



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

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

**February 16, 2011
5:30 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 – 5:30 p.m.

ROLL CALL

PRESENT: Mayor Ronald H. Carter; Vice Mayor Jerry Taylor; Council Member Steven P. Morgan; and Council Member Jason Patin

ABSENT Mayor Pro-Tem Marshall 'Chip' Holloway

STAFF: Kurt Wilson City Manager; Rachel J. Ford, City Clerk; Keith Lemieux, City Attorney and other personnel

APPROVAL OF AGENDA

- a) Add Closed Session Item GC54956.9 (A) Conference With Legal Counsel; Existing Litigation - Eierman V. Stephen Morgan Et Al. To Closed Session.
- b) Pull Closed Session Item GC54956.9 (B) Conference With Legal Counsel; Potential Litigation – Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest.
- c) Amended presentation for item 4.

Motion To Approve Agenda As Amended Was Made By Council Member Taylor, Second By Council Member Morgan. Motion Carried By Voice Vote Of 4 Ayes, 0 Nays, 0 Abstain, And 1 Absent (Council Member Holloway)

CLOSED SESSION – 5:30 p.m.

- GC54956.9 (A) Conference with Legal Counsel; Existing Litigation – City of Ridgecrest v. Benz Sanitation Inc.
- GC54956.9 (B) Conference with Legal Counsel, Potential Litigation – Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest
- GC54957 Personnel Matters – Public Employee Performance Evaluation – City Manager

PUBLIC COMMENT – CLOSED SESSION

- No Public Comments were made to council.

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation – Warren Campbell

CITY ATTORNEY REPORTS

- Closed Session
 - Steven O'Neill – met in closed session. Reports received on existing litigation. No action taken
 - Steven O'Neill – city manager evaluation – discussion only – no action taken
- Other
 - No Other Report

PUBLIC COMMENT

- No public comments were made to council.

DISCUSSION AND OTHER ACTION ITEMS

1. **Presentation To Council Of The FY 2010 Financial Audit Report** **Staheli**
 - Tyrell Staheli – introduced Ken Pun of Caporicci & Larson to give CAFFR report
 - Ken Pun – gave introduction background of firm mergers and new business objectives of the annual audit. 2010 Net Assets reviewed. No illegal or inappropriate activity was found throughout the audit. Cost of service was above tax revenue resulting in a net loss. General fund available fund balance was identified to be 1% lower than recommended. Risk Areas include retirement plans with CalPERS, no schedule of funding progress is available as City has less than 100 members. Other risk area is the postemployment benefits plan cost unfunded liability of \$532,201. Workers compensation and general liabilities

also a risk area. Findings, WIA program improper enrollments and missing documentation. New GASB pronouncements No. 51 & No. 53 reviewed which have very little impact to this City. Client education seminar schedule announced. 2009 county/city survey will be provided to council.

- Steve Morgan – on the one finding, in the report did you find the city worked proactively in absolving the report.
 - Ken Pun – yes and that is reflected in the report
- Jerry Taylor – would like a copy of the survey.
 - Kin Pun – a copy will be forwarded to Tyrell Staheli for council
 - Kurt Wilson – the findings were phenomenal; the only finding was something we had already corrected. Thanked staff for their proactive work.
 - Kin Pun – city GFOA program, received the award. This is good program which shows you have met all the requirements. Would like to present this award to the city.
 - Tyrell Staheli – this is a lot of hard work and my staff and other staff has stayed on top of things to make this possible. Would like to give credit to the other city staff.

Handouts presented to council and made available at the clerk's desk. A copy will be filed in the City Clerk office and made available to the public on request.

2. Discussion And Approval Of A Resolution Adopting A Policy From The Quality Of Life Committee Outlining The Procedure For Assigning A Name To City Owned Parks Ponek

- Jim Ponek – gave staff report for recommendation from quality of life committee to pass a parks naming policy. This came up when we acquired property by Denny's. Decision to put a policy in place for future situations. Staff and committee are comfortable with this policy.
- Steve Morgan – to members of committee, on last page under 6, submission process, last bullet point of revised request. Contracts we deal with all the time, is that opportunity is before a deadline correct? Deadline to submit, if application is incomplete the resubmission would be before the deadline?
 - Jim Ponek – correct
 - Steve Morgan – is there an opportunity for staff to make recommendations?
 - Jim Ponek – was not written in here but would be discussed by committee
- Mayor Carter – anybody can submit recommendations
- Jerry Taylor – 7B committee may also submit recommendations. Public process.
- Steve Morgan – sometimes staff has already done research and in past, ideas were fronted and want that to be part of the process.
- Jerry Taylor – section 4 discussion of press release for deadline to get applications in. Ask staff that the hearing be publicly noticed for the quality of life

meetings, really get it out and make sure people have the opportunity to come down and have input. Fine with format and appreciate the effort.

- Jason Patin – I see what you are saying, sometimes people don't pay attention to what is on the agenda, good thing is when goes to council public has another opportunity to have input.
 - Jim Ponek – one thing Mayor Carter reminded me of is from committee meetings, we had young gentleman Dillon Caracas who had a significant role in this. He is currently working on trying to rename a park for Evan Etoch which helped us with the process.
- Jerry Taylor – under 5C is that your definition relative to this subject. We'll wait to see where this comes in the process.

Public Comment

- Ron Porter – my concerns is it sets two parameters. Thank everyone for their work, well thought out. First it allows committee to put forth their own suggestions, these should all have a deadline, should also be available for parks & recreation. Concern about parks and recreation reviewing and making recommendations. Should ask for a 1 or 2 page brief on why they think it should be named that and then committee could review. A full package not everyone would have the time to read all of them. Rather than trying to write out everything, just submit a brief, if staff understands what is being asked then forward to committee.
 - Mayor Carter – will take note of that.
- Dave Matthews – first, subtitle 6, submission process would prefer application process rather than submission in this context. Third scenario where parks could be acquired by contractor/developer set aside, sounds like developer is being shut out and he should have chance to submit a name also. Thirdly missing the boat on something, if you look at what's happening in major leagues, home teams have parks with corporate names. Perhaps were missing the boat by not advertising a corporate sponsor who could sponsor the maintenance on the park for a year or so. Not to name the park but to promote with signs that the park is being maintained by the sponsor.

Council Comments

- Jason Patin – agree with Mr. Matthews about sponsorship, not for this policy but for other ideas.
- Jerry Taylor – that was originally my idea. As for developer, they have the right to name the park we just have to approve it.

- Steve Morgan – scenario C, developer donates land as a requirement of subdivision, they are still eligible to submit a name application. No problem with changing submission to application.
- Jason Patin – no problem with this type of change.
- Steve Morgan – do you think you may receive 100 page submissions. Groups such as the historical society could come up with substantial documentation for you to go thru. Perhaps an executive summary.
- Jason Patin – Mr. Porter was recommending a brief that you would pass on.
- Jerry Taylor – for me it can be a simple form, the important part is block 5 which is the justification.
 - Jim Ponek – bottom line is this gives us guidance, comfortable with it and if needs changes later due to problems.
- Jerry Taylor – recommend a cover letter to go with this rather than changing policy.

Motion To Approve A Resolution Adopting A Policy From The Quality Of Life Committee Outlining The Procedure For Assigning A Name To City Owned Parks As Amending Item Six Changing Submission To Application Made By Council Member Morgan, Second By Council Member Taylor. Motion Carried By Voice Vote Of 4 Ayes, 0 Nays, 0 Abstain, 1 Absent (Council Member Holloway)

3. Approval Of A Resolution Of The Ridgecrest Redevelopment Agency Authorizing The Acceptance Of Real Property By And Between The Agency And Landry **McRea**

- Jim McRea – gave staff report
- Jason Patin - \$550k is that what is being asked for the original purchase or for the entire 25 acres and wants it appraised at 2million.
 - Jim McRea – that was the 2010 appraisal, willing to sell the property at \$550 and asks for a donation of the value above the \$550k. A new appraisal will be done. Nothing in the agreement that requires the appraisal be at 2 million
- Steve Morgan – confirm agency counsel has approved and signed off on escrow instructions.
 - Jim McRea – agreement was originally developed by agency counsel, he will sign off on the document and was created by special counsel.
- Steve Morgan – some people in the community will not be happy about this, but this needs to be done and we have to expand the parking.

- Jerry Taylor – agree, if public looks at satellite image, the current photo is full and people have parked behind and beside the parks in the desert, had about half the parking needed.
- Jason Patin – using RDA monies to purchase land valued at over 2 million dollars and this is a good deal for the city. This was a long battle to get this done, Mr. McRea drove paperwork down and it didn't happen. Staff persevered.

Public comment

- Dave Matthews – just want to clarify something, gathering total price is between \$550k and \$560k
- a) Motion to Approve the Agreement and Escrow Instructions for purchase of the real property Made By Council Member Morgan, Second By Council Member Taylor, Motion Carried By Voice Vote Of 4 Ayes, 0 Nays, 0 Abstain, And 1 Absent (Council Member Holloway)*
 - b) Motion to Adopt RRA Resolution 11-02, an Agency Resolution authorizing a Certificate of Acceptance Made By Council Member Morgan, Second By Council Member Taylor, Motion Carried By Voice Vote Of 4 Ayes, 0 Nays, 0 Abstain, And 1 Absent (Council Member Holloway)*
 - c) Minute Motion to approve and accept the donation of additional land with a market value of at least \$2,360,000 as determined by an independent appraisal and verified by the Finance Division Made By Council Member Morgan, Second By Council Member Patin, Motion Carried By Voice Vote Of 4 Ayes, 0 Nays, 0 Abstain, And 1 Absent (Council Member Holloway)*
 - d) Motion to Authorize the expenditure of Tax Allocation Bond (TAB) funds with an appropriate project number established for the site, to include all closure costs plus prior engineering work in the amount of \$1,800. Made By Council Member Morgan, Second By Council Member Taylor, Motion Carried By Voice Vote Of 4 Ayes, 0 Nays, 0 Abstain, And 1 Absent (Council Member Holloway)*

4. Discussion Of Indian Wells Valley Water District Request For Review Of Potential Water Conservation Ordinance Amendments Taylor

- Jerry Taylor – gave PowerPoint presentation for discussion only.
- Jason Patin – covered where we've been and where we are going. Have a real easy time relating to 'here's the fee' and I decide what to plant. Had a hard time opening up my home for inspection. Still feel that way but working towards this plan which gives people options. Understand the need, want to keep moving in the direction of having choices of how we handle our own property. Please where we are moving towards, don't think we are there yet. Purpose is to see how you want us to interact with the water district on this issue.

- Steve Morgan – this is a solution with no correct answer. Thank Jerry and Jason and water district for taking the time to work on this. Don't quite understand is in the proposed concepts, are they relegated to these possible set numbers or do they depend on the size of the unit? What lot size? Is it innumerable depending on the size of the property.
 - Jerry Taylor – there has been some debate about lot size, part of the debate was percentage. Last left it with movement toward two tiers. That is input you are leaning in that direction that lot size might want something different. A current rule is zero in front, and this idea gives people some choice. If you would like to have flexibility and alternative, keep in mind water district isn't going to snoop in your back yard, they will look at the metered usage.
- Steve Morgan – am sure water district is well versed. Assuming the process still occurs. Contractor told me I had money available for landscaping and I decided where to put the landscaping. Would think a contractor would say cannot treat a lot that is 6000 sq ft the same as a 400 sq ft. Hope that as program is vetted, it will take into account the lot size.
 - Jerry Taylor – alternative think within the spirit of these changes, need to give more flexibility in the back rather than the front. They want to change the cultural thing, promote recreational space in the back rather than decorative in the front. Where I live children played in the front and trying to put that option back in there. Need to balance recreational options for people. Zeroscape is not recreational friendly.
- Steve Morgan – not advocating expanding, just wanted to understand if there is a flexibility component with the lot size. Hope there is some flexibility to allow property owner and contractor to make the decisions of where they want to put the turf.
- Mayor Carter – spent a lot of time in economic development committee. Amount of time put in for the amount of result is disappointment to me. If only talking about new residences, not going to have much effect. Agree the rates should determine what the owner wants to put in. Don't understand how we got off kilter, I am in favor of what we originally passed. No way will I vote for something that requires owners allow access of the inspector. Fully support different rates, but would be upset if this is passed. Don't even know how they water district will document and check all of this. Think too many things have been added back in that were taken out, don't think will accomplish anything. Rates should be regulated.

Public comment

- Carol Vaughn – this is going to cause a riot. Mr. Carter and Patin are right, don't need all these rules. Takes a long time for zeroscape to look good, costs more money, sprinklers required and irrigation costs more money. Don't think anyone will sit still and allow people to come in their back yards to see what's going on. Telling us exactly what to plant, where and how is overkill. Charge us for the

water and people will control their use. Can't see how you are considering this, doesn't make sense. Don't know what this is all about, most people don't spend a lot of time in their back yards. We have a problem with how our town looks already. Take the grass outside this building and take the water for that and plant trees. Even New York City has trees on concrete sidewalks. We know we don't need sod, it's expensive and wastes water. Right now if you want a water permit you have to sign something that says you won't ever put sod in the front yard. The problem people on Sage St. have a lot of beautiful sod but also have trees. Raise the cost of water but we need to do something that makes homes look good. Trees look good. There are other things that offset the look. We don't need to be told exactly what to do; don't need to do this, making life hard. Mr. Morgan is right about contractor stuff; money spent for sod isn't going to go far for zeroscape and takes a while to look good. Go back to simple.

- Tom Wiknich – agree with comments and Mr. Morgan. If total usage square footage would be important to have in there. Permit for my building allowed 10% for landscaping. Just give a percentage requirement. Agree with controlling with rates and having the flexibility of resident and builder in where the percentage will be placed. Would suggest you take that into consideration in having the square footage and using a percentage of that. Rate and percentage control.
- Dave Matthews – thank you Miss Vaughn. Don't give up your principals Mr. Patin. One thing not mentioned was evaporative coolers. Have not looked at plans but bet won't find trees. I have only large trees and they are big enough to give shade. Some are evergreen. Shade on south wall for long period of time and water use is low. Large lots might want to add windbreaks, bet they aren't on the list. Trees I have don't use a lot of water, still on the minimum use level. I use a root soaker so not a lot on the surface to evaporate. Recent water use has gone down probably because of the winter we've had. Make a prediction that within the next 10 years you'll see a rise in the valley water table.
- Stan Ratoraj – believe conservation is important and believe should be looked at by everybody daily. Should not be just new people but everyone. To change the culture, nothing will change the culture faster than raising the rates. Nothing in presentation justified changing the ordinance. If going to change something, should know why rather than somebody thought was a good idea, encourage city before changing current ordinance, submit as a public initiative for a vote of the public. Affects the whole community.
 - Jerry Taylor – appreciate your position.
- Stan Ratoraj – perhaps two initiatives, let the public speak for themselves. Important the public has a say.
- Tom Mulverhill – did not prepare presentation and wasn't planning on speaking, would like to expand or offer information. First, zeroscape is more expensive to put in which is true however total long term cost is less due to less water, maintenance, equipment, fertilizer etc. A few people who can afford the districts higher rates, highest rate is going toward marginal cost of replacing water. If going to use that much water then can afford to pay cost of replacing the water. As of last study, we are using the best water, a lot of water in the valley but are

going to use up the best water and as we go to brackish water that has to be treated the cost will go up. In 2005 the cost of changing brackish to potable was 10 to 1. What will happen is those affluent people who can afford to use all the water they want, will contribute to the rates going up for those who cannot afford to pay. Not just a matter of property rights, all in this together and sharing the same aquifer and when the resources diminish we will all have to pay together. About two years ago we had community representatives participate in the ordinance, there was a different restriction in the original draft which was 50% both front and back. Don't think we would have a problem with working on a scalable formula. There are trees on the plant list which may not be as big as a sycamore but will provide shade. Why do a restriction on landscape when we do have a conservation base plan? A few years ago this community went thru a building boom. Took about two years to put this together, if we wait until another boom for a landscape ordinance it will be too late. The time is now, not in the middle of the boom. Do this now and have it in place for the next boom. When you are going into a neighborhood, you will see what this is going to look like, if people turn their water off and let everything die when they can't afford it doesn't look good, want something that is water efficient but still beautiful. Realize council is in difficult position and appreciate the work you and staff are doing. Think you are looking for an indication of if this is an issue that needs to be worked on.

- Leroy Corlett – I want to comment that this has been a real struggle but appreciate Mr. Taylor and Patin working with us. This has been an ongoing problem that we are still working on. Have had escalating rates since the 1980's. Are following your advice and want to continue to work with you.
- Mayor Carter – appreciates your hard work and thinks still far apart.
- Jerry Taylor – There is scheduled to be another meeting next Thursday and appreciate water district staff coming down and giving more detail. Understand where Carol is coming from, don't want people to not have any landscape. Will continue to work on this issue.

Presentations Are Available at Clerk's Desk for the Public. A Copy Will Be Filed In the City Clerk's Office and Made Available To The Public On Request.

CONSENT CALENDAR

5. **Investment Reports For Quarter Ending December 31, 2010** **Staheli**
6. **Approve Minutes Of The Regular City Council/Redevelopment Agency Meeting Of February 2, 2011** **Ford**
7. **Approve Council Expenditure List (DWR) Dated January 27, 2011 In The Amount Of \$34,087.60** **Staheli**

8. Approve Council Expenditure List (DWR) Dated January 28, 2011 In The Amount Of \$374,146.64 Staheli
9. Approve Agency Expenditure List (DWR) Dated January 27, 2011 In The Amount Of \$127.67 Staheli

No Items Were Pulled From The Consent Calendar by Council or Public.

Motion To Approve The Consent Calendar As Amended Made By Council Member Morgan, Second By Council Member Taylor. Motion Carried By Voice Vote Of 4 Ayes, 0 Nays, 0 Abstain, 0 Absent (Council Member Holloway)

PUBLIC COMMENT

- No public comment presented to Council

DEPARTMENT AND COMMITTEE REPORTS

Infrastructure Committee

Members: Steve Morgan, Jerry Taylor, Craig Porter, James Sanders
Meeting: 2nd Wednesday Of The Month At 5:00 p.m.
Council Conference Room
Next Meeting: March 9, 2011

- Jerry Taylor – met on February 9 discussed street sweeping update which is still cut from the budget; ask staff to look into county charges for dump fees to cover landfill hope future discussion with John McQuiston this will be discussed. A lot of cost for street sweeping was related to dump fee. Wastewater update for plan in March. PMS report still wasn't ready and hopefully will finally see the update. Crucial part of road infrastructure discussions. Ward signal light is up and running. Street light issue was resolved by SCE properly billing us.

Quality of Life

Members: Chip Holloway, Jason Patin, Craig Porter, Carter Pope
Meetings: 1st Thursday Of Every Even Month At 12:00 p.m.
Kerr-McGee Center
Next Meeting: April 7, 2011

- Jason Patin – did not meet due to lack of quorum. Next meeting April 7

Youth Advisory Council

- No report

City Organization

Members: Ron Carter, Jerry Taylor, Lois Beres, Christopher LeCornu
Meeting: 3rd Tuesday Of The Month At 5:00 p.m.
Council Conference Room
Next Meeting: March 15, 2011

- Jerry Taylor – met and received committee structure report. next meeting March 15.

Community Development Committee

Members: Steve Morgan, Jason Patin, Christopher LeCornu, James Sanders
Meetings: 1st Thursday Of The Month At 5:00 p.m.
Council Conference Room
Next Meeting: March 3, 2011

- Jason Patin – met and received update from Mr. Parsons for city's plan for down payments for low income home buyers. Other item is citizen request for plan to allow traffic flow at new Wal-Mart complex. Won't slow down Wal-Mart construction process, will ask at the appropriate time if Wal-Mart would be interested in discussions.
- Steve Morgan – which documentation will be coming to council. March 3 is next meeting, I probably cannot attend the meeting as it is the night of the Kern COG awards and have to be at the ceremony. Three community members accepting awards and may need to move the date.
- Jason Patin – may need to move the date.

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

Members: Ron Carter, Chip Holloway, Ron Strand
Meetings: 2nd Monday Of Odd Numbered Months At 6:00 p.m.
Kerr-McGee Center
Next Meeting: March 14, 2011

- Mayor Carter – having meeting on 23rd with city manager, chief, and action committee.

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Jerry Taylor – two water meetings, tomorrow for water valley meeting and on the 24th with water district committee.
- Steve Morgan – tomorrow night is Kern COG meeting, one item on agenda is governors extension of gas tax swap, will be deciding if going to send letter approving of that continuation. League of California cities and developers support the extension to provide funding sources for rural communities. Don't

believe there is concern from council or staff. My intention is to vote in favor and if I maintain as representative at Cal COG they are taking up the same subject and are in favor of extending.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- Kurt Wilson – budget process continuing. Goal is to have discussion early enough to give staff time to work on issues. Secondly there was discussion of the 4 million dollar loan to school district. Redevelopment agency collect increment from properties, a portion goes to school district as regular payment. When district had need for influx of cash for elementary school, council and redevelopment agency advanced those funds and then repayment was made by withholding the increment. We have verified the school district has paid the fund completely. Documentation forthcoming.

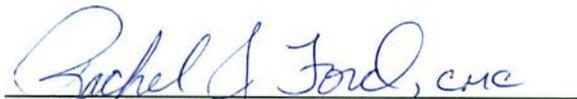
MAYOR AND COUNCIL COMMENTS

- Mayor Carter – thanked city, chamber and staff for economic outlook conference. Great speakers and gave everyone great things to think about. Nathan did a great job with chamber in putting this together. Appreciate we are reaching out to different groups in the community. Will be going over our strategic plan, important that organizations in the community provide input, will be reaching out and getting good input.
- Jerry Taylor – budget meetings, first day will there be status on current budget?
 - Kurt Wilson – no, status will be in the works for full council meeting, don't have the data but will be getting it ready soon. Takes awhile to get caught up on things.
 - Jerry Taylor – would like to see that soon. Also would like to get the prioritization meeting and budget meeting scheduled soon. Appreciate everyone's input for the economic outlook conference and relative to the water district discussion. Is a challenge when two different boards try to work out a compromise? Legislating has to be in the form of compromise. Have no problem with city's water ordinance, but doesn't do a lot of good when water district has a different ordinance.
- Steve Morgan – forgot to mention a historic note, swearing in of council member patin, first time in 14 years was no longer the youngest council member here. Thank you Jason for taking on that role. Also there is a time of the year coming up when a lot of individuals are performing the yearly punishment of taxes, if receiving a refund I want to encourage people who have a young child, take that money and put it aside for their college fund. Thank staff for their hard work in public works for keeping up on the ARRA fund paperwork, audits continually and Kern COG is also concerned because if you don't do your paperwork correctly you are responsible for the entire amount. Thank Dennis Speer and Kurt Wilson for keeping up on that. Did not attend the economic outlook conference but my co-workers were very appreciative to council for allowing me to go to work. Also,

my daughter was 4 when I was appointed to planning commission and 6 when elected to council so she doesn't know me any other way than the crazy man who is always gone, but she is now engaged and to be married. When individuals ask me what I've given up, I've given up a lot of time with my daughter. Don't forget president's day, and thank Barbara and Howard for their requests to Kern COG for awards and thank you for thinking of our community members.

- Jason Patin – one of my main goals in the campaign was to draw resources within our community together. With diminishing budgets we can get together and help each other out. Been talking to people to see who is interested. Thank staff for their help. Thanks to Tyrell and his staff for the CAFFR report and outstanding audit. We were elected to move forward with what community wants, trying to compromise but if continue to get feedback from community we may have to go a different direction and will work on that. Can't get on board with people telling us what we have to do with our own property, hope there is give and take on both sides to come up with something we can live with. Will keep working on it for the good of the city. Happy to see the land deal going forward, many people who put in great effort to see this done. Timing is right for city to get a great deal. Want to give Kurt some credit about getting the \$4 million loan accounted for. Outlook conference was great, agree with Jerry on the TAB money and want to see us move forward. Congratulations to Steve Morgan's daughter on her engagement. Chip Holloway who got engaged in Hawaii.

ADJOURNMENT – 8:30pm



Rachel J. Ford, cmc
City Clerk