



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

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

**March 15, 2006
6:00 p.m.**

**Tape Recorded
Tape 06-07**

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 – 6:03

ROLL CALL

PRESENT: Mayor Marshall Holloway, Mayor Pro Tem Richard Martin, Vice Mayor Daniel Clark, Council Members Steven Morgan and Ronald Carter

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

CLOSED SESSION – 6:00 p.m.

GC54956.8 Real Property Negotiations – Surplus Property- APN 343-360-05, 11.5 ac. north of wastewater bio-field - City Negotiators Harvey Rose, James McRea and Gary Parsons

GC54956.8 Real Property Negotiations – Review of Agreement for 110 W. Ridgecrest Boulevard. and adjoining sites APN 067-192- 24, 26, 27, 31, and 33 - Agency Negotiators Harvey Rose, James McRea and Gary Parsons

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- GC54956.8 Real Property Negotiations – 4.5 Acre at Argus and Kern – City Negotiators Harvey Rose, James McRea and Gary Parsons
- GC54956.8 Real Property Negotiations – 139 Balsam Street – City Negotiators Harvey Rose, James McRea and Gary Parsons
- GC54956.8 Conference with Legal Counsel - Liability Issues – City/County Joint Planning Agreement
- GC54956.8 Redevelopment Agency - Conference with Agency Members – Existing Loan Agreement with Globe Protect USA, INC. - Agency Negotiators Harvey Rose, James McRea and Gary Parsons
- GC54956.9 Conference with Legal Counsel – Potential Litigation – Public Disclosure of Litigant Would Prejudice the City of Ridgecrest
- GC54956.9 Conference with Legal Counsel – Claim of Luis G. Gaurano
- GC54956.9 Conference with Legal Counsel – Claim of Donna J. Shereda Application for Leave to Present Late Claim

REGULAR SESSION – 6:48 p.m.

PLEDGE OF ALLEGIANCE led by

INVOCATION – Reverend Lyn Whitcomb, Ridgecrest Reformed Baptist Church

CITY ATTORNEY REPORT OUT OF CLOSED SESSION

Council received information regarding 110 W Ridgecrest Boulevard – no action taken; regarding Potential Litigant – no action taken; Gaurano v. Stickney et al – legal defense of Michael Stickney. discussed; Liability claim of Donna Shereda – Council rejected the application to present a late claim. Other items will be discussed in a continued closed session at the close of the regular meeting.

APPROVAL OF AGENDA

Moved by Council Member Morgan, second Council Member Clark TO APPROVE THE AGENDA. No public comment. Motion carried with a voice vote of 5 ayes.

PROCLAMATIONS AND PRESENTATIONS

1. **Proclamation Public Health Week 2006**

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Mayor Holloway and the Council presented a proclamation to Public Health Nurse Margaret Martin, in recognition of Public Health Week, April 2-8, 2006. Ms. Martin has provided services to patients at the Kern County Public Health Clinic in Ridgecrest for 22 years.

2. Presentation – Telecommunications – Craig Bradley

Presentation on the subject of congressional actions being taken in regards to telecommunications, how these actions will affect the City of Ridgecrest and local franchise fees. Booklet in Clerks Agenda file.

Dave Matthews, 717 Kevin Court

- Such a system could run all your data links and systems
- If that happened you would have only one line that could be easily broken

3. Appointment And Introduction Of New Planning Commissioner Lois Beres By Council Member Steven Morgan

As a Planning Commissioner Mrs. Beres was also appointed to the Infrastructure and Economic Development Committee.

PUBLIC COMMENT

Phyllis James, 341 S Helena

- Does the merger of AT&T and Bell South override the after school program
- Is asking if this is more important than the housing for aged and youth programs

Mr. Rose explained that the Council receives information on many subjects and tries to keep the community informed through presentations such as tonight's regarding telecommunications.

William Dale Howard, 1109 Mayo

- Planning Commission meeting discussed Planned Unit Development (PUD) part of the ordinance
- Take caution - this was wrong time to tweak things

CONSENT CALENDAR

4. Resolution No. 06-17, A Resolution Of The Ridgecrest City Council Adopting The Kern County Multi-Hazard Mitigation Plan Avery

5. Resolution No. 06-18, A Resolution of the Ridgecrest City Council Authorizing The Mayor To Execute An Agreement With The County Of Kern For Preparation Of Plans And Reconstruction Of Sunset Street Between

Church Avenue And Wilson Avenue, And Church Avenue Between Sunset Street And Norma Street (CD#17.05.1) – Phase II Pollock

The City of Ridgecrest has been allocated \$216,980 for roadway reconstruction at these locations.

Item 6 removed for discussion

6. **Resolution No. 06- , A Resolution Creating A Planning And Zoning Ad Hoc Committee** Rose

An Ad Hoc Committee comprised of Council and Commission Members will be created to focus on problem issues and make recommendations to the full Council and Commission for their action to solve these problems, while the City's General Plan is being reviewed.

7. **Resolution No. 06-19, A Resolution Of the City Council Authorizing the Execution of a Joint Powers Agreement**

8. **Council Expenditure Approval List (DWR) Dated March 03, 2006 In The Amount of \$679,327.95** Winegardner

9. **Agency Expenditure Approval List (DWR) Dated March 03, 2006 In The Amount of \$547.51** Winegardner

Council Member Clark requested removal of item 6

Moved by Council Member Martin, second Council Member Carter TO APPROVED THE CONSENT CALENDAR WITH ITEM 6 REMOVED. No public comment. Motion carried with a voice vote of 5 ayes.

Mayor Holloway emphasized the reasons for the hazard mitigation plan

6. **Resolution No. 06-20, A Resolution Of The Ridgecrest City Council Creating A Planning And Zoning Ad Hoc Committee** Rose

An Ad Hoc Committee comprised of Council and Commission Members will be created to focus on problem issues and make recommendations to the full Council and Commission for their action to solve these problems, while the City's General Plan is being reviewed.

Council Member Clark gave a brief explanation of what the Planning And Zoning Ad Hoc Committee duties would be. Feels there is a need to expand the duties of this committee.

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Council comment

Holloway – his understanding it was to be establishing policies as per visioning of March 4, 2006

Morgan feels it describes what it is supposed to do

Mr. Clark asked Matt Feemster to address this

Matt Feemster, Planning Commission Chair, sees the committees as being more free to hammer out problems easier than the Commission or Council working as advisory groups to the Commission and Council

Mr. Parsons says it would add 4-8 weeks into the planning process

Martin understood the Council and Commission at the joint meeting wanted the committee to establish vision and apply it to the planning process and not to review all development processes

Moved by Council Member Clark, second Council Member Carter TO ADOPT RESOLUTION NO. 06-20, A RESOLUTION OF THE RIDGECREST CITY COUNCIL CREATING A PLANNING AND ZONING AD HOC COMMITTEE. No public comment. Motion carried with a voice vote of 5 ayes.

PUBLIC HEARINGS

10. Resolution No. 06-21, A Resolution Of The Ridgcrest City Council Establishing Unmet And Reasonable To Meet Transit Needs Findings

McRea

M. McRea gave the staff report

- The Transportation Development Act of 1971 (TDA), as amended provides for the disbursement of funds from the Local Transportation Fund for various eligible transportation uses
- The funds are distributed by the Kern Council of Governments (KCOG), in its capacity as the Regional Transportation Planning Agency
- An eligible claimant wishing to receive TDA funding through KCOG must conduct an annual review of the transit needs of the individuals and groups in the community
- The hearing was duly noticed 30 days prior to this evening
- It would be appropriate to open the Public Hearing and receive written and oral comments regarding any “unmet transit needs” and determine whether these are “reasonable to meet”
- The documentation of the Public Hearing will be forwarded to KernCOG

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- Has been city attorney since 1985 and is unaware of the City filing any eminent domain actions in the past
- Law requires discussion of selling of property
- Eminent domain is usually at request of landowner as tax benefits are involved
- Redevelopment Agency usually takes the action
- Makes offer, has appraisal and fair market value is established
- If agreement is not reached the process begins
- The Council passes a resolution of necessity to begin the eminent domain
- Then the lawsuit begins - Agency has to post bond for fair market value
- Owner can take the funds if they desire
- If it continues judge decides if a need is present
- Jury decides if the price is fair

Opened for public comment – 8:05

Michele Miley, 735 Brianna

- Understand the law like for fire stations parks etc
- There is new law that includes economic value to the community
- What about a leased business on property owned by another
- Would there be a recourse – both owner and lesee

Clyde Kelley 200 Silver Ridge

- Moved here with a sense of pride from the coast
- Wants them to keep integrity in these dealings
- Don't want to see this done just for economic development

Steven Worstan, 620 Mt McKinley

- Supreme Court once declared the Dread Scott decision
- Today is the ides of march
- California has a law about the recall of elected officials
- If you follow the Supreme Court decision be aware

Mike O'Neil, 736 Randall

- Attorney referred to Constitution of US and California
- Private property for public use
- The Kelo decision was not for public use
- Quoted John Adams and Hamilton
- Point is the Supreme Court has become tyrannical

Luke McKenzie, 230 Benson Avenue

- What is difference between eminent domain and condemnation
- What can legally be done

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- Lemieux - inverse condemnation

Calvin Gilbert, Breanna

- Has been here for the last election
- Ran to do the right thing
- Ridgecrest has enough empty buildings
- We need to put things into those spaces
- Don't need another Rite Aid

William Howard, 1109 Mayo

- Read a paper about eminent domain being a dark cloud rising
- The owner is an immigrant from another land looking for a better life

Hugh Drake, 504 Rebel Road

- See position of Council being damned if you do and damned if you don't
- Don't know what else you can do to get that corner cleaned up

David Knight, 301 S. Allan

- Keep in mind the eminent domain definition was not correct
- Usually for roads, parks, schools, etc.
- Recently has been interpreted more broadly
- Legality is not morality

Gwen Jensen, 241 Panamint

- How many of you trade at Rite Aid
- Can change where she gets her prescriptions
- Room for more than one business there on that corner

Michele Whiley

- As business owner sure he (Chip) has empathy
- Cautioned that they just do the right thing
- It could be a nice area for downtown

Darrel Evans, 830 Kevin

- Thanked attorney for the explanation
- Not in favor of someone losing business but in favor of growth for the community
- Need to work together not bash each other
- Work hard as a Council not just at these meetings
- As a community we need to work for the betterment of the area
- It has been a blight and something needs to be done
- We need to come up with better idea than eminent domain

Timothy Neipp, 909 N Sierra View

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- Hope you can come up with a solution
- At one time was thinking about a resolution
- Would like to ask if that resolution has happened

Al Flynn, 1113 Krista

- That corner looks awful
- Maybe some other business will take it other than Rite Aid

(someone – did not get name), 121 N. Gateway

- A lot of other things could be done there like a park with a fountain
- Would be better than Rite Aid

Frank Nickolson

- Been here for 47 years
- Here on the 2nd attempt to incorporate the City
- Believes Council has taken this town in a direction not intended
- Go back and see what was wanted then (1963)
- Eminent domain was the last thing wanted
- Boycott in 1956

Bill Hall 532 Hall

Developer was given a 5 year

Dwight Atkins, 538 N Sierra View

- Encouraged Council to think of other ways to do things
- Look for something else that would fit here
- Why does Rite Aid have to be in that spot on very prime property
- Think outside the box

Council comment – 835 p.m.

Holloway

- ❖ Disheartening when suddenly we are attacked based on rumor and innuendo
- ❖ To assume that we would make a blatant decision without thought
- ❖ We are responsible in many cases of creating a perception
- ❖ There was a clause in the agreement to allow the developer to escape
- ❖ Yes, eminent domain is a tool in our toolbox
- ❖ Tax increase was not involved
- ❖ It was his main dream 8 years ago to clean up that corner
- ❖ Would you be as passionate if it was Traders Joes or Marie Callender or COSTCO or Applebees wanting to come into that corner
- ❖ We have heard your message
- ❖ We are confident that things will come to a good conclusion

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- ❖ Is sure that the community has never had a mayor or council that is more available
- ❖ Does not appreciate trying to be reached through the newspapers

Morgan

- ❖ Could not have said it any better
- ❖ The rumors thrown about this Council are incorrect
- ❖ A foregone conclusion is not incorrect
- ❖ Have always run on the prospect of giving the best for this community

Carter

- ❖ Has run for council 3 time
- ❖ Does not make decision recklessly but based on input from the citizens and what they want
- ❖ You need to come to give us your opinions

Clark

- ❖ Dovetailed on Darrell Evans comments
- ❖ We have a community conscience
- ❖ Those nasty letters in the newspapers really hurt
- ❖ We are here trying to do the best for the community
- ❖ Be hard on the issues but soft on your elected officials

Martin

- ❖ This is democracy at work and America at its best
- ❖ Heard someone say be patient
- ❖ Commended Mr. Howard on his emails and poem on eminent domain
- ❖ We research issues and investigate and then make decisions
- ❖ We don't make them on threats or intimidation
- ❖ We will do what we think is best for the community based on our research

Recessed at 8:58 p.m. to reconvene at 9:18 p.m.

ORDINANCES AND RESOLUTIONS

12. **First Reading, By Title Only, Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Zoning Map For APN#510-010-12, 17, & 18 from Urban Reserve to Estate Residential** **Parsons**

M. Parsons gave staff report

- The applicant, Tom Martin, has filed for a rezoning 67.9 Acres upon three lots, (AP#510-010-12, 17 & 18) from UR (Urban Reserve) to E-2 (Estate Residential / 10,000 sq. ft. minimum lot size)
- These are located at the SW Corner of Springer Avenue and College Heights Boulevard

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- On January 24, 2006 the Planning Commission approved a resolution, (attached), recommending the City Council adopt an Ordinance rezoning the above described property
- The Commission also approved a Negative Declaration
- This rezoning is consistent with the City's General Plan Land Use designation

(someone), N. Gateway

- Wants more greenbelts

William Howard

- This zoning is perfect
- Urban reserve is just holding the land until we know what we want to do with it
- Used to be able to build an R1 on an R2 lot without a problem
- Staff encourages the rezoning

Moved by Council Member Clark, second Council Member Carter TO WAIVE READING IN FULL AND TO INTRODUCE, BY TITLE ONLY, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE ZONING MAP FOR APN#510-010-12, 17, & 18 FROM URBAN RESERVE TO ESTATE RESIDENTIAL. Public comment heard. Motion carried with a voice vote of 5 ayes.

13. First Reading, By Title Only, Of An Ordinance Of The City Council Of The City Of Ridgecrest Increasing The Salary Of Council Members Rose

Mr. Rose gave the staff report

- California Government Code provides that the compensation of the Mayor and Members of the City Council of general law cities may be increased by an ordinance or by an amendment to an ordinance in an amount equal to 5% for each calendar year
- The last such adjustment in Ridgecrest was February 1, 2002
- The City Council is eligible to increase its compensation by an amount of 5% x 2 years, or 10%, from \$580 per month to \$638 per month effective 30 days following the adoption of this ordinance
- The City Council is also eligible to increase its compensation by an amount of 5% x 2 years, or 10%, from \$638 per month to \$702 per month effective February 1, 2007

Tom Martin, 228 E Harley

- Has pleasant opportunities to speak individually on many issues
- Feels it only fair they should make a reasonable salary

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Moved by Council Member Clark, second Council Member Carter TO WAIVE READING IN FULL AND TO INTRODUCE, BY TITLE ONLY, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST INCREASING THE SALARY OF COUNCIL MEMBERS. Public comment heard. Motion carried with a voice vote of 4 ayes and 1 no; Council Member Morgan voted no.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

We will host a budget retreat on Saturday and Sunday and suggested April 22 and 23.

This following item was taken earlier on the Agenda

14. \$50,000 Grant Fund Match for Boys and Girls Club.

CITY ATTORNEY REPORTS none

COMMITTEES, BOARDS AND COMMISSIONS

Economic Development Committee

Members: Chair Dan Clark, Chip Holloway, Lois Beres and Mike Biddlingmeier,
Meetings: 1st Thursday of the month at 5:00 PM; Council Conference Room
Next meeting April 6

Legislative Committee

Members: Chair Duke Martin, Chip Holloway
Meetings: probably quarterly - at 8:00 AM; Council Conference Room
Next meeting to be announced

Infrastructure Committee

Members: Chair Steve Morgan, Duke Martin, Jim Smith
Meetings: 2nd Tuesday of the month at 4:00 p.m., Council Conference Room
Met on March 8

- 3 hour discussion on development impact fees
- Traffic and drainage

Next meeting April 11 4 pm

City Organization Committee

Members: Chair Ron Carter, Steve Morgan
Meetings: 2nd Thursday of the month at 5:00 PM; Council Conference Room
Met

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- Dispatch center is completed
 - Finance is doing document imaging
 - Talked about budget retreat
 - Had a defective bus with bad wheel
 - Traffic grants being looked at
 - CNG grant should be
- Next meeting April 13

Quality of Life Committee

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

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

At next meeting will have

Leash law

ADA at playgrounds

Arts Council has policies and procedures in place

Next meeting March 30

Redevelopment Advisory Committee

Members: Chair Mike Hogan, Vice Chair Bob Peoples, Gary Charlton, Ron Ketcham. Ex-officio Members Council Members Steven Morgan and Ron Carter, Planning Commissioner Mike Biddlingmeier

Meetings: 2nd Wednesday of the month at 5:15 PM, Council Conference Room

Met March 7

- Approved suggested sale for 2 lots in business park for new credit union

Next meeting to be announced

Nicole Guerrero is Morgan's nominee to the committee

RACVB

Council Member Duke Martin

Council Member Steve Morgan- Alternate

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

Met March 15

- Discussed upcoming production of One Part Sugar independent feature film
- Will be shot in Trona and Ridgecrest – late March and April
- Bureau awarded \$4,000 grant from Kern County for permanent lighting on new tourism billboard on US 395 north of Brady's Mobile
- Will participate in the 2006 Locations Trade Show in Santa Monica in early April

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- Recent film production included Kris Kristofferson music video at the Pinnacles, still photo shoot at Fossil Falls, and both a student film and a Mitsubishi car commercial at Cuddeback Dry Lakebed
Next meeting April 19

Need to set day and time for new Planning and Zoning Committee – maybe the 4th week of month

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

KCAC dinner meeting March 23 in Arvin
Saturday March 25 – Bluejacket awards dinner
Kern County at LAFCO
March 29-31 is LCC policy meetings at LAX
KernCOG at Bakersfield
Saturday alliance of responsible recreation at senior center

MAYOR AND COUNCIL COMMENTS none

Youth Advisory Committee 100 voices for Youth re alcohol and drugs
Need to get parent permission and school counselors OK

Recessed to continued closed session at 9:57 p.m. to reconvene at 11:00

In continued closed session Council received information regarding surplus property 11.5 acres north of wastewater biofield – no action; 4.5 acres at Argus and Kern – no action; 139 Balsam – no action; City/County Joint Planning Agreement – no action; existing loan agreement with Globe Protect – gave direction to staff.

ADJOURNMENT

Mayor Holloway adjourned the meeting at 11:05 p.m.

Rita Gable, City Clerk