



**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**

**September 17, 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 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 Member Ronald Carter

ABSENT: Council Member Daniel Clark

STAFF: Michael Avery, City Manager; Keith Lemieux, City Attorney; Rita Gable, City Clerk; Tess Sloan and Tyrell Staheli, Administrative Services Department; 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; Ronald Strand, Chief of Police; and other personnel

CLOSED SESSION – 6:00 p.m.

GC54956.9 Conference With Legal Counsel - Existing Litigation - Matrix Motor Company v. City of Ridgecrest

GC54956.9 Conference With Legal Counsel - Existing Litigation - Lynette Mulverhill v. City of Ridgecrest - Case No. S-1500-CV-263179-AEW

GC54956.9 Conference With Legal Counsel - Potential Litigation - Public Disclosure Of The Potential Litigate Would Prejudice The City Of Ridgecrest

REGULAR SESSION – 6:44 p.m.

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PLEDGE OF ALLEGIANCE led by Tyrell Staheli

INVOCATION – Reverend Ed Snyder, Inyokern Baptist Church

CITY ATTORNEY REPORT OUT OF CLOSED SESSION

In Closed Session Council received update on Matrix Motors Co. litigation, no action taken; report received on the Lynette Mulverhill litigation, no action taken; received information on potential litigation – no action taken.

APPROVAL OF AGENDA

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

PROCLAMATIONS AND PRESENTATIONS

1. Youth Advisory Council

None

2. Presentation - Streets Initiative - Measure N

Wiknich

Vice Mayor Wiknich -

- Has been giving presentation to service clubs and groups in community
- Lots of questions still out there
- Measure N is the ballot measure to raise funds for the repair of our streets
- There is a sunset clause that lasts just 10 years – cannot be changed during that time
- Funds generated will be local dollars with local control – cannot be raided by the State
- Have a 120M deficit in streets repair funding and we need it to bring streets up to proper level
- Will continue try to get grants from state and federal funds
- Will help us qualify as a self help city in order to request some types of funding
- 4 key points – sunset clause that last only 10 years, funds are for specific streets only (no discretionary spending) will be local dollars with local control and it has oversight committee
- Showed streets project list that will be funded from this tax
- Streets listed are arterial streets with one semi arterial
- This is huge and will make a big difference

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- To get this passed we need the citizens to understand that we are here to do the best we can for the people
- If you shop out of town - say in Lancaster - you are paying that 1 percent toward their streets, fire department, police, etc.
- We are often accused of not getting enough info out to the people
- Recommend we try town hall meetings here and put on TV with two Council Members to rotate – people can come down, call in, etc. and ask questions

PUBLIC COMMENT

Walt Maurer

- Occurred to him when it first came out there was a point to bring it back before the public before going to public vote
- Does an opposing group have an opportunity to come to the Chambers and give a presentation against the tax measure
 - City Attorney Lemieux said yes - as a presentation during regular meetings
- Noted Lancaster shopping being true
- Should promote shopping - what can we do to promote that

Nellavan Jeglum

- Parade of 1000 flags was rousing success – 1030 flags – 1060 in park
- Lot of folks came to visit
- No vandalism experience
- She stayed each night r keeping an eye on the field of flags
- Thanked P&R for all their help – care of field – set up and take down
- Will come back next year – will need to be there for whole week
- Thanked Pat Farris of the News Review and Timothy Neipp-Cosner Consulting for their great assistance
- Read in letter to editor stating Planning Commission is holding up the Super WalMart
- It is not the Planning Commission - WalMart has not submitted any applications for the project

Lois Beres

- Republican Women's Federation working hard to get candidate forum put together
- Will have a forum on Friday September 19th at noon to 2 p.m. at Victoria's
- Make a reservation so have enough food for the buffet - call Barbara 375-1966
- It will be a non-partisan forum
- Getting lots of notice through news and radio
- Opening 130B China Lake Boulevard as Republican Headquarters
- Robert Wagener will be a speaker 6 pm Monday

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- He spent 7 years at Hanoi Hilton with Senator John McCain

Tina French

- Advocate for child care
- In Kern County we don't have capacity to meet the demand
- Not enough child care facilities to meet the needs
- 1000 spaces needed here by 2015
- Influx of employees at China Lake will cause more demand
- 2009 Update in General Plan with need to support child care facilities
- Would like to have policies put into the General Plan

Dana Adams, Kern LINCC

- Part of child care and school system
- Need to close the gap in child care spaces
- Affordable child care is needed to keep Kern County going
- Need 20,000 child care spaces
- Child care centers and services creates jobs and promotes businesses
- Described process of going through to get the policies distributed
- Had persons from all the county areas at meetings
- Held two public meetings with comments and inputs
- Posted on their website for 30 days and got more comments
- Need child care facilities policies adopted in all the general plans of all Kern cities
- Asked Council to take up for consideration
- Might identify empty properties that might be able to be used through lease to child care providers
- Offered their talent and their abilities to help
- Will offer workshop on October 6 to all interested persons

Jerry Taylor

- Offered to give them card of City Planner
- GPAC meeting coming up and they are welcome to attend next week
- 1000 flags participant - Kudos on USO building
- Tax initiative – shopping locally does help
- Has written letters to editor re local gas stations gouging customers on pricing
- Check his web site

Walt Maurer

- Has seen the web site – it is excellent
- Thanked Council Member Wiknich for his effort
- But does not agree with him
- On August 13 several persons submitted a rebuttal to Measure N – read parts of it

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- Three weeks later the DI published article on Assembly Jean Fuller's comments that goes against the increase in state sales tax - read parts of it
- Similar to the rebuttal to local tax measure
- Agrees with Assembly Member Fuller
- Higher sales tax – less sales – businesses downsize or go out of business
- Every penny counts when raising kids

Council Member Morgan

- She did differentiate between state and local sales taxes
- If you spend a total of 10K spent in discretion funds on taxable items under this tax measure you will pay a total \$75

Barbara Auld

- This cannot pass by a simple majority – it has to pass by 66 2/3%
- All in favor need to get to the polls

Jerry Taylor

- Thanked the Republican Women's Federation for the upcoming forum
- Would hope the Democrats or Cerro Coso Community College would set up a candidates forum here at City Hall

Frank Nickleson

- Has been a resident of the area for 49 years
- Have heard about contracting police to the Sheriff's office
- He provided high quality first aid while in Navy and later became EMT
- Over the years has taken classes with safety and emergency personnel
- Feel qualified to comment on level of local public safety that we have
- Was here before incorporation in 1963 when Sheriff provide public safety
- Police officers title is public safety officer
- He was a first responding volunteer at that time
- Since then public safety has progressed to the high level we have now
- Ridgecrest officers have very high level of proficiency
- Bad move to turn public safety over to an organization over 120 miles away
- Would take 20 years or more to get back where we are now
- Would take away our control of our public safety
- That was the main reason for incorporation

Dave Matthews

- Frank is a hard act to follow
- Ran across an old friend of everyone Rose Varga – thanked her for everything she has done
- He had mentioned keeping heat out in summer and cold out in winter with drapes in conjunction with discussion of windows at City Hall at last meeting

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- Ran across companies that manufacture automatic blinds and shades
- Regarding Measure N – big difference between the 1 percent state sales tax and Measure N
- Measure N is a local tax – we don't need to send it away to Sacramento
- It will be collected here and we have control of it
- Will do his best to get everyone to vote on this measure
- He understands that private child care is a business and see no reason to spell it out in the General Plan – no other business does that

Jason Patin

- On Measure N if community votes it in that's great as he's in for it
- And if not voted in would like to see a short term and long term plan for the streets
- Need to get working on that

Fran Nickleson

- Left out something – he is not supposed to be out of the house a lot and thanked his nurse Goodie for helping him get here

Mike Neel

- Note on Measure N presentation – looked and sounded like a campaign speech
- Saw VOTE FOR MEASURE N 5 times on the screen
- So, would like to say 5 times DON'T VOTE ON MEASURE N
- And City Council needs to cut everything except the essential to the very basics
- Noted it was Constitution Day – read prepared paper (no copy distributed)
- May this generation of Americans live up to the

Council Member Wiknich asked what branch of government interprets the Constitution

Walt Maurer

- Read the preamble to the Constitution in recognition of this date in 1778
- He read the duties of Congress - items 1 through 18

CONSENT CALENDAR

3. Bicycle Path Proposed Project - A Conceptual Plan For A Class One Bicycle Path On The North Side Of Inyokern Road McRea

This item removed

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4. **Resolution No. 08- , A Resolution Of The City Council Of The City Of Ridgecrest Approving The Final Balancing Change Order In The Amount Of \$78,206.00 To International Pavement Solutions For The Downs Street Median Landscape Project (Stplhsr-5385(025)), Authorize Filing Of A Notice Of Completion And Authorize Release Of Retained Funds In The Amount Of \$47,139.42 Thirty Five (35) Days After Recordation Of The Notice Of Completion** **Pollock**

The project consisted of installation of irrigation systems, stamped concrete and landscaping in the existing islands on Downs Street from China Lake Boulevard to Inyokern Road. Work has been completed and, with the exception of retention in the amount of \$47,139.42 (10%), the contractor, International Paving Solutions, has been paid in full. During the course of construction some additions and deletions were necessary. These are as follows:

| | |
|---|----------------------|
| Changes in Contract Bid Items | -\$ 40,841.00 |
| Replacement of Trees in Areas With High Boron Content in the Soil | \$ 22,590.00 |
| Addition of Stamped Concrete to Base Bid | \$ 89,072.00 |
| Leach Medians and Drill Through Caliche Layer | <u>\$ 7,385.00</u> |
| Subtotal | \$ 78,206.00 |
| Original Contract Cost | <u>\$ 393,189.42</u> |
| Total Contract Cost | \$ 471,395.42 |

It is further requested that authorization be given to file a notice of completion and to release the retention in the amount of \$47,139.42 thirty five (35) days after recordation of the notice of completion. This project is funded by Transportation Enhancement Act (TEA) and the City will be reimbursed 88.53% of the construction and administrative costs for the project. The federal funds programmed for this project are not to exceed \$507,615. On 10 September 2008 the project was inspected by Caltrans and the work was accepted.

This item removed

5. **Resolution No. 08- , A Resolution Of The Ridgecrest City Council Of The City Of Ridgecrest Authorizing Award Of A Contract For The Completion Of Curb Gutter And Sidewalk On Las Flores Avenue From Downs Street To Sierra View Street (South Side) And On Las Flores Avenue From Florence Street To Sanders Street (North Side) To The Lowest Responsive And Responsible Bidder From The Bids Received Subject To Staff Approval** **Pollock**

On September 2, 2008 bids were received and opened for the completion of curb, gutter and sidewalk on Las Flores Avenue from Downs Street to Sierra

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View Street (South Side) and from Florence Street to Sanders Street (North Side). The results of the bidding were as follows:

| <u>Contractor</u> | <u>Bid Amount</u> |
|----------------------------------|-------------------|
| Asphalt Professionals Inc. | \$199,149.00 |
| Pacific Engineering Co. | \$141,988.30 |
| Asphalt Construction Co. | \$163,021.50 |
| ANM Construction and Engineering | \$172,458.00 |
| BCI Construction | \$167,067.32 |
| Hard Rock Construction | \$208,685.00 |
| Lockwood General Engineering | \$221,190.51 |

The bids are in the process of being analyzed. Funding for this project is from the Safe Routes to School Program and requires a local matching fund amount of 10%. The request is to award the project to the lowest responsive and responsible bidder subject to staff approval.

6. **Minutes Of The Special City Council/Redevelopment Agency Meeting Of September 2, 2008** **Gable**
7. **Minutes Of The Adjourned Special City Council/Redevelopment Agency Meeting Of September 2, 2008 (held September 3, 2008)** **Gable**
- 8-. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of September 3, 2008** **Gable**
9. **Investment Reports For Quarter Ending June 30, 2008** **Sloan**
10. **Council Expenditure Approval List (DWR) Dated August 29, 2008 In The Amount Of \$376,184.16** **Sloan**
11. **Agency Expenditure Approval List (DWR) Dated August 29, 2008 In The Amount Of \$20,171.46** **Sloan**

Council Member Wiknich had question on item 9 – will ISF funds go away – City Manager Avery said a few will stay but most will go away such as Administrative

Walt Maurer and Mike Neel requested removal of items 4 and 5

Moved by Council Member Wiknich, second Council Member Carter TO APPROVE THE CONSENT CALENDAR WITH ITEMS 4 AND 5 REMOVED. Carried with a voice vote of 4 ayes, 1 absent; Council Member Clark absent.

4. **Resolution No. 08-70, A Resolution Of The City Council Of The City Of Ridgcrest Approving The Final Balancing Change Order In The Amount Of \$78,206.00 To International Pavement Solutions For The Downs Street**

Median Landscape Project (Stplhsr-5385(025)), Authorize Filing Of A Notice Of Completion And Authorize Release Of Retained Funds In The Amount Of \$47,139.42 Thirty Five (35) Days After Recordation Of The Notice Of Completion Pollock

Mr. Maurer questioned the \$22,000 for plant replacement

- City Engineer Joe Pollock noted plants had to be replaced because they were not Boron tolerant. Contractor was required to run soil test and did throughout the contract. Obviously the City had to pay for this change.
- Council Member Morgan noted that the contract amount was not exceeded

Moved by Council Member Morgan, second Council Member Carter TO ADOPT RESOLUTION NO. 08- , A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST APPROVING THE FINAL BALANCING CHANGE ORDER IN THE AMOUNT OF \$78,206.00 TO INTERNATIONAL PAVEMENT SOLUTIONS FOR THE DOWNS STREET MEDIAN LANDSCAPE PROJECT (STPLHSR-5385(025)), AUTHORIZE FILING OF A NOTICE OF COMPLETION AND AUTHORIZE RELEASE OF RETAINED FUNDS IN THE AMOUNT OF \$47,139.42 THIRTY FIVE (35) DAYS AFTER RECORDATION OF THE NOTICE OF COMPLETION. Public comment heard. Carried with a voice vote of 4 ayes, 1 absent; Council Member Clark absent.

5. **Resolution No. 08-71, A Resolution Of The Ridgecrest City Council Of The City Of Ridgecrest Authorizing Award Of A Contract For The Completion Of Curb Gutter And Sidewalk On Las Flores Avenue From Downs Street To Sierra View Street (South Side) And On Las Flores Avenue From Florence Street To Sanders Street (North Side) To The Lowest Responsive And Responsible Bidder From The Bids Received Subject To Staff Approval**

Mr. Neel asked if the contractor who will get the contract be the low bidder

- City Engineer Joe Pollock said it states "lowest responsible" bidder. There is about a 22K difference between the two lowest bidders.

Mr. Maurer was much in favor of the number of bidders

Moved by Council Member Wiknich, second Council Member Carter TO ADOPT RESOLUTION NO. 08- , A RESOLUTION OF THE RIDGECREST CITY COUNCIL OF THE CITY OF RIDGECREST AUTHORIZING AWARD OF A CONTRACT FOR THE COMPLETION OF CURB GUTTER AND SIDEWALK ON LAS FLORES AVENUE FROM DOWNS STREET TO SIERRA VIEW STREET (SOUTH SIDE) AND ON LAS FLORES AVENUE FROM FLORENCE STREET TO SANDERS STREET (NORTH SIDE) TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER FROM THE BIDS RECEIVED SUBJECT TO STAFF

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APPROVAL. Public comment heard. Carried with a voice vote of 4 ayes, 1 absent; Council Member Clark absent.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

Mr. Avery presented charts of budget approved (it is on the website) noting increases and decreases by departments. General city government is 51 percent less than last year. Capital purchases approved (by departments) also shown. Noted the medians maintenance program brought in house and 3/4 of a position funded full time effective October 1 - \$83,311 salary and benefits.

It was reported in July for PUC area code 760 changes that a judge said San Diego get area code 442. There may be an overlay with 442 over all of the 760 with any new phones getting the 442. If it goes into effect we will have to dial 11 numbers to call across town or even next door.

On Tuesday September 23 the Board of Supervisors will be hearing our

CITY ATTORNEY REPORTS

None

COMMITTEES, BOARDS AND COMMISSIONS

Community Development Committee

Members: Chair Steve Morgan, Chip Holloway, Jerry Taylor, Eric Kauffman

Met Sept 4

- Did just about all item but did not do sign ordinance
- Meetings: 1st Thursday of the month at 5:30 p.m.; Council Conference Room
Next meeting October 2

City Organization and Services Committee

Members: Chair Tom Wiknich, Chip Holloway, Nellavan Jeglum, Lois Beres

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

Met September 11

- Minor discussion re Kern County and City Coordination Committee
 - Asked City Manager to bring more info re the budget to the Council
 - Discussed TRANE and how to move forward
- Next meeting October 9

Parks, Recreation and Quality of Life Committee

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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 September 25

Infrastructure Committee

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

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

Met September 16

- Most discussion was regarding the budget
 - Discussed the policies required and mentioned at budget hearing
 - Bicycle striping
- Next meeting October 14

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

Next meeting November 3

RACVB

Council Member Holloway

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

Next meeting and location to be announced

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

MAYOR AND COUNCIL COMMENTS

Carter

- Tries to visit with others when he visits other cities
- Have been looking at other cities streets
- Many are facing the same problem as we are
- They are also putting tax measures on their ballots
- We cannot depend on funding from federal and state for this
- Please support Measure N

Wiknich

Mentioned he'd like to start town hall meetings

Do we need a vote from council – mike no quorum

Wants to schedule second Oct 7 at 6 pm

Morgan

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- Noted letters to editor from Pat Maddox and would like her/him to call him
- It is not the City delaying WalMart it is WalMart – they have not submitted any plans as yet
- Nelda Pasting – agrees that we do need more shopping
- Council does need to try to bring in new businesses
- He will go directly to Assembly Member Jean Fuller and ask her feelings and stands on state and local taxes
- State did pass a budget – Assembly had one descending vote – Jean Fuller
- In the candidates forums ask them (the candidates) what they will cut in the City
- We represent you and passed a budget that is balanced and fair
- Every one of us has something we don't like in the budget but it represents you

Council Member Wiknich forgot to mention a Special City Organization and Services Committee meeting at 3 pm on September 23

Holloway

- Was unable to attend the 1000 flags events
- Has received many comments and compliments on it
- Thanked everyone and noted they represented the community well
- Mentioned the area code 760 – 442 issue
- Contact the PUC and let them know how you feel
- Commented on state budget – very impressed with Jean Fuller and budgeting
- Strategy is to ask employers to retain a 10% from your pay which will be paid later
- Also will not allow business people to deduct business losses for two years
- State budget does not address the deficit
- Will kill jobs and cause an exodus from the state
- AB
- May 22 Harvey Milk day and fully integrated into the education – first openly gay man elected to a major position in the United States and he was assassinated

ADJOURNMENT

Mayor Holloway adjourned the meeting at 8:28 p.m.

Rita Gable, City Clerk