



**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 7, 2007
6:00 p.m.**

**Tape Recorded
Tape 07-04**

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 – 6:00 p.m.

ROLL CALL

PRESENT: Mayor Marshall Holloway, Mayor Pro Tem Steven Morgan, Vice Mayor Thomas Wiknich, Council Member Daniel Clark

ABSENT: Council Member Carter

STAFF: Harvey Rose, City Manager; Keith Lemieux City Attorney; Rita Gable, City Clerk; Tess Sloan and Tyrell Staheli, Administrative Services Department; Jim McRea, Community and Economic Development Department Director, Speers, Public Works Department Director; Joe Pollock, Assistant Public Works Director; Michael Avery, Chief of Police/Assistant City Manager; and other personnel

CLOSED SESSION – 6:03 p.m.

GC54956.8 Real Property Negotiations – USO Building, 230 W. Ridgecrest Boulevard and Adjoining sites – APN 067-140-44 – Agency Negotiators Harvey Rose, Michael Avery, and James McRea

GC54956.8 Real Property Negotiations – Parcel 4, Ridgecrest Business Park – APN 033-070-04, McLean Way, Parcel Map 1089 – Agency Negotiators Harvey Rose, Michael Avery, and James McRea

REGULAR SESSION – 6:38 p.m.

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – Regular

March 7, 2006

Page 2

PLEDGE OF ALLEGIANCE led by BSA Troop 291

INVOCATION – silent moment

CITY ATTORNEY REPORT OUT OF CLOSED SESSION

In Closed Session Council received information on the real property items – no action taken. The USO Building has an agenda item later in the open meeting.

APPROVAL OF AGENDA

City Manager Rose requested addition of an item by Council Member Wiknich (put at #13 on the agenda) regarding LAFCO televising their meeting with share of costs among its participating cities.

Moved by Council Member Morgan, second Council Member Clark TO APPROVE THE AGENDA WITH THE ADDITIONAL ITEM. No public comment. Carried with a voice vote of 4 ayes, 1 absent; Council Member Carter absent.

PROCLAMATIONS AND PRESENTATIONS

1. Presentation

Stuart Witt, General Manager, Mojave Airport/Spaceport, will give a presentation on the importance of air corridors and airspace.

Presentation will be rescheduled at a later date.

2. Presentation – Independent Auditor

Gary Caporicci and Ken Pun of Caporicci and Larson gave a presentation on the independent audit of the City's finances.

3. Youth Advisory Council

No report

PUBLIC COMMENT

Walt Maurer, 209 W. Mariposa

- Happy to see the new committee
- It is time for ACTION

Dave Matthews, 717 Kevin Court

- Glad to hear such a good audit report on our finances

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – Regular

March 7, 2006

Page 3

- Proud to belong in a city that is doing so well
- Desert Advisory Council trip this weekend Friday and Saturday

CONSENT CALENDAR

4. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of February 21, 2007** **Gable**
5. **Council Expenditure Approval List (DWR) Dated February 16, 2007 In The Amount Of \$209,685.80** **Winegardner**
6. **Council Expenditure Approval List (DWR) Dated February 23, 2007 In The Amount Of \$35,923.10** **Winegardner**
7. **Agency Expenditure Approval List (DWR) Dated February 16, 2007 In The Amount Of \$28,435.06** **Winegardner**

Citizen Mike Neel, Randal Street, requested removal of item #7 – had question as to the \$27126.06 for Lemieux and O'Neill.

Moved by Council Member Morgan, second Council Member Wiknich TO APPROVE THE CONSENT CALENDAR WITH ITEM 7 REMOVED. Carried with a voice vote of 4 ayes, 1 absent; Council Member Carter absent.

7. **Agency Expenditure Approval List (DWR) Dated February 16, 2007 In The Amount Of \$28,435.06** **Winegardner**

City Attorney Lemieux answered that the firm worked for the Redevelopment Agency as well as the City and this was the monthly attorney fee.

Moved by Council Member Morgan, second Council Member Clark TO APPROVE THE AGENCY EXPENDITURE APPROVAL LIST (DWR) DATED FEBRUARY 16, 2007 IN THE AMOUNT OF \$28,435.06. Public comment heard. Carried with a voice vote of 4 ayes, 1 absent; Council Member Carter absent.

ORDINANCES AND RESOLUTIONS

Chief Avery gave a report on these items addressing item 9 first and then item 8 noting the areas that were added and the reasoning for the addition.

8. **Introduction And First Reading: An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Municipal Code Regulating Medical Marijuana Dispensaries** **Avery**

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – Regular

March 7, 2006

Page 4

An ordinance is presented that regulates medical marijuana dispensaries in the City of Ridgecrest. This proposed ordinance has been amended during several discussions and is fashioned after the Kern County ordinance with several enhancements to protect public safety and ensure a non-profit venture.

Failed for lack of motion

9. Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Pertains To Unlawful Businesses Avery

- The proposed amendment makes it clear that a business license shall not be issued to any business that would violate any local, state or federal law
- The amendment continues that the issuance of a business license shall not be construed as authorizing the conduct or continuance of any illegal business or of a legal business in an illegal manner.

Council comment

Morgan – referring to item 8

- Go through great pains to have background checks
- Have picture ID's of whomever is working the "counter"
- Redundant phrase at bottom of page 11

Wiknich and Clark want to address item 9 first

Holloway commented he and Carter had worked very hard with and on the regulatory ordinance from the beginning and noted that Carter should be here as he has strong feelings about this

Public comment

Dave Matthews

- When dealing with government over the years have always adhered to "KISS"
- "keep it simple stupid"
- That's what item 9 does

Michael Hogan, 1117 W. Robert Avenue

- In August 2005 his wife was attacked by a meth dealer who kicked her repeatedly in the neck and head
- She suffered major nerve damage and has extreme pain
- She is in a wheel chair but getting a bit better
- She has a pain score of 42 out of 50 on the Magill scale
- She take "zillions" of pills a day for the pain
- Marijuana dulls the burning sensation in her hands and arms
- It's a "bitch" to drive to Bakersfield

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – Regular

March 7, 2006

Page 5

- You need to make it easier for the people who need this to get it locally

Bob Millsop, 733 Sunland

- Since this item has come up have been inundated with requests to write "scripts" for medical marijuana
- Not all seem qualified to receive the medical marijuana
- He cannot do so and will not do so
- Not really in favor of having a dispensary here
- But is not prepared to take the request for that

Joe Melendez, 1200 Jennifer Court

- Does not see any advantage in having a dispensary here
- Thought he read in the paper that the dispensary sold illegal as well as legal marijuana
- Feels we should put both ordinances into effect

Mike Neel, Randall

- Addressed some facts from the web site of California Healthy Kids
- Survey in fall 2005 in grade 11 regarding "drug" usage over 30 day period -
 - Alcohol 40% - inhalants 5% - marijuana 11%
- Council member who is a teacher has stated that 1/2 of high school kids use alcohol on weekends
- Don't want to give the wrong impression to our youth by allowing a marijuana dispensary
- Legislators provide moral leadership as well as legal
- If you are not willing to stand on principle you will fall
- Quoted a few biblical sections
- Any ordinance allowing medical marijuana in the community is wrong

Bud Klamt, 220 N. Gold Canyon Drive

- Is a candidate for medical marijuana
- He chooses not to use it
- The federal law is in fact illegal

Walt Maurer

- Mr. Hogan's plight is truly sad
- Is it better for a few to be appeased to the detriment of the many
- How can we get it to those who need it instead of endangering the majority
- The willingness to hand over to federal control is rampant
- Consider a second ordinance to just say no
- It is a spineless, gutless ordinance but it does effect the result we need
- If not having funds to fight a lawsuit is the only reason for not approving a "no" ordinance – that is wrong

Holloway – third option is to extend the moratorium

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – Regular

March 7, 2006

Page 6

Wiknich –

- Is moved by Mr. Hogan's story
- He basically asked for a just say no but this is what has evolved
- Does like the looks of item 9 and supports item 9

Clark –

- Over a year ago Epicurean Delights came onto our doorstep
- We passed the moratorium ordinance of not issuing any more business licenses for medical marijuana dispensaries
- He and another council member visited some marijuana doctors to see what the process was for obtaining a prescription card
- Could have gotten one on the spot with little effort
- Kids were found to have had it at the skate park
- Has been approached by many persons who use and want medical marijuana
- The owners came into trouble with the law and chose to close the dispensary
- Have not found many legitimate things in this business
- If we forbid a dispensary in this town there are still other places to get it
- He has to say no and wants an ordinance that keeps them from coming here forever
- Suggest we pass item 10 and come back with one that forbids it from our community

Morgan –

- No question of where he stands
- When medical things are needed there are many things we cannot get here and have to go elsewhere to get them
- See no difference with this
- NO, NO, NO

City Attorney Lemieux commented that item 9 is a ban but this is a very fast moving part of the law and things have changed. Susanville and another city allowed the dispensaries and have now reversed their thinking. There are 98 dispensaries in LA. Lompoc passed an aggressive ordinance that says none in our town but it is very similar to our language. If you want to go with a ban we can go down that route but it may conflict with state law. He can write the ordinance.

Holloway

- Keeps coming up with law of unattended consequences
- Tend to say yes when he feels no
- There are many touching stories of medical distress
- San Francisco has admitted they have made a mistake in their handling of this
- He has no problem supporting a stronger ordinance

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – Regular

March 7, 2006

Page 7

- He supports item 10 with the attorney coming back with a stronger ordinance by the next meeting on March 21

Attorney Lemieux explained the possibility of doctors prescribing and possibility of it coming into legal pharmacies sometime in the future.

Moved by Council Member Wiknich, second Council Member Morgan TO ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE AS IT PERTAINS TO UNLAWFUL BUSINESSES. Public comment heard. Carried with a voice vote of 4 AYES, 1 absent; Council Member Carter absent.

10. Ordinance No. 07- 03, An Interim Ordinance Of The City Council Of The City Of Ridgcrest Extending The Time Frame Prohibiting The Issuance Of Business Licenses For The Operation Of Medical Marijuana Facilities

Avery

- The current interim ordinance, No. 06-11, prohibiting the issuance of business licenses for the operation of medical marijuana facilities is set to expire on March 16, 2007
- While action effecting medical marijuana facilities may have occurred at this Council meeting, no ordinance would become effective until after the expiration of this interim ordinance
- Therefore, it is recommended that an extension of the moratorium be made for three (3) months and 15 days.

Moved by Council Member Clark, second Council Member Morgan TO ADOPT ORDINANCE NO. 07- 03, AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST EXTENDING THE TIME FRAME PROHIBITING THE ISSUANCE OF BUSINESS LICENSES FOR THE OPERATION OF MEDICAL MARIJUANA FACILITIES. No public comment. Voice vote of 2 ayes, 2 noes. 1 absent; noes Council Members Morgan and Clark, Council Member Carter absent. Motion did not pass.

- Staff proposed a 1 year extension of the moratorium.

Moved by Council Member Wiknich, second Council Member Clark TO ADOPT ORDINANCE NO. 07- 03, AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST EXTENDING THE TIME FRAME, AS AMENDED, PROHIBITING THE ISSUANCE OF BUSINESS LICENSES FOR THE OPERATION OF MEDICAL MARIJUANA FACILITIES. Motion carried with a voice vote of 4 ayes, 1 absent; Council Member Carter absent.

For the record: Mike Hogan did not make disparaging remarks about the Mayor.

OTHER ACTION ITEMS

11. **Disposition Development Agreement (DDA) Modification For The USO Building And Adjoining Sites, 230 W. Ridgecrest Boulevard – APN 067-192-24, 26, 27, 31** **McRea**

- The Redevelopment Agency executed a Disposition Development Agreement (DDA) with HSUMD for the sale and rehabilitation of the USO building on October 01, 2006
- The Agency is being asked to approve modifications to the agreement
- Amendment provides for a promissory note for 10 years
- if not transferred and in continuous use the note will be given to the Historical Society at the end of that time

Bill Nevins, 605 Kendall (HSUMD)

- Was there to answer any questions Council might have

Moved by Council Member Wiknich, second Council Member Clark TO PROCEED WITH THE MODIFICATION TO THE DDA FOR THE PROMISSORY NOTE. No public comment. Motion carried with a voice vote of 3 ayes, 1 absent, 1 abstention; Council Member absent, Council Member Morgan abstained (reason was there will be no place to put Parks and Recreation employees and equipment.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

12. **Midyear Budget Review** **Winegardner**

As Mr. Winegardner was in the hospital Tyrell Staheli, budget Officer, gave the review via a brief Power Point presentation. The semi-annual review was distributed and a copy is in the Clerks Agenda packet.

Added item

13. **General Discussion Regarding LAFCO Request To Televisе Their Meetings And Share Costs Among The Members** **Wiknich**

LAFCO wants to televise their meetings but there is disagreement of where to meet in order to do so and the cost involved. The City of Bakersfield has offered their facilities at no cost but the small cities want it in a more neutral location. Cost would be divided up three ways – County, Special Districts and small Cities. County Supervisors have offered their chambers at \$500 per meeting and Kern County School Superintendent at \$1000 per meeting. Council Member Wiknich asked Council for direction.

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – Regular

March 7, 2006

Page 9

Clark – seems like a very substantial cost to put on a TV programming – suggested rotating it through the city halls to cut the costs

Council consensus was to tell them to take the free hall offered by the City of Bakersfield.

CITY ATTORNEY REPORTS

None

COMMITTEES, BOARDS AND COMMISSIONS

Community Development Committee

Members: Chip Holloway, Steven Morgan, Jerry Taylor, Nellavan Jeglum
Meetings: 1st Thursday of the month at 5:00 p.m.; Council Conference Room
Next meeting March 20

City Organization and Services Committee

Members: Chip Holloway, Tom Wiknich, Mike Biddlingmeier, Lois Beres
Meetings: 2nd Thursday of the month at 5:00 p.m.; Council Conference Room
Next meeting March 8

Parks, Recreation and Quality of Life Committee

Members: Dan Clark, Ron Carter, Jerry Taylor, Howard Laire
Meetings: 4th Thursday of the month at 5:00 p.m.; Kerr-McGee Center
Next meeting March 22

Infrastructure Committee

Members: Chair Tom Wiknich, Steven Morgan, Lois Bees, Nellavan Jeglum
Meetings: 2nd Tuesday of the month at 4:30 p.m., Council Conference Room
Next meeting March 13

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

Members: Ron Carter, Dan Clark
Meetings: 2nd Monday of the month at 6:00 p.m., Kerr-McGee Center
Next meeting March 12

RACVB

Council Member Holloway
Council Member Morgan

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – Regular

March 7, 2006

Page 10

Meetings: 3rd Wednesday of the month, 8:00 a.m., RACVB Office
Next meeting March 20

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Mohave Desert Resource Conservation District dues for 2006 and 2007 are due at \$200/year

Council Member Clark - Youth Advisory Committee meeting March 12 and Arts Council March 28

Council Member Morgan will be attending the Quad State meeting in St George Utah next week

He Has been alternating series of meetings with the Mayor at KernCOG

There is a meeting March 15 regarding STIP funds for W. Ridgecrest Boulevard at the Kress building on 19th Street

Mayor Holloway noted he attended an East Group meeting on Monday to discuss the 4 year university for the desert. He made a plea to Antelope Valley Board Of Trade to adopt master plan.

MAYOR AND COUNCIL COMMENTS

Clark

- Thanked Rotary for the ethics and leadership conference for students
- Sat with Courtney Smith of Youth Advisory Committee - nice to work with them
- Great experience for our children
- 18 from Mesquite attended - Dr. Clark from Bakersfield was speaker
- Is planning a Town Hall meeting for ACTION committee soon

Wiknich

- Chip and he were on radio on Saturday and were challenged to survey the community more often
- Also proceed with town hall meeting and they will broadcast it
- Did mentioned Morgan's dinner with a council member
- Town hall meetings could rotate with two Council Members each time and Coyote will broadcast

Morgan

- Still has no date for the dinner meeting with him
- Thanked Rotary for a gross misrepresentation of their club being oldest club in the valley
- They may not be the oldest but they are the largest

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – Regular

March 7, 2006

Page 11

Clark noted that spring break is the first week in April and he is going to be gone and Mr. Carter may be gone too

Holloway

- Attended a Saturday thru Wednesday CUNA Government Conference in Washington paid for by 2 credit unions in town and one in Orange County
- He also worked on city business meeting with BRAC officials for 2 days
- BRAC – cautions everyone about the rumor mills in Ridgecrest as we are at a very critical time in this process
- No business plan has been presented to the Under Secretary as of last Friday

ADJOURNMENT

Mayor Holloway adjourned the meeting at 9:15 p.m.

Rita Gable, City Clerk