



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

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

**May 20, 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 – 6:00 p.m.**

**ROLL CALL**

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

**ABSENT:** Council Member Marshall Holloway

**STAFF:** Michael Avery, City Manager; Wayne K. Lemieux, City Attorney; Rita Gable, City Clerk; Tess Sloan, Administrative Services Department Interim Director; 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**

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

**CLOSED SESSION – 6:00 p.m.**

GC54956.8 Redevelopment Agency Real Property Negotiations. Agency negotiators Michael Avery and James McRea (fill in from note)

**REGULAR SESSION – 6:30 p.m.**

**PLEDGE OF ALLEGIANCE led by**

**INVOCATION – Silent Moment**

**CITY ATTORNEY REPORTS**

❖ Closed Session -Discussed the property negotiations – no action was taken

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❖ Other - none

**PRESENTATIONS - None**

## **COMMITTEES, BOARDS AND COMMISSIONS**

### **Second Council Meeting (3rd Wednesday of the month)**

**Public Works Department Director's Report - copy in Clerk's packet**

#### **Infrastructure Committee**

Members: Tom Wiknich, Jerry Taylor, Lois Beres, Nellavan Jeglum

Meetings: 2nd Wednesday of the month at 5:00 p.m., Council Conference Room  
update Rachel/LegisStream copy

Met May 5

- Discussed a number of the things noted in Mr. Speer's report
- Discussed W. Ridgecrest Boulevard engineering – project is moving along
- Criticized for not having shovel ready project on the shelf
- Preparing projects is being addressed with two projects nearing shovel ready status
- Continuing work on WWT plant project  
Next meeting June 10, 2009

Vice Mayor Wiknich addressed some points recently put forth in Letters to the Editor –

- Noted that the S. Norma Street - Ridgecrest Boulevard to Church Avenue was on the agenda to award the project
- Noted that there is a BID on the street for the N. Norma Street and Ward Avenue street improvement project
- Noted that College Heights Boulevard is the 5<sup>th</sup> most travelled street in the City

**Finance Department Director's Report – copy in Clerk's packet**

- Status of the budget

**Police Department Director's Report – copy in Clerk's agenda packet**

- Teen Court Project, with Kern County funding, got off the ground and lasted about 5 months
- Kern County has basically pulled out of all their prevention programs funding
- Will be working with other Teen Court board members to get something back
- Have had discussion with Reverend Thomas who mentors the East Kern Youth Program under auspices of Victory Baptist Church
- Dodge ball tournament went well and charities did well from it.

Council Member Carter asked what kind of budget was need for the Teen Court for a year – approximately 20K on a modified program. Offered his help if needed.

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### City Organization and Services Committee

Members: Tom Wiknich, Jerry Taylor, Nellavan Jeglum, Lois Beres

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

Met May 14

- JemStar presented project re hydrogen plant asking for City to partner with them
  - Code enforcement activity looked at and discussed
  - TRANE update received
  - Deviated route system for transit discussed - have RFP replies and they are being reviewed
  - Budget review is in process by each department
  - Looked at and discussed the vacant positions that have not been backfilled
- Next meeting June 11, 2009

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

Members: Co-Chairs Ron Carter, Chip Holloway

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

Met May

- Good turnout - school personnel there - police officers gave reports
  - Need help from the community
  - Graffiti has increased which is sad
- Next meeting July 13, 2009

### OTHER COMMITTEES, BOARDS, OR COMMISSIONS

The sign ordinance sub committee met on Monday May 11 - businesses have been reviewing and giving input - should have another draft soon

Desert Mountain Division item later on agenda

### CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

Town Hall is scheduled for May 27 but the Chambers has been rented out. After checking calendars Council concurred to reschedule to June 24. **NO TOWN HALL MEETING IN MAY.**

### DISCUSSION AND OTHER ACTION ITEMS

1. **Status Report on the Compliance Order IWMA BR07-07 authorization of four state mandated programs by consultants and establishing a Protest Hearing for property related fees to be placed on the Kern County Tax Roll**

McRea

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The staff report was a continuation of the interaction between the City and CIWMB staff. A tele-conference and a site visit on May 4 developed the scope of work and mandated programs that the City will undertake. Staff is developing a program based on the CIWMB staff report and amended Local Assistance Plan.

### 2. **Modified Local Assistance Plan (LAP) - California Integrated Waste Management Board, Compliance Order IWMA BR07-07** **McRea**

The California Integrated Waste Management Board issued a Compliance Order which directs the City to work in concert with their staff to bring Ridgecrest into conformance with State Guidelines on Waste Stream Diversion. As a result of the Administration Penalty Hearing findings of March 24, 2009, the CIWMB authorized amendments to the existing LAP and required its adoption by the City Council. Adoption is for this meeting.

*Additional information that developed late this afternoon was presented by Mr. McRea and was distributed to the Council. Copy is made a part of the Clerk's packet.*

Dorothy Brown

- Since there is going to be tremendous change in our trash pickup was there an opportunity to put the contract out for bid
  - There is a 10 year evergreen contract with current contractor but could go to bid in 10 years
- Noted that this is something mandated by the State not requested by the City
- Many, many citizens already do recycle and have been doing it for years
- Many people supplement their income by taking to recyclers
- So we are paying for those who do not pay ----yes
- It is definitely hurting the people who cannot afford it
- The City was in compliance until 1 1/2 years ago when AB32 was passed

Mike Neel

- Questioned the statements about rate schedule going on tax rolls July 1 and program put into place on January 1 2010
  - City Attorney Lemieux thinks the first tax payment is April 2010

Walt Maurer

- Has many questions –
- What is the majority order to be the majority in a protest
- By July 15 have to send to the auditor controller all properties in the City
  - A majority will be 50% plus 1 of all the properties in the City
- Who prepared the wording in the brochure
  - The consultant MBS and City together
- Questioned the wording and reference to procedure for letter of protest - he cannot find it in the Constitution
- Also has a written protest letter to present - accepted by the City Clerk

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Will Freeman

- Received brochure on Monday
- Goes to disposal site every other week and does recycle (not for the money)
- Does not pay now so why should he have to pay for something he does not use
- Those who have trash pickup and want to do the recycling should pay - those who do not should not have to
- Why should he have to pay when he does not use the system

Ronald Porter

- Concerned with this money being paid directly to the City
- When is the actuary service going to be billed
  - 1st billing is on November tax bill
- Trash pickup will start January 2010
- Has the city presented a bill to the State for this unfunded mandate
  - No we haven't
- Where will the transfer station be going
  - Benz will build on their property
- The protest meeting is a violation of the U.S. Constitution

The amended Local Action Plan was discussed.

Moved by Vice Mayor Wiknich, second Mayor Pro Tem Carter TO ADOPT THE AMENDED LOCAL ACTION PLAN. Public comment heard. Carried with a voice vote of 4 ayes, 1 absent. Council Member Holloway absent.

3. **Real Property Sale, And Disposition Development Agreement (DDA) To Construct And Develop A Commercial Medical Use On Lot 25, Parcel Map 10819, APN 33-070-325, Ridgecrest Business Park, Developer, Daniel Taheri, MD; Khaneh Holdings, LLC** **McRea**

This agenda item is the authorization of the sale of real property by the Ridgecrest Redevelopment Agency of Lot 25 of the Ridgecrest Business Park. A pending Disposition Development Agreement (DDA) is attached. The DDA is still in the process of approval and review by Agency Counsel. The RRA is in the process of executing a Disposition Development Agreement (DDA) for the sale of Lot 25 of Parcel Map No. 18019 of the Ridgecrest Business Park.

Moved by Vice mayor Wiknich, second by Council Member Taylor TO AUTHORIZE FURTHER NEGOTIATIONS FOR THE SALE OF LOT 25, PM 10819, APN 33-070-326. No public comment. Carried with a voice vote of 4 ayes, 1 absent; Council Member Holloway absent.

Mayor Morgan recessed the meeting at 8:35 p.m. to reconvene at 8:40 p.m.

**CONSENT CALENDAR**

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*Item 4 was removed for discussion*

4. **Resolution No. 09-, A Resolution Of The City Council Of The City Of Ridgecrest Opposing Proposals By The State To Borrow And/Or Take Additional Local Funding Potentially Resulting In The Need To Declare A Local Fiscal Emergency For The City** Avery

It is recommended that the Council adopt a resolution opposing proposals by the State to borrow and/or take local funding, which could potentially result in a local fiscal emergency.

The Governor's office has informed local government representatives of a proposal under consideration to borrow local property tax revenues under the provisions of Proposition 1A of 2004 if the May 19th Propositions 1A through 1E fail. Representatives of the League of California Cities have requested cities to draft and propose a resolution to express to the State its strong opposition to this proposal, as well as to help educate the community as to the seriousness of this situation. It attempts to proactively address the proposal as quickly as possible to discourage the State from taking further efforts in this direction. Furthermore, by adopting the resolution, it will assist and encourage other cities to take similar steps.

5. **Resolution No. 09- 29, A Resolution of the Ridgecrest City Council Supporting the desert mountain division in requesting the League Of California Cities (LOCC) form A Policy Committee For Recreation And Tourism And Establish A League of California cities Policy Position Statement For The Preservation Of The States Recreation And Tourism Industry** Avery
6. **Resolution No. 09-30, A Resolution Of The Ridgecrest City Council To Award A Contract To The Lowest Responsible Bidder In The Amount Of \$253,326.30 To International Pavement Solutions For The Road Construction/Reconstruction Of North And South Bound Lanes Of Norma Avenue From W. Ridgecrest Blvd To Church Avenue** Speer

*Item 7 was removed for discussion*

7. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council Adopting A Sewer User Charge For The 2009-2010 Fiscal Year** Speer

This Resolution adopts a sewer user charge equal to the previous year's charges. The charges are for the use of City sanitation facilities for the 2009-2010 fiscal year. The City Council will direct the City Clerk to furnish the Kern County Board of Supervisors and the County Auditor with a description of the parcel against which the subject charge is billed and the amount of each charge. This report shall be furnished on or before August 10, 2009. The Council will also direct City Staff to bill and collect service charges for those properties whose status is tax exempt and not on the County tax rolls.

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8. Resolution No. 09-31 A Resolution Of The Ridgecrest City Council Requesting Authorization To Enter Into Program Supplement Agreement No. 022-N. With The State Of California Department Of Transportation And Authorizing City Manager, Michael Avery To Sign Said Agreements For Road Rehabilitation Project On College Heights Blvd. Between Cerro Coso Community College And 350 Feet South Of Franklin Avenue Speer
9. Resolution No. 09-32, A Resolution Of The Ridgecrest City Council Requesting Acceptance Of The Speed Zone Survey Report And Authorizing Staff To Post The Speed Zones Accordingly Speer
10. Resolution RRA No. 09-03, A Resolution of the Ridgecrest Redevelopment Agency Authorizing The Transfer of Property Sale Proceeds In The Amount of \$594,612 to the City of Ridgecrest Staheli
11. Minutes Of The Special City Council/Redevelopment Agency Meeting Of April 23, 2009 Gable
12. Council Expenditure Approval List (DWR) Dated April 30, 2009 In The Amount Of \$74.07 Sloan
13. Council Expenditure Approval List (DWR) Dated May 8, 2009 In The Amount Of \$239,779.99 Sloan
14. Agency Expenditure Approval List (DWR) Dated May 8, 2009 In The Amount Of \$ 11,098.23 Sloan

Walt Maurer requested removal of item 4

Dave Matthews requested removal of item 7

Moved by Council Member Taylor, second Vice Mayor Wiknich TO APPROVE THE CONSENT CALENDAR WITH ITEMS 4 AND 7 REMOVED. No public comment. Carried with a voice vote of 4 ayes, 1 absent; Council Member Holloway absent.

4. Resolution No. 09-, A Resolution Of The City Council Of The City Of Ridgecrest Opposing Proposals By The State To Borrow And/Or Take Additional Local Funding Potentially Resulting In The Need To Declare A Local Fiscal Emergency For The City Avery

Mr. Maurer commended the Council for doing this

Mr. Neel also commended the Council but had several comments about changing the wording in the resolution and was told that the wording was recommended by the League of California Cities.

Moved by Council Member Taylor, second Mayor Pro Tem Carter TO ADOPT RESOLUTION NO. 09-, A RESOLUTION OF THE CITY COUNCIL OF THE

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CITY OF RIDGECREST OPPOSING PROPOSALS BY THE STATE TO BORROW AND/OR TAKE ADDITIONAL LOCAL FUNDING POTENTIALLY RESULTING IN THE NEED TO DECLARE A LOCAL FISCAL EMERGENCY FOR THE CITY. Public comment heard. Carried with a voice vote of 4 ayes, 1 absent; Council Member Holloway absent.

**7. Resolution No. 09- , A Resolution Of The Ridgcrest City Council Adopting A Sewer User Charge For The 2009-2010 Fiscal Year Speer**

Mr. Matthews was confused asking if this is a fee in place of the one in effect or on specific properties

- It is in place of one in effect as it has to be updated each Fiscal Year
- The rates have not changed and are the same as last year

Council Member Taylor asked when we will see a new rate schedule the Navy Base

- Consultant is working on the expansion and will look at that – it needs to be looked at

Moved Mayor Pro Tem Carter, second Mayor Morgan TO ADOPT RESOLUTION NO. 09- , A RESOLUTION OF THE RIDGECREST CITY COUNCIL ADOPTING A SEWER USER CHARGE FOR THE 2009-2010 FISCAL YEAR. Public comment heard. Carried with a voice vote of 4 ayes; 1 absent; Council Member Holloway absent.

**PUBLIC COMMENT 8:50 p.m.**

Approximately 15 residents of La Mirage housing development were in the audience. Not all of them spoke about the foreclosure of the homes in the development and pending eviction of the residents.

Ms. Clarity

- La Mirage housing is in foreclosure
- She is a 3 year resident who has paid her rent faithfully and on time
- She was offered 3K to get out in 10 days - cash for keys
- State eviction code says we have 60 days
- 300 people being displaced at La Mirage
- Many are elderly, disabled or those with children and some military
- Rentals are being given to military first
- What can be done about the issue

Shawana Griffin

- 4 kids and is in same predicament
- House is in foreclosure
- Has been there 2 years has never been late in rent

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City Attorney asked if they had leases and if it had been terminated – it has – he suggested they get legal help – there are lawyers who take this type of work

Jake Valentine Sr.

- Management said in March that he needed to renew his lease as it would be up in May
- In April they told him no need as he was going to have to move
- Costs \$15 for credit check

Catlin Snow

- Took a small place in Trona as soon as she knew of the foreclosure
- Went through Hurricane Katrina and this appears the same type of disruption
- Tenants Together indicated that deposits should be returned or turned over to the new bank
- 60 day time period to stay or get out
- Local City Councils can act through ordinances or other means
- Anything the City can do will be appreciated

Jenny Patterson

- Not many places that these people can go in Ridgecrest
- Very few rental units available
- Other places want more than 3 time the rent we are paying
- Many are on limited income

Robert Kirk

- Works for NAWS - is a GS-11
- He is a disabled and a veteran
- Has 3 children
- Many military families there with children
- Many places will not take renters with pets
- Has written Senator Feinstein about the situation
- Tried to make May rent payment and was told not to, so he didn't
- Base does not have housing to support their people
- Looking for a place to buy but haven't found one yet
- City should pass something on rent control
- Those that worked for Diamond who said don't worry should be prosecuted

Gary Parsons, Economic Development Manager

- 499-5061 is his office number
- Clarified that gentleman in question stated he would manage the units that are owned by as many as 140 separate persons
- Not many houses are owned by Diamond Housing
- Landlord is individual owner of the individual properties
- Has asked the executive director to come out and he has agreed to do so
- Will try to get everyone together and to seek legal counsel

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- Have talked to other cities about ordinances that have been passed – unjust cause evictions
- Will look those over and get with Council to see if we need to take action Glendale, Oakland and San Diego are some of them
- Has list of those interested to see who the owners of the units are
- Has brochure by State of California pertaining to tenants rights – will get more
- Banks are offering cash for keys to avoid the eviction process
- Also some offers of buying the units if you can
- Rental market is very tight with very few vacancies in the City
- Encouraged them to keep paying their rents to show good faith to any potential buyers or landlords
- The city is limited as to what they can do as it is a tenant-landlord situation
- We are trying to help with technical support

Mayor Pro Tem Carter wants to have a meeting first part of June with some of the people so he can talk to them – second Council Member can attend

Dorothy Brown

- Thanked Council and Mr. Parsons
- Has been following this for about 3 months
- 24 incited on racketeering charges on various charges providing loans to unqualified buyers
- Willows Owners Association had a problem that La Mirage could not settle – contacted an out of town attorney – he found there were so many umbrellas it was hard to find whom to contact
- It was at the time when La Mirage wanted to make it a gated community
- City needs to pay closer attention and needs to look out for these types of organizations

Dave Matthews

- Wow!
- Seems what I was going to say is insignificant now
- The District Attorney should be invited into this issue
- Seems like when those units went on the market there was some covenant that they were to be for low-moderate incomes
- How can they be split into individual owners
- Noted he voted yesterday and was still wearing his sticker – not same shirt
- Everyone should be aware of the outcome – seems it is an indication of the Tea Party we had last month
- We have loudly said NO MORE TAXES
- Commented on the financial report this evening and was surprised to see the income was higher than last year
- Commented on performance of Obama – refused to call him president
- Closing down all the things that produce tax revenues for communities
- Went to spring festival it was not good for anyone
- People are asking why we cannot get council meetings on cable

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- In future please don't hold meetings on his birthday – he had better things to do

Walt Maurer

- Has great sympathy with these people at La Mirage
- Saw article about JemStar
- Does not see where there would be risk for the City
- Would like to see more on what partnership would involve
- Does concern him that JemStar stated they did need start up funds
- Does not want to see another Matrix Motors or Front Porch Productions – the City is not a bank
- Received letter from the water district to voluntarily curtail watering
- Has the City been contacted this way
- Regarding the possibility of local stimulus packet - only brought the Colorado one to the forefront for info purposes as to what other cities were doing
- How much taxpayer money can the City spend on economic stimulus
- Need to look at any proposal of this type very closely

Closed at 9:50 p.m.

### MAYOR AND COUNCIL COMMENTS

**Carter**

- ❖ Nice to see some new faces and some

**Taylor**

- ❖ He voted yesterday also and the way it went was the way he voted
- ❖ We have got many challenges ahead of us
- ❖ Some very hard things for these folks
- ❖ Incentives are part of Congressional law

**Wiknich**

- ❖ Emphasized the issue of Mediacom and their services
- ❖ Thanked the man who called him at 1:30 a.m.
- ❖ One neighborhood was having problem and no one called in
- ❖ Accepted the criticism of not having shovel ready projects
- ❖ It is now being taken care of
- ❖ Sad note on the passing of Frank Nickleson recently
- ❖ He was an early resident that was on the city formation committee

**Morgan**

- ❖ Expressed his condolences to the Nickelson family
- ❖ Still has the two jars of road he gave us on the last road measure failure
- ❖ Memorial Day coming up – please remember those in the military
- ❖ We need those folks as it keeps America strong
- ❖ Ironic note that Link Housing - Larkspur is having the grand opening as La Mirage is in foreclosure

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- ❖ Before Mr. Wiknich came back to the Council he was the one urging shovel ready projects
- ❖ Then Mr. Helt told us we could not do that as it was illegal so we stopped
- ❖ Could not come up with matching funds for \_a project\_ so we lost the funds and they were reallocated in the County

**ADJOURNMENT**

Mayor Morgan adjourned the meeting at 10:00 p.m.



Rita Gable, City Clerk

