



**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 5, 2009  
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 – 6:32 p.m.**

**ROLL CALL**

**PRESENT:** Mayor Steven Morgan, Mayor Pro Tem Ronald Carter, Vice Mayor Thomas Wiknich, and Council Members Marshall Holloway and Jerry Taylor

**STAFF:** Michael Avery, City Manager; Keith Lemieux, City Attorney; Rita Gable, City Clerk; Jim McRea, Public Services Department Director, Dennis Speer, Public Works Department Director; Jim Ponek, Parks, Recreation And Cultural Affairs Department Director; Ronald Strand, Chief of Police; and other personnel

**APPROVAL OF AGENDA**

City Manager Avery requested addition of an item that arose subsequent to posting of the Agenda that requires Council action; Consent Calendar Item No. 15, A Resolution of the Ridgecrest City Council Supporting the Parade of 1000 Flags.

Moved by Mayor Pro Tem Carter, second Council Member Taylor TO ADD A RESOLUTION OF THE RIDGECREST CITY COUNCIL SUPPORTING THE PARADE OF 1000 FLAGS TO AGENDA AS ITEM 15. No public comment. Carried with a voice vote of 5 ayes.

Moved by Mayor Pro Tem Carter, second Vice Mayor Wiknich, TO APPROVE THE AGENDA AS AMENDED. No public comment. Carried with a voice vote of 5 ayes

**REGULAR SESSION – 6:30 p.m.**

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**PLEDGE OF ALLEGIANCE**

**INVOCATION – Silent Moment**

**CITY ATTORNEY REPORTS**

- Significant comments and input received at last meeting regarding the Universal Curbside and Recycling Program resulted in discussion and meeting with Benz Sanitation. Discussions are continuing with the intention to bring resolution to the Council in the near future.

**DEPARTMENT AND COMMITTEE REPORTS**

**First Council Meeting (1st Wednesday of the month)**

**Public Services Department Director's Report - attached**

**Community Development Committee**

Members: Steve Morgan, Ron Carter, Eric Kauffman, Jason Patin

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

Next scheduled meeting August 6

**RACVB**

Council Members Chip Holloway, Jerry Taylor

Met August 5 (report in Clerk's packet)

Meetings: 1st Wednesday of the month, 8:00 a.m.

Next meeting and location to be announced

**Parks, Recreation and Cultural Affairs Department Director's Report - attached**

**Parks, Recreation and Quality of Life Committee**

Members: Ron Carter, Chip Holloway, Craig Porter, Jason Patin

Meetings: 3rd Thursday of the month at 5:00 p.m.; Kerr-McGee Center

Next meeting September 17

**Youth Advisory Council - none**

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

Council Member Holloway was at Local Government Summit July 15 – first painful meeting of group. Elected officials at meeting were angry at financial conditions in the state. Purpose was to find ways to protect local funding. Read a list of ideas to accomplish this.

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## CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

September 19 meeting will be canceled due lack of quorum with 4 members attending the League of California Cities Annual Convention in San Jose.

## ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 09-03, An Ordinance Of The City Council Of The City Of Ridgecrest Creating Chapter IV, Article 25 Of The Ridgecrest Municipal Code Relating To Residential Eviction Control For Properties In Foreclosure** Avery

California law permits owners of property acquired through foreclosure to evict tenants on 60 days notice, even though the tenants have performed as required under the lease. The rising number of foreclosures on residential buildings has led to an increased number of proposed tenant evictions. A local eviction control ordinance can protect tenants from these evictions

This ordinance was introduced for first reading, by title only, at the regular Council meeting of July 15, 2009 and lengthy public comment was heard.. It is brought to the Council at this time for second reading and adoption.

Council comment

Vice Mayor Wiknich has concerns with some of the sections contained therein. Note that this ordinance will not only apply to the situation at La Mirage but will cover all rental units in the City once it is adopted.

City Manager noted the ordinance applies only to rental units in foreclosure. City Attorney will provide a definition of "foreclosure"

Public comment

Diana Moon

- Has lived here 14 years
- Cannot believe that persons are being asked to leave their homes - it is immoral
- Stated the City is sitting on one of the largest aquifers
- You are watering dirt with some of your sprinklers
- There is lots of money here in Ridgecrest
- Why is there nothing being done to keep the city pretty again
- In favor of dropping this whole issue of tenants rights
- La Mirage was government housing to start with just leave them there
- Don't know who owns it now and what is going on over there

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Rene Whitman, realtor and property owner

- Asked if Council has taken into consideration what it will do to Ridgecrest regarding land values
- Asked if there is a department or committee who will enforce the rules of the ordinance
- If lenders want to contest this ordinance does city have the means to fight it

Bob Milstrand

- Thanked persons who helped last time Mr. Parsons, Mayor Morgan, Mayor Pro Tem Carter
- City gave us a fair shake on this
- Keep the vote yes tonight people
- Many think this involves a very few persons in La Mirage
- Thinks there are a lot more renters than there are home owners in Ridgecrest
- Thanked others who helped getting the word out on the eviction law
- Had info from Andy Blue
- Noted the things that the ordinance would do to keep the banks from evicting tenants
- There is a sunset clause and the ordinance expires on Sept 1, 2010
- This should be voted on and passed tonight

Jason Patin

Clarified the sale process between two individuals it is the same as with all property

Carole Vaughn, president of local board of realtors

- Federal law is 90 days after foreclosure or end of lease
- Some homes built in Ridgecrest Heights could not be sold and had to be rented and had to be foreclosed in order to pay the loans
- This is not just for La Mirage but will apply to all rentals
- It does not apply only to banks but to all property owners
- Before you make a law like this make sure that we totally understand what the outcome will be
- Don't do something in haste that is not fully understood
- Vacant homes are easier to sell than those still occupied
- Foreclosures are still occurring due to the floundering economy

Craig Stricklen

- In favor of this proposal
- Two ways to do foreclosure in California
- Fraud in all these issue of foreclosures
- Found no financially stable landlords in town
- Get the details right but do this as quickly as possible

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Robert Kirk

- Thanked the council members who voted for this
- Was being coerced by a realtor to move out of unit he was in
- Was informed two weeks ago by G8 Capital that the units had been sold and was asked if he wanted to continue his lease
- Then Wells Fargo told him that he was evicted and he received a summons
- After paying money for his wife and two adult daughters so they could stay
- Now G8 Capital says all is OK
- Basically his time is over in this
- Need a renters control ordinance also – landlords won't like it but we need it
- You can make too much money to rent some apartments but not enough to buy a home
- Got to get this ordinance passed

Ashley realtor

- La Mirage is gone
- Don't know who is taking the rent
- Banks are not set up to be landlords or handle rentals

Mr. Rodriguez, Red Balloon Realty

- Supports this ordinance
- Discussed the deed of trust etc.
- Either in the pre-foreclosure mode
- Over 300 in some stage of foreclosure
- Spoke of different kinds of things in real estate

Rene

- How many other cities have this law on their books
- And how is it working or not working for them

Diane Moon, Church Avenue

- Have house in Ridgecrest Heights
- And have problems with it

Carole Vaughn

- Does the ordinance say we can evict in 90 days after the foreclosure
  - Federal law put eviction off for 90 days for most any reason
  - Federal law does not pre-empt what we are trying to do (so he thinks)
- Cannot evict a tenant from property you do not own
- Can stay until end of lease after foreclosure
- Asks Council to really look at this before you finally vote on it
- Asked it be brought back with examples of how it will work

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?

- Thanked the Council Members who voted
- Has been trying to find out who owns the property that he is living in
- Has rent money put away but does not know who to pay it to
- Love Ridgecrest and La Mirage
- Has tried every way to find out who owns it as it is being foreclosed

Bill Schmitz

- Why is it not an apartment building if it does not have individual utilities
- Why is it falling under single family housing
- Thanked everyone who voted last time
- Still has
- Can you get all the info out to realtors

Council Comment

Taylor

- ❖ If it was passed tonight and then came back with modifications would it have to be another first reading
  - Would be brought back as second reading as modifications would not change the intent of the ordinance

Carter

- ❖ Prepared to vote tonight

Wiknich

- ❖ Still is against it because of property rights it will affect the whole city
- ❖ Worried about when a bank says so what Ridgecrest we're going to evict and then tenant comes to us to say you passed it now you need to help us
- ❖ If it goes forward would like to not see the relocation fees as it is not up to us to enforce that

Holloway

- ❖ Was not here for last meeting but watched it on TV
- ❖ Some stories were very sad
- ❖ To pass laws you have to take the emotion out of it
- ❖ We are trying to do the best we can
- ❖ The number one thing to address is the 1 percent vacancy rate
- ❖ Feels that Tenants Together is using this to fatten their resume by getting this ordinance passed
- ❖ The stigma attached to this will last long after the sunset clause expires
- ❖ We may be jeopardizing the future of the City
- ❖ The solution is to get more rental property in the City
- ❖ Superficial solution that emotions have driven

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Taylor

- ❖ Used word community many times
- ❖ Lot of hypothetical in this and speculation too
- ❖ There are lots of property in this town that never turned a shovel of dirt
- ❖ Passed on many plans while on the Planning Commission
- ❖ Only giving them a tool to ease legal issues

Holloway

- ❖ Hate banks and have done so for years
- ❖ If banks decide to redline this community we will be doing a disservice to the community
- ❖ It will bite us in the long run

Carter

- ❖ There is rent control in other cities and has worked well for years
- ❖ Have citizens ask for help and this ordinance is the least we can do
- ❖ This won't affect banks they will lend money to make money
- ❖ He is a landlord and has no problem with this ordinance

Morgan

- ❖ Thanked Council for their discussion this evening
- ❖ Agrees with both sides
- ❖ Has problem with this document because he is very precise being an Air Traffic Controller
- ❖ Would like to have verbage modified and brought back
- ❖ Do not feel that this will do harm in the community

Requested concurrence to table this issue at this time and bring back to next meeting

- Carter supports it
- Wiknich table for re-write with relocation fees removed
- Holloway - concurs
- Taylor would ask realtors to provide suggestions to make it better - table it

City Attorney Lemieux limiting it to foreclosures what about the relocation fees

Morgan, Carter, Holloway 500 limit,  
Taylor as written

Wiknich specifically going along with relocation costs when there is a government order to vacate the property right of a property owner should not have to pay for the tenant to vacate

City Attorney Lemieux will define foreclosure

Ordinance was tabled

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May or Morgan recessed the meeting at 8:55 p.m. to reconvene at 9:00 p.m.

**DISCUSSION AND OTHER ACTION ITEMS**

2. **Resolution No. 09-46, A Resolution Of The Ridgecrest City Council Approving The Parcel Map No. 11869 And Authorizes The Signatures And Filing With The Clerk Of The County Of Kern** **Speer**

Final Parcel Map No, 11869 is located north of Dolphin Avenue and east of China Lake Boulevard and was approved by the Planning Commission on July 22, 2008. The Sub-divider, College Heights North, a general Partnership submitted a Final Parcel Map No. 11869 with three parcels that are in substantial compliance with the approved tentative parcel map. The tax estimate, tax certificate, parcel map guarantee and the original parcel map have been submitted for signatures.

Moved by Vice Mayor Wiknich, Second Council Member Holloway TO ADOPT RESOLUTION NO. 09-46, A RESOLUTION OF THE RIDGECREST CITY COUNCIL APPROVING THE PARCEL MAP NO. 11869 AND AUTHORIZES THE SIGNATURES AND FILING WITH THE CLERK OF THE COUNTY OF KERN. No public comment. Carried with a voice vote of 5 ayes.

3. **Reviewing Council Committee Use** **Council Member Taylor**

This subject brought up in a special meeting in January now with 4 day weeks puts strain on staff. Most meetings are on Thursdays which are now Fridays. Concerns the employees who cannot work overtime and are. Proposed suspension of committees on a temporary basis

Holloway - Agrees but thinks it shows a negative thing to the community – supports having these meetings only when there is something they need to handle.

Wiknich – Disagrees and feels we keep as is and cancel them if there is nothing to bring to it. Has put the question of committees into a recent survey he put out to the community. 165 surveys were returned and 144 thought committees should continue as now constructed. Many like the informality of the committees sitting across the table from the Council Members and discussing issues.

Carter – Part of government's problem is elected officials who do not reach out to their citizens. Washington DC and Sacramento are often not being transparent.. Wished more citizens would come to meetings. They need to come to meetings to let us know their thoughts. Have learned a lot in the committee meetings listening to the citizens. Has helped him address things in Council meetings.

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Morgan – Has been on this Council almost 13 years. Has seen it swing back and forth many times. Feels there are many avenues to get opinions and info to the Council – website, emails, fax, letters and committees. Decisions are not made at committee level. He reads the minutes from all the committees and if he has an issue with any item he contracts the staff member of the committee. Relies on staff to tell him if a meeting of any committee is needed. Understands the wish to spare the staff the pain of the meetings. It could involve a staff member being tied up with a Council Member for the same amount of time as takes place in current committee meetings. Would result in more reports being generated by staff to keep us informed.. Asks the City Manager how he sees that this would affect everyone. Would make council meetings longer or have to add another council meeting each month. Council is supposed to go to the City Manager before the go to staff members.

Taylor – We tried to do the Town Hall meetings to get citizens involved.

Carter – If we do away with the committees we will be having marathon council meetings lasting until 1-2 a.m. Don't think this will save any time with staff.

Morgan – keep the committee set up but have meetings only when it is absolutely necessary. Asked if this will cause staff to be much more detailed without a committee open forum.

Avery – sees no difference than what he deals with now. He sees and talks to all Council Members on a regular basis. Contact between Council and staff should not happen - they should contact him first. Concerned with the issue of furlough time for staff as it cuts time they are available for committee meetings. He feels he should be allowed to schedule meetings when they are necessary.

Taylor – add item to this agenda stating what is going to committee and which items or issues should be brought to Council.

- City manager makes decision to have committee meetings
- Council Member has right to call his committee meeting if he has items
- Maintain the schedule and cancel meetings as if they have nothing to discuss

Public comment

Dave Matthews

- Never went to a committee meeting that didn't have something to discuss
- If you have nothing to discuss cancel the meeting
- If staff has to work over normal time have them come in later the next day
- Committees are there to hash over items like the ordinance discussed tonight
- If something is working why try to change it

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- Committee are the working level

Mike Neel

- Likes the idea of suspending the committees
- All major issues should be brought to full Council
- Can only get 12 or so citizens in the conference room
- People are reluctant to come to council meeting because of the configuration of the chamber with council up on the dais looking down on them
- Council meetings don't have to go all night - just touch on the major items and leave the citizens alone

**CONSENT CALENDAR**

**4. California Integrated Waste Management Board Status Report McRea**

Status Report on the Compliance Order IWMA BR07-07 and the Local Assistance Plan (LAP) required by the California Integrated Waste Management Board (CIWMB) and submittal of the 2008 Annual Report, the 2009 Quarterly Report, and 2006 Base Year Generation Study, which were filed prior to August 01, 2009.

**5. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of July 15, 2009 Gable**

**6. Council Expenditure Approval List (DWR) Dated July 17, 2009 In The Amount Of \$247,469.70 Sloan**

**7. Council Expenditure Approval List (DWR) Dated July 17, 2009 In The Amount Of \$159,442.83 Sloan**

**8. Council Expenditure Approval List (DWR) Dated July 24, 2009 In The Amount Of \$24,766.85 Sloan**

**9. Council Expenditure Approval List (DWR) Dated July 24, 2009 In The Amount Of \$62,344.72 Sloan**

**10. Council Expenditure Approval List (DWR) Dated July 31, 2009 In The Amount Of \$276,510.98 Sloan**

**11. Council Expenditure Approval List (DWR) Dated July 31, 2009 In The Amount Of \$66,027.52 Sloan**

**12. Agency Expenditure Approval List (DWR) Dated July 17, 2009 In The Amount Of \$6,498.86 Sloan**

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13. Agency Expenditure Approval List (DWR) Dated July 31, 2009 In The Amount Of \$763.21 Sloan

14. Agency Expenditure Approval List (DWR) Dated July 31, 2009 In The Amount Of \$22,500.00 Sloan

**Added item**

15. Resolution No. 09-47, A Resolution Of The Ridgecrest City Council Supporting The "Parade Of 1000 Flags" Strand

The Exchange Club of Ridgecrest has applied to the State of California through Department of Transportation to conduct the "Parade of 1000 Flags" on State property. The "Parade of 1000 Flags" will require the temporary closure of State Route 178 on September 5, 2009, at the intersection of China Lake Blvd. and Ridgecrest Boulevard between the hours of 9 a.m. and noon. The State of California, Department of Transportation requests the City of Ridgecrest be in support of the parade as part of application approval process

Mike Neel requested removal of item 9

Moved by Mayor Pro Tem Carter, Second Vice Mayor Wiknich TO APPROVE THE CONSENT CALENDAR WITH ITEM 9 REMOVED. No public comment. Carried with a voice vote of 5 ayes.

9. Council Expenditure Approval List (DWR) Dated July 24, 2009 In The Amount Of \$62,344.72

Mr. Neel was curious about all the checks (81 page DWR)  
City Manager stated they were refund checks from assessment districts closed out

Moved by Vice Mayor Wiknich, second Council Member Holloway TO APPROVE CONSENT CALENDAR ITEM 9. Public comment heard. Carried with a voice vote of 5 ayes.

**PUBLIC COMMENT** 10:00 p.m.

Mike Neel

- Thinks you are scaring away those people who would like to give input with the public comment at the tail end of the meeting
- Read an article from US OBSERVER talking about a disease CR – constitutional retardation

Dave Matthews

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- Appreciate the fact that all staff of the City is taking furloughs
- Just want them to know that there is a citizen out here that appreciates it
- Appreciates all the time Mr. Holloway has been putting in with the League of California Cities to help the City
- Has not had supper tonight where can he get a reasonably priced hot dog

### **MAYOR AND COUNCIL COMMENTS**

#### **Morgan**

- Another good meeting tonight
- Rene asked a question that did not get answered
- We will try to get the answer for her
- Just heard a 5 minute dissertation on something that we (Council) cannot address
- That is one reason why we have the public comment at the end of the meeting

#### **Carter**

- Agrees we are unable to address things not under the cognizance of the Council
- Good meeting with a lot of good discussion
- All his colleagues are good people and thanked them for the work they do and thanked the folks that came tonight

#### **Wiknich**

- Asked two questions during tenant ordinance discussion
- How is the City involved in trying to enforce this ord
- How does the City go after a bank
- Substandard properties in city and how are we addressing it

#### **Holloway**

- Absolutely agree with what Mayor said about the diatribe
- As elected officials we are committed to upholding the Constitution
- We need to get balance on that
- Everyone knows about the state budget by now
- Did not lose the HUTA
- Two other Council Members are also participating on League of California Cities committees – Morgan and Taylor
- 430K saved through this effort
- Redevelopment Agency issue is already in court and they will probably lose
- Someone in community is hurting - it is Al Huey who lost his wife suddenly - please keep him in your prayers she was his soul mate

#### **Taylor**

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- Appreciated the police support at Tina's funeral
- This was a great meeting
- Getting input from and for citizens is great
- Thanked Chip for what he has done with the league
- Also fellow Council Members who called state reps
- The vandalism and petty crimes have been going strong lately
- Need to find a way to keep up on that

Council Member Holloway noted that Council has been provided with ticket to a leadership conference at Kerr-McGee August 14-15 - 9-5 both days going on line all over the country

**ADJOURNMENT**

Mayor Morgan adjourned the meeting at 10:25 p.m.



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Rita Gable, City Clerk