



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

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

**February 20, 2008
6:30 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 – 6:00 p.m.

ROLL CALL

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

STAFF: Harvey Rose, City Manager; Keith Lemieux, City Attorney; Rita Gable, City Clerk; Jim Winegardner, Administrative Services Department Director/City Treasurer; Jim McRea, Public Services Department Director, Dennis Speer, Public Works Department Director; Joe Pollock, Assistant Public Works Director; Jim Ponek, Parks, Recreation And Cultural Affairs Department Director; Michael Avery, Chief of Police/Assistant City Manager; Ronald Strand, Deputy Chief of Police; and other personnel

CLOSED SESSION – 6:03 p.m.

GC54956.9 Conference with Legal Counsel - Liability Claim of Travelers/Daniel Eisle, Claim #08-01

Added item

GC54956.8 Conference With Legal Counsel - Existing Litigation - Matrix Motor Company v. City of Ridgecrest

Moved by Council Member Morgan second Council Member Carter TO ADD MATRIX LITIGATION ITEM TO THE CLOSED SESSION. No public comment. Carried with a voice vote of 5 ayes.

REGULAR SESSION – 6:43 p.m.

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PLEDGE OF ALLEGIANCE led by Dorothy Brown

INVOCATION –

CITY ATTORNEY REPORT OUT OF CLOSED SESSION

In Closed Session Council received information regarding the Claim of Travelers/Daniel Eisle, Claim #08-01 - moved by Council Member Wiknich, second Council Member Morgan to deny claim, 5 ayes. No action taken on Matrix litigation.

APPROVAL OF AGENDA

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

PROCLAMATIONS AND PRESENTATIONS

1. Youth Advisory Council

No report per Council Member Clark

2. Presentation -

Don Zdeba, Mine Manager, Searles Valley Minerals Corporation, of Cooperative Water management Group consisting of - see list in handout – regarding the AB 303 Project-Indian Wells Valley. Handout is filed in the Clerk's Agenda packet.

Dr. Randy Bassett, GeoChemicals Technology Corp will give a presentation tomorrow after the Economic Outlook Conference.

3. Presentation - Employee Service Awards

City Council presented plaques honoring employees who have reached years of service milestones of 5 or more years of service to the City of Ridgecrest

5 YEARS

Laurie Barney
2002-2007

Yoko Burgess
2002-2007

Cheryl Bachinski
2002-2007

Anna Ettlting
2002-2007

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10 YEARS

Lynn Gallagher
1997-2007

25 YEARS

Karen Bowling

Anna Ettling accepted all the awards for those that were absent.

PUBLIC COMMENT 6:50 p.m.

Annette DeMay

- Read in DI that Council is concerned in low water use ordinance
- They wanted to see green grass
- Brought synthetic grass samples
- Many types of synthetic grass and it has improved in the last few years
- Company sells grass and complete labor installation at very reasonable prices

G. Roulund

- Why is there so much government control
- Read from a prepared script (Clerk requested copy as did Mayor Pro Tem Morgan)

Closed at 7:00 p.m.

CONSENT CALENDAR

This item was removed

4. **Resolution No. 08- , A Resolution Of The Ridgecrest City Council Setting Penalties, Late Payment Penalties, And Administrative Fees For Parking Violations** **Avery**

In 1992 the State of California decriminalized Parking Violations and made them a civil process. The state also granted the authority to Local Government to establish fines and fees for these civil parking violations. In 1993 the City of Ridgecrest adopted a civil parking violation program and established its current fee schedule. From time to time, the fees need to be reviewed for conformity to regional averages, and with the recent adoption of the Heavy Vehicle Parking Ordinance, the fees now need to be updated.

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5. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of February 6, 2007 Gable
6. Council Expenditure Approval List (DWR) Dated February 1, 2008 In The Amount Of \$314,336.94 Winegardner
7. Council Expenditure Approval List (DWR) Dated February 1, 2008 In The Amount Of \$3,245,.90 Winegardner
8. Agency Expenditure Approval List (DWR) Dated February 1, 2008 In The Amount Of \$657.70 Winegardner

Mike Neel requested item 4 be removed

Moved by Council Member Wiknich, second Council Member Clark TO APPROVE THE CONSENT CALENDAR WITH ITEM 4 REMOVED. No public comment. Carried with a voice vote of 5 ayes.

4. Resolution No. 08-12, A Resolution Of The Ridgecrest City Council Setting Penalties, Late Payment Penalties, And Administrative Fees For Parking Violations Avery

Chief Avery gave staff report

- Last increase was 1994
- Reviewed all fees and reviewed those of other jurisdictions

Mike Neel

- Commented there was 3 pages of fees
- Asked how many of these fees went up
 - All fees went up \$10-15
- Mr. Neel stated it looked like a rather stiff increase for parking fees
- If it is to raise parking violation fees why are all the other fees included
 - It was all done now because they had not been reviewed in all this time
 - We did check with other jurisdictions and the fees for the violations are compatible
- Questioned the one about parking vehicles on street for sale, or repair, or for washing, etc.
 - The prohibition for these activities is in the Municipal Code and violation fees are levied
- Mr. Neel personally felt that City should leave the fees they way they were and not worry about parking violations when the police have better things to do

Frank Nickleson

- Attended the committee meetings that had this resolution for discussion

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- Is disturbed by the \$80 big truck parking fees
- Seems this would encourage the truckers to do the wrong thing as the truck parking place charges more
- Thinks that fee should be at least doubled
- Thinks it's a detriment to what you are trying to do to keep them off the streets

Mayor Holloway noted the \$100 fee at the fairground was by the month this \$80 is per day

Council Member Wiknich noted the item regarding washing, repairing, cleaning vehicles in the streets was a good one as there are some people who think it a good idea to wash the trash out of their vehicles and engines and dumping the debris into the street for the sweeper to pick up.

Council Member Morgan noted whenever there is a fee for violations of laws or rules it may not be tenable but there must be some kinds of deterrents in place

Moved by Council Member Morgan, second Council Member Wiknich TO ADOPT RESOLUTION NO. 08-12, A RESOLUTION OF THE RIDGECREST CITY COUNCIL SETTING PENALTIES, LATE PAYMENT PENALTIES, AND ADMINISTRATIVE FEES FOR PARKING VIOLATIONS. Public comment heard. Carried with a voice vote of 5 ayes.

ORDINANCES AND RESOLUTIONS

9. **Ordinance 08- 01, An Ordinance Of The City Council Of The City Of Ridgecrest Adopting Zone Map Change 07-01 A, B** **McRea**

This ordinance was introduced for first reading by title at the conclusion of a duly noticed public hearing on February 06, 2008. It is returned here for second reading and adoption

Public comment

Nellavan Jeglum

- Asked why Mr. Zimmer's property is not included in this Zone Change.
 - Mr. Zimmer's property was for a General Plan Amendment from Medium Density Residential to Estate Density

Moved by Council Member Morgan, second Council Member Clark TO WAIVE READING IN FULL AND TO ADOPT, BY TITLE ONLY, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST ADOPTING ZONE CHANGE NO. ZC-07-01 A, B, CHANGING THE ZONING DISTRICT OF CERTAIN PROPERTIES. APPLICANT - CITY OF RIDGECREST

10. **Introduction And First Reading, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Adding Sections 3-3.201 Through 3-3.214 To The Ridgecrest Municipal Code To Provide For An Additional Three-Quarters Of One Percent Transaction And Use Tax To Fund Specific Purposes And To Be Administered By The State Board Of Equalization**

Rose

City Manager Rose gave the staff report

The ordinance provides for a 3/4% additional sales tax, for 10 years, to fund specific projects as listed in the Expenditure Plan, and create a Citizens' Advisory Committee to ascertain that tax revenues are being used for this purpose.

There is also an amendment to consider - in Sections 4 and 5 change the wording - change majority to 2/3 majority vote sections 4 and 5.

Council Member Wiknich stated he has been giving talks around the community for the last few weeks at service clubs and other groups. There has been some concern that we will not raise enough funds to cover the 27M on the projects list. If we start getting more revenue we will have projects under this initiative that can be done and that is why there are more projects than anticipated revenue. There has been concern over the College Heights Boulevard as it is a high dollar project. Was suggested it be moved down further on the list and that seems to be a reasonable request. We need to understand that we don't know what revenue we will actually get. The estimates for the projects on the list were worked up a year ago and are close to what is believed they will cost. The estimates are just that, estimates. The only way to get an actual cost is to put them out to bid to a firm that can actually do the work. KernCOG gave us estimates for projects but it was for all new construction not maintenance and repair.

Public comment

Dave Matthews

- Talked to some people who are interested and watching this issue and who were not aware that there was a sunset clause and he immediately volunteered to be on the committee
- You must be very clear about that issue and put it out to the public
- Questioned if when ordinance is passed is the project list cast in stone
- The list is in priority order of projects that need to be done and he really wants to know if the committee or council can go in and change what is on the list
 - The ordinance can be amended, actually the list can be amended

Jerry Taylor

- Would the amendment have to take the same route as the original ordinance

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- The priority list could be amended
- If ordinance needed to be amended it would be a whole new ordinance

Mike Neel

- Read some City web site quotes from Council Member Wiknich campaign statements
- Asked what is to stop the next council from liking this tax and extending it 10 years from now

Council Member Morgan answered that this tax goes away in 10 years - period. If another council chooses to extend the tax or create another measure they will have to go through this very same process of putting it on a ballot and getting a 2/3 majority vote of the electorate.

Mr. Neel mentioned some of the unnecessary spending and budget items he has talked about in the past such as the 15K to the Arts Council and the idea of cutting 10% out of the 18M budget to come up with a savings of 1M.

Frank Nickelson

- He has had great interested in these streets for some 20 plus years
- This initiative is the most positive thing he has seen in all this time
- Very much in favor of this – just hope that you pass this
- Some of our streets are reaching third world standards
- The streets need to be fixed

Walt Maurer

- Simple fact is that on December 19 meeting there was a project with a \$393,000 grant to put landscaping in the medians on downs plus 100K per year for maintenance and going out for a grant to cover it
- Have not heard the council say let's go back to see what and where we can cut and save money
- At last Council meeting herd that the \$1M required for the EIR for Ridgecrest Boulevard is not going to show up until 2012
- Jerry Taylor
- Suggested that next time we put priority list in the public agenda (the printed, posted agenda and those provided in the Council Chambers)
- Thanked staff and Council for putting in the sunset clause
- Need to budget for and maintain what asphalt we have - we don't need to lay any more new roads
- Should only be maintaining the roads we have

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Moved by Mayor Holloway, second Council Member Wiknich TO AMEND SECTIONS 4 AND 5 TO READ 2/3 MAJORITY. No public comment. Carried with a voice vote of 5 ayes.

Moved by Council Member Morgan, second Council Member Wiknich TO AMEND PRIORITY LIST TO MOVE THE COLLEGE HEIGHTS PROJECT DOWN THE LIST TO 10TH PLACE. No public comment. Carried with a voice vote of 5 ayes.

Moved by Council Member Morgan, second Council Member Wiknich TO WAIVE READING IN FULL AND TO INTRODUCE FOR FIRST READING, BY TITLE ONLY, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST ADDING SECTIONS 3-3.201 THROUGH 3-3.214 TO THE RIDGECREST MUNICIPAL CODE TO PROVIDE FOR AN ADDITIONAL THREE-QUARTERS OF ONE PERCENT SALES TAX TO FUND SPECIFIC PURPOSES AND TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION. Public comment heard. Carried with a voice vote of 5 ayes.

This will be Ordinance No. 08-02 IF APPROVED AT ELECTION on June 3, 2008

Resolution No. 08-13, A Resolution Of The Ridgecrest City Council Submitting To The City Of Ridgecrest's Qualified Voters At The Election To Be Held June 3, 2008, A Measure Seeking Voter Approval Of A Special Transactions And Use Tax Of Three Quarters Of A Percent (3/4 %) For The Provision Of Specific Street Improvements; Establishing Policies And Procedures In Connection With Such An Election; Requesting The Kern County Board Of Supervisors To Direct The County Clerk To Conduct The Election, Which Shall Be Consolidated With The Established Election On June 3, 2008; Directing The City Attorney To Prepare An Impartial Analysis Of The Measure; Authorizing Arguments And The Filing Of Rebuttal Arguments For Or Against The Measure; Authorizing The City Manager To Appropriate The Funds Necessary To Pay The City's Cost Of Placing The Measure On The Election Ballot; And Directing The City Clerk To Take Steps Necessary To Place The Measure On The Ballot And To Cause The Measure Or Ordinance To Be Printed

Mr. Rose stated this resolution serves as a request by the City Council to the board of Supervisors of Kern County to include this Measure on the ballot of the June 3, 2008 consolidated election

Moved by Council Member Morgan, second Mayor Holloway TO ADOPT RESOLUTION NO. 08-13, A RESOLUTION OF THE RIDGECREST CITY COUNCIL SUBMITTING TO THE CITY OF RIDGECREST'S QUALIFIED VOTERS AT THE ELECTION TO BE HELD JUNE 3, 2008, A MEASURE SEEKING VOTER APPROVAL OF A SPECIAL TRANSACTIONS AND USE

TAX OF THREE QUARTERS OF A PERCENT (3/4 %) FOR THE PROVISION OF SPECIFIC STREET IMPROVEMENTS; ESTABLISHING POLICIES AND PROCEDURES IN CONNECTION WITH SUCH AN ELECTION; REQUESTING THE KERN COUNTY BOARD OF SUPERVISORS TO DIRECT THE COUNTY CLERK TO CONDUCT THE ELECTION, WHICH SHALL BE CONSOLIDATED WITH THE ESTABLISHED ELECTION ON JUNE 3, 2008; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AUTHORIZING ARGUMENTS AND THE FILING OF REBUTTAL ARGUMENTS FOR OR AGAINST THE MEASURE; AUTHORIZING THE CITY MANAGER TO APPROPRIATE THE FUNDS NECESSARY TO PAY THE CITY'S COST OF PLACING THE MEASURE ON THE ELECTION BALLOT; AND DIRECTING THE CITY CLERK TO TAKE STEPS NECESSARY TO PLACE THE MEASURE ON THE BALLOT AND TO CAUSE THE MEASURE OR ORDINANCE TO BE PRINTED. No public comment. Carried with a voice vote of 5 ayes.

Resolution No. 08-14, A Resolution Of The Ridgecrest City Council Providing For The Filing And Rebuttal Arguments For City Measures Submitted At Municipal Elections

Mr. Rose stated this resolution provides for arguments for and against a ballot measure and for rebuttal arguments.

Last day to file Arguments For or Against the measure is March 12 . Last day to file Rebuttal Arguments and last day to provide Impartial Analysis is March 17.

Mike Neel questioned item (a). and item (f)

- Item (a) is the request to Kern County to consolidate the election on the measure with the established election on June 3
- Questioned why Mayor gets to make an argument (f) for the measure
 - It is on behalf of the Council and in support of the ordinance for the ballot measure

Moved by Mayor Holloway, second Council Member Wiknich TO ADOPT RESOLUTION NO. 08-14, A RESOLUTION OF THE RIDGECREST CITY COUNCIL PROVIDING FOR THE FILING AND REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS. Public comment heard. Carried with a voice vote of 5 ayes.

11. **Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Ridgecrest Eliminating The Time Limit On Establishment Of Loans, Advances And Indebtedness Extending The Time Limit Of The Effectiveness Of The Redevelopment Plan, Extending The Time Limit For Payment Of Indebtedness And Receipt Of Taxes Under The Redevelopment Plan For The Ridgecrest Redevelopment Project** Rose

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Mr. Rose gave the staff report

- This ordinance eliminates the time limit on creation of loans, advances, and indebtedness
- It extends the time limit of the effectiveness of the Redevelopment Plan
- It extends the time limit for payment of indebtedness and receipt of taxes under the Plan
- It effectively extends the life of the Ridgecrest Redevelopment Agency as permitted by State Law.
- Extends the effectiveness of the Redevelopment Plan from November 16, 2026 for one year
-
- Extends time limit by one year for paying indebtedness or receiving property taxes but can collect taxes from November 16, 2036 to November 16, 2037
- The need to extend is to allow the Agency to keep doing business for the betterment of the community
- Agency goes away in 2027 and will be totally gone in 2037
- After that time other agencies that will get those property taxes - e.g., school district, Kern County and the City will receive these tax monies after Agency is gone.

Mr. Rose also gave a shot history of tax increment financing

- In 1950 first law letting redevelopment agencies come into existence
- Purpose was blight elimination - improving blighted areas within cities such as old downtown area
- An agency exists to incur debt – it increases tax revenue through "redevelopment" to pay down the debt
- Ridgecrest Redevelopment Agency is relatively new having been established May 31, 1985
- Quite a bit has been done within the City since then
- Through an agreement amendment with Kern County projects have been built or accomplished
- Examples are the Kern County Superior Court and Sherriff building and Kern County Fire Station, Kern County Library, Gateway School, Upjohn Park,

Mr. Rose noted that a change in wording is needed in Paragraph 5 - Change Los Angeles County to Kern County

Public comment

Dorothy Brown

- Why go through this to extend it for one year
 - Original law put a limit to 2026 and this allows the Agency to extend longer

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- Does the Sheriff pay taxes on the property
 - No

Nellavan Jeglum

- When property is improved the tax goes back to the Agency rather than the City
 - Yes - park is owned by the agency

Melonie Neel

- Why do we have to have the Agency - why not take that money to fix the roads
- We don't need that debt
 - Only 6 cents of every dollar in property tax goes to the City – the Agency gets all the tax increment to improve the conditions in the City
 - The Agency can also work on the roads and receives much more money than the City

Mayor Holloway also gave an insight into what agencies can do and how they get their monies

Dave Matthews

- A lot of talk from Sacramento about abolishing Prop13
- Bought a home in Los Angeles County in the 60's and saw property tax double
- Citizens said enough of this and Prop 13 came along
- Cannot increase until property sold and then increment
- Has question – Agency will cease to exist in 2037 – does each Agency have its own lifetime
 - Yes
- Have any ceased to exist
 - Yes one is Bunker Hill in Los Angeles

A motion is needed to amend the wording in paragraph 5 - Kern County rather than Los Angeles County

Moved by Council Member Wiknich, second Carter TO WORDING LOS ANGELES COUNTY TO Kern County IN PARAGRAPH 5. No public comment. Carried with a voice vote of 5 ayes.

Moved by Council Member Wiknich, second Council Member Morgan TO WAIVE READING IN FULL AND TO INTRODUCE FOR FIRST READING, BY TITLE ONLY, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST ELIMINATING THE TIME LIMIT ON ESTABLISHMENT OF LOANS, ADVANCES AND INDEBTEDNESS EXTENDING THE TIME LIMIT OF

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THE EFFECTIVENESS OF THE REDEVELOPMENT PLAN, EXTENDING TIME LIMIT FOR PAYMENT OF INDEBTEDNESS AND RECEIPT OF TAXES UNDER THE REDEVELOPMENT PLAN FOR THE RIDGECREST REDEVELOPMENT PROJECT. Public comment heard. Carried with a voice vote of 5 ayes.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

States deficit is not 16B

CITY ATTORNEY REPORTS

None

COMMITTEES, BOARDS AND COMMISSIONS

Community Development Committee

Members: Chair Steve Morgan, Chip Holloway, Jerry Taylor, Nellavan Jeglum

Meetings: 1st Thursday of the month at 5:30 p.m.; Council Conference Room

Next meeting March 12

City Organization and Services Committee

Members: Chair Tom Wiknich, Chip Holloway, Mike Biddlingmeier, Lois Beres

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

Met February 14

- PowerPoint policy reviewed and concurred with Assistant City Manager – noon Thursday before the Council meeting to IT branch
- Assistant City Manager will come before the Council on regular basis and discuss policies
- Update on big rig ordinance
- Transit fares for bus system – considered raising the fares
- Conflicting info from two auditing agencies

Next meeting March 13

Parks, Recreation and Quality of Life Committee

Members: Chair Ron Carter, Dan Clark, Jerry Taylor, Howard Laire

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

Next meeting March 20

Infrastructure Committee

Members: Chair Tom Wiknich, Steve Morgan, Lois Beres, Nellavan Jeglum

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

February 12

- DART proposal for paper recycling – 6 mo at \$150 mo
- Request for info regarding exclusive rights for Benz Sanitation - tabled
- Strategy for streets initiatives to try to get grass roots effort started
- Special meeting tomorrow March 21

Next meeting March 11

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

Members: Chair Dan Clark, Ron Carter

Meetings: 2nd Monday of the month at 6:00 p.m., Kerr-McGee Center

- Last meeting PACT coordinator spoke about Neighborhood Watch Program
- 35-45% reduction of crime if we join the watch program

Next meeting March 10

RACVB

Council Member Holloway

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

Met February 20

A copy of the Director's minutes is in Clerk's Agenda packet

Next meeting March 10

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Council Member Clark - Arts Council – March 29

Council Member Morgan – KernCOG tomorrow – Noted City Manager letter re 6.2M in STIP cycle was allocated but not the entire 10.2 or 10.7M

MAYOR AND COUNCIL COMMENTS

Morgan

- Lot of different topics this evening
- Especially the young person questioning the need for the Redevelopment Agency
- Many pros and cons on this subject
- Thanked everyone for the comments
- As the Agency was being formulated those many years ago he personally argued against it
- Willing to sit down and discuss the issue with the young person

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- Roads initiative – Chamber of Commerce has decided to join the effort on this and a committee will be formed and money can be donated to promote the measure
- The City cannot put any tax payer funds into this effort

Wiknich

- Has had a number speaking engagements in the City to give information discuss the issue with the citizens
- He will discuss this issue with anyone anywhere until the process is complete
- LAFCO meeting next Wednesday the 27 – Mr. Morgan will go for him

Carter

- Bakersfield Californian has a unique award for letters to the editor
- A student at Burroughs had the letter of the month – John Peter Boniack

Clark

- Thanked Michael Carlita and Alonzo for being here - they are students at Mesquite High School
- Noted Mr. Maurer's statement as to accuracy regarding maintenance of the medians and suggested he talk to Mr. Poniek as his people do the maintenance
- Community please take a look at the Neighborhood Watch Program – promotes safety in our communities

Holloway

- The reason Council did not question that figure is probably because they felt it was inaccurate
- Point was well taken that it should be questioned
- Sleep late and go to the Economic Conference tomorrow

ADJOURNMENT

Mayor Holloway adjourned the meeting at 8:40 p.m.

Rita Gable, City Clerk