regional Manager, SCE, in recognition of the Flex Your Power Campaign and Energy Efficiency Month August 2006 in Ridgecrest.

2. Presentation And Introduction Of New Police Officers

Chief Avery introduced Officer Jared Sparks, Officer Travis Gillette and Officer Anthony Agostinacci to the City Council and the community as our newest officers.

PUBLIC COMMENT

Dave Matthews,

- Can make them a good deal on a banjo for the RPD rock band
- Why is CALTrans paving a good street like China Lake Boulevard
- Why this and not W. Ridgecrest Boulevard – state road others are city and county roads
- If they had voted for measure Q those roads might have gotten done
- Maybe this will point out to the citizens to try to keep our tax money local
- Get on federal and state legislators to listen to us

Epicurean Delights, Jeff Clark

- Did not mean to sneak in with his medical marijuana shop
- Wish Mr. Morgan was here to address his comment from last meeting
- They are paying taxes on the sales and donating to the hospital
- Have close to 100 patients already
- He is a Vietnam vet and a lot of patients are also vets
- Do not want to create a problem just trying to offer a better life to the patient
- They are care givers and offer rides to doctor appointments
- A lot of people look healthy who are ill

William Howard, 1109 Mayo Street

- Constitutional rights being judged by the jurists deciding penalties

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- LCC
- Fear of people letting the people speak
- Eminent domain back into the hands of the people

CONSENT CALENDAR

3. **Resolution No. 06- , A Resolution Of The Ridgecrest City Council Adopting The National Incident Management System (NIMS) As The City's Emergency Management Response Protocol** Avery
4. **Resolution No. 06- , A Resolution Of The Ridgecrest City Council Setting A Public Hearing To Consider Comments And Recommendations For Expenditures For Funds Received Under The Supplemental Law Enforcement Services Fund** Avery

Item removed for discussion

5. **Resolution No. 06- , A Resolution Of The Ridgecrest City Council Authorizing Acceptance of A Decoy Shoulder Tap Project Grant from the State of California, Department of Alcoholic Beverage Control** Avery

The State of California, Department of Alcoholic Beverage Control has selected the Ridgecrest Police Department to receive a grant to conduct a Decoy Shoulder Tap Project. The goal of this project is to reduce the availability of alcohol to minors. This grant requires no matching funds.

6. **Resolution 06- 61, A Resolution Of The Ridgecrest City Council Ratifying (Authorizing) A Contract With Dave's Backhoe For A Public Works Maintenance Project (Las Flores Avenue and Inyo Street)** McRea

Item removed for discussion

7. **Resolution 06- , A Resolution Of The Ridgecrest City Council Ratifying (Authorizing) A Contract With Dave's Backhoe For A Public Works Maintenance Project (Vulcan Avenue and Ranger Street)** McRea

The Public Services Department is requesting that the City Council ratifies the construction project contract with Dave's Backhoe for construction of two curb returns, aprons, wheel chair ramps, sidewalk and a cross gutter at the intersection of Vulcan Avenue and Ranger Street in the amount of \$10,500.00.

8. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of July 19, 2006** Gable

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9. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of August 2, 2006** **Gable**
10. **Council Expenditure Approval List (DWR) Dated August 4, 2006 In The Amount Of \$734,322.15** **Winegardner**
11. **Agency Expenditure Approval List (DWR) Dated August 4, 2006 In The Amount Of \$31,614.21** **Winegardner**

Remove item 7 – Harvey Rose

Remove item 5 – Dave Matthews

Moved by Council Member Morgan, second Council Member Clark TO APPROVE CONSENT CALENDAR WITH ITEMS 5 AND 7 REMOVED. No public comment. Carried with a voice vote of 3 ayes, 2 absent; Mayor Holloway and Council Member Morgan absent.

5. **Resolution No. 06- , A Resolution Of The Ridgecrest City Council Authorizing Acceptance of A Decoy Shoulder Tap Project Grant from the State of California, Department of Alcoholic Beverage Control** **Avery**

Chief Avery – the shoulder tap program is the use of decoys to buy alcohol for juveniles.

Moved by Council Member Carter, second Council Member Clark TO ADOPT RESOLUTION NO. 06-62 A RESOLUTION OF THE RIDGECREST CITY COUNCIL AUTHORIZING ACCEPTANCE OF A DECOY SHOULDER TAP PROJECT GRANT FROM THE STATE OF CALIFORNIA, DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL. Public comment heard. Carried with a voice vote of 3 ayes, 2 absent; Mayor Holloway and Council Member Morgan absent.

7. **Resolution 06- , A Resolution Of The Ridgecrest City Council Ratifying (Authorizing) A Contract With Dave's Backhoe For A Public Works Maintenance Project (Vulcan Avenue and Ranger Street)** **McRea**

Mr. Rose requested the amount of \$10,500.00 be modified to \$11,000.

Moved by Council Member Carter, second Clark TO ADOPT RESOLUTION 06-63, A RESOLUTION OF THE RIDGECREST CITY COUNCIL RATIFYING (AUTHORIZING) A CONTRACT WITH DAVE'S BACKHOE FOR A PUBLIC WORKS MAINTENANCE PROJECT (VULCAN AVENUE AND RANGER STREET). No public comment. Carried with a voice vote of 3 ayes, 2 absent; Mayor Holloway and Council Member Morgan absent.

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ORDINANCES AND RESOLUTIONS

12. **Ordinance No. 06-08, An Ordinance Of The City Council Of The City Of Ridgecrest Adopting Zone Change No. 06-01 Changing The Zoning District From R-1 To R-3** **McRea**

Moved by Council Member Clark Carter, TO WAIVE READING IN FULL AND TO ADOPT, BY TITLE ONLY, ORDINANCE NO. 06-08, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST ADOPTING ZONE CHANGE NO. 06-01 CHANGING THE ZONING DISTRICT FROM R-1 TO R-3. No public comment. Carried with a voice vote of 3 ayes, 2 absent; Mayor Holloway and Council Member Morgan absent.

13. **Ordinance No 06-09, An Ordinance Of The City Council Of The City Of Ridgecrest Adopting Zone Change No. 05-01, Changing The Zoning District From M-1 (Light Industrial To R-3 (Medium Density/Multi-Family Residential)** **McRea**

Moved by Council Member Carter, Clark. TO WAIVE READING IN FULL AND TO ADOPT, BY TITLE ONLY, ORDINANCE NO 06-09, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST ADOPTING ZONE CHANGE NO. 05-01, CHANGING THE ZONING DISTRICT FROM M-1 (LIGHT INDUSTRIAL TO R-3 (MEDIUM DENSITY/MULTI-FAMILY RESIDENTIAL). No public comment. Carried with a voice vote of 3 ayes, 2 absent; Mayor Holloway and Council Member Morgan absent.

Added item

Resolution RRA No. 06-04, A Resolution Of The Ridgecrest Redevelopment Agency Authorizing The Executive Director To Execute A Subordination Agreement And Estoppel Certificate (Women's Center – High Desert, Inc.)

This matter was presented to staff following the preparation and posting of the Agenda and requires action in order for the Women's Center – High Desert, Inc. to obtain funding.

- This is property was sold to the Women's Center at \$15,000
- 21K – 15K with 5K written down that leaves 10K and yes the papers have been drawn up
- The Agency needs to subordinate it's position to the state in order for the Center to obtain state funding for the shelter

Mr. Carter wants staff to forgive the 10K bill

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William Howard

- Will you switch it around and give the property to the center
- If something happens down the road the state has the property
- If you hold a note against the property you have a recourse
- City has been stung in the past Front Porch Productions is an example

Diane Grattaroti, Director of Development Karen Stone, Program Director

- It is a 900K plus loan with the state
- Has to be a shelter for 10 years in order to receive the funding
- Been in business for 25 years so don't think we will be going any where

William Howard

- Agreed with everything they say
- City has been here over 30 years and should retain some interest in the property if the Center outgrows and moves on to another property

Moved by Agency Member Clark, Carter, TO ADOPT RESOLUTION RRA NO.06-04, A RESOLUTION OF THE RIDGECREST REDEVELOPMENT AGENCY AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SUBORDINATION AGREEMENT AND ESTOPPEL CERTIFICATE (WOMEN'S CENTER – HIGH DESERT, INC.). No public comment. Carried with a voice vote of 3 ayes, 2 absent; Mayor Holloway and Council Member Morgan absent.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

Reminder that the Council meeting of September 6, 2006 will be canceled due to lack of quorum – all Council Members will be attending the League of California Cities Annual Conference in San Diego September 6-9, 2006.

City Attorney Steven O'Neill

Scott Nave has been looking at options if the City wishes to regulate the current medical marijuana facility or future facilities. Suggests an interim ordinance to study direction to take.

Council comments

Mr. Clark wants a 2 year moratorium. Prop 215 has caused a lot of problems already. Went there last week to check it out. Talked to several men who were there and saw a referral. Also went to San Diego and asked to see Dr. Steiner was told it would cost \$125. to see him and was told he needed to have a second opinion. A less than year old Rx for pain meds would qualify. Has concerns of legitimacy of the whole system. Need a moratorium to be able to shake out an ordinance

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Mr. Carter wants a guard at the door to check IDs, doctors prescriptions, no marijuana is obvious in the entry, the place is secure and they go into another room to make purchase, no smoking and no one working there has a criminal record.

Jeff Clark gets his supply from Bakersfield, he grows it or gets it from patients – was asked how he knows if it is laced and replied 25 years of using it. Asked how secure is the building – stated there were 2 locks. He has a list of ailments you can have to get the marijuana.

Mr. Martin stated San Francisco is coming up with reso to limit marijuana clinics in their city. Has taken an oath to uphold the laws of the city, county, state and nation. Even with the Council at the LCC we still need to move on this.

City Attorney – An Urgency ordinance under health, safety and welfare is effective immediately and gives 45 days to fashion a workable ordinance

Consensus was to prepare a 45 day moratorium with an urgency ordinance. Set August 23 6 p.m. for urgency ordinance meeting

Public comment at 7:51 p.m.

Jeff Clark

- Made comments about driving if using medical marijuana
- Read a perjury statement to be made by recommending Dr.
- Agrees with the need for an ordinance
- Will cooperate with all city and county regulations
- MJ alleviates the pain making it tolerable
- Other opiates are addictive
- He has to verify all references with the doctors
- 46 patients last Thursday and now has 100
- there are three doors to go through before you reach the sale room
- has a sally port for customers to enter from off the street
- dead set against amphetamine use
- willing to work with the police re drug abuse
- it is less harmful than alcohol and most drugs
- does not belong on the narcotic level
- Carter asked him to submit his recommendations for what should be in the ordinance
- SC 420 also kern county ordinance has been given to city
- Verifies before he distributes
- Has concern with officers being able to review medical records

CITY ATTORNEY REPORTS

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None

COMMITTEES, BOARDS AND COMMISSIONS

Economic Development Committee

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

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

Next meeting to be announced

Legislative Committee

Members: Chair Duke Martin, Chip Holloway

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

Has not met but he has been attending LCC meetings re 13 props on ballot

Next meeting to be announced

Infrastructure Committee

Members: Chair Steve Morgan, Duke Martin, Jim Smith, Lois Beres

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

Next meeting to be announced

Planning and Zoning Ad Hoc Committee

Members: Chair Steven Morgan, Vice Chair Matt Feemster, Chip Holloway, and Jim Smith

Meetings: 4th Wednesday of the month at 6:00 p.m.

Next meeting to be announced

City Organization Committee

Members: Chair Ron Carter, Steve Morgan

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

Next meeting September 19

Quality of Life Committee

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

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

Next meeting August 24

Redevelopment Advisory Committee

Members: Chair Mike Hogan, Vice Chair *vacant*, Bob Peoples, Gary Charlon, Ron Ketcham and Nicole Guerrero. Ex-officio Members Council

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Members Steven Morgan and Ron Carter, Planning Commissioner Lois Beres

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

Next meeting to be announced

RACVB

Council Member Duke Martin

Council Member Steve Morgan- Alternate

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

Met August 16 – minutes are filed in the Clerks Agenda packet

Next meeting September 27

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Arts Council to meet August 27

Council and several staff members will be at LCC September 6-9 Council Member Martin is hosting an energy conservation seminar

MAYOR AND COUNCIL COMMENTS

Clark

- Attended the USO restoration dinner
- On August 20th 4-7 p.m. there is a fund raiser dinner at Eagles \$8 presale and \$10 at the door
- Fund raiser is for restoration of windows – take them out and redo it as original
- Kathy Armstrong is the person to contact
- School started today
- Testing has been outstanding this year
- Encouraged parents to encourage their young persons to go to their counselors if they are interested in the YAC
- Dr. Mary Reterer is new President of Cerro Coso Community College

Carter

- Excitement in the Air this morning with school starting
- Impressed with the number of students ready to start school
- 31 flavors donated all the ice cream for the social
- Be careful driving around especially in school zones

Martin

- Not all schools started today private start tomorrow
- Looking forward to BHS schedule and their sports season

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- Thanked Howard And Barbara Auld for the WW II luncheon on the 14th
- Had 60 or so veterans attend
- Attended the ground breaking At the Watchable Wildlife Area – fits right in at the 178 corridor
- Goes from the Crystal Palace to the Pinnacles
- Last Saturday at 9-11am had forum on 92.7 with the council candidates - he was on with Randy Jenkins and will discuss the props too
- If you don't educate yourself on the candidates and issues DON'T VOTE

ADJOURNMENT

Mayor Pro Tem Martin adjourned the meeting at 8:30 p.m.

Rita Gable, City Clerk