



**MINUTES OF THE REGULAR MEETING OF THE  
RIDGECREST CITY COUNCIL  
RIDGECREST HOUSING AUTHORITY  
RIDGECREST FINANCE AUTHORITY**

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

**April 18, 2012  
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 – 4:00 p.m.**

**CALL TO ORDER**

**ROLL CALL**

Council Present: Mayor Ronald H. Carter; Mayor Pro Tem Marshall 'Chip' Holloway; Vice Mayor Jerry D. Taylor; Council Member Steven P. Morgan; and Council Member Jason Patin

Staff Present: City Manager Kurt O. Wilson; City Clerk Rachel J. Ford; City Attorney Keith Lemieux (via teleconference); and other staff

**APPROVAL OF AGENDA**

Addition of a fourth resolution to item five establishing a fund for the landscaping and lighting district.

*Motion To Approve Agenda As Amended Made By Council Member Patin, Second By Council Member Holloway. Motion Carried By Roll Call Vote Of 5 Ayes; 0 Nays; 0 Abstain; 0 Absent.*

**PUBLIC COMMENT – CLOSED SESSION**

- No public comment for closed session presented.

**CLOSED SESSION – 5:30 p.m.**

GC54956.9(A) Conference With Legal Counsel, Existing Litigation. County Of Kern v. City Of Ridgecrest

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GC54957.6 Labor Negotiations – United Food and Commercial Workers Golden State 8 (UFCW); Police Employee Association of Ridgecrest (PEAR); Management; Mid-Management; Confidential; Part-Time Employees. Agency Negotiator City Manager Kurt Wilson

### REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

### CITY ATTORNEY REPORTS

- Closed Session
  - County of Kern v. city of Ridgecrest – no action taken
  - Labor negotiations – no action taken
- Other
  - none

### PUBLIC COMMENT

David Bahl

- Concerned about obesity. Ready report to council encouraging city sports program and the custom of parents bringing junk food snacks to games and sharing with youth. Sent letter to Mr. Ponck. Was told no action would be taken. Suggested a policy be put in place. Provided another city policy on the subject.

Stan Rajtora

- Trouble with invoices for multi-family dwelling from waste management. Emailed to City Manager and no resolution as yet. Rental manager has contacted company but not familiar with multi-family residence billing. Asks something be done before next bill is due.
  - Kurt Wilson – clarified that original concerns were addressed and a recent email with other concerns. Believe a resolution has been made and asked to contact Rob at HFH who was present at the meeting.

Dan Brady

- Presented new energy savings Smart Meter tracking program documents from Southern California Edison to council (*Copy available in the City Clerk's office*)
- Program details and launch date including delay list/opt-out; costs; etc.
  - Jerry Taylor – asked clarification of megahertz and recommended updating old cell phones. Also highlighted increase in costs to customers and accuracy of meters. Customers with out of ordinary bills can request a billing audit.
  - Ron Carter – designed to benefit customer but will have to pay extra \$75 up front with additional \$10 monthly for opt-out program. If you don't opt-out then no cost to the customer.

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- Jerry Taylor – Rate program change? Dan Brady responded that at this time no but eventually there may be changes.

Joe Conway

- The \$75 + \$10 per month is a small price to pay for privacy and not to be tracked 24/7. This is insidious.

Ron Porter

- Asked council to do an audit of the wastewater fund since inception.

Jim Fallgetter

- Interested in the SCE program and looking at all ways to save energy. Looking forward to having the information to help conserve energy. When looking at the bill can calculate the energy usage and how to reduce the usage during high use times.

Mike Neel

- Months after declaring fiscal emergency but have not balanced this year's deficit. People wondering what is going on. Highlighted Councilmember Taylor's request for departments to produce a listing of 25% cuts. Asked how community can have confidence in council and staff if the budget has not been balanced. Would like to see the reductions soon. Referred to last year's annual financial report, page 62-63 and wastewater transfer to solid waste enterprise fund to make payment to city's trash hauler to be paid this year. Asked if it has been paid and if not why. Threatened to contact Howard Jarvis. Accused council of illegal action.

**CONSENT CALENDAR**

1. Adopt Resolution Approving The Annual Report On Development Impact Fee Revenues And Expenditures, And Making Findings As To Unexpended Funds **Staheli**
2. Proclamations For The Month Of April **Ford**
3. Approve Draft Minutes Of The Regular City Council Meeting Of March 21, 2012 **Ford**

Items pulled: item 1 for comment

*Motion To Approve Agenda As Amended Made By Council Member Patin, Second By Council Member Taylor. Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Abstain; And 0 Absent.*

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### ITEM 2 DISCUSSION

Jerry Taylor

- Would like to look at the project list as a future agenda item. Funds beginning to build in traffic impact fees. Time council should revisit what impact fees should be used for. Council supports

Stan Rajtora

- List does not include sewer connection fee, offsite facilities charge, & sewer capacity fee.

Tyrell Staheli

- Those fees fall within the wastewater fund, no specific report. not set up the same as these impact funds.

Stan Rajtora

- City ordinance read outlining how these funds are to be treated. Unless ordinance is amended then should abide by the ordinance. Asked who is responsible for enforcing the ordinance.

Steve Morgan

- Will take up with staff

*Motion To Approve Item 1 Made By Council Member Taylor, Second By Council Member Morgan. Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Abstain; And 0 Absent.*

### DISCUSSION AND OTHER ACTION ITEMS

#### 4. Grant Progress Update from California Consulting

**Juan Garza**

Juan Garza gave staff report updating council on the status of grants the consultant is processing on behalf of the City of Ridgecrest.

Jerry Taylor

- Asked about matching funds.
  - Juan Garza – some do require match however the one going out Friday (DRI Grant in the amount of \$250,000) does not have a match requirement. Notifications include what kind of match is required. Consultant is paid on a flat monthly fee and takes no percentage of any awards.

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Jerry Taylor

- With respect to item 2 of the list (fire services) are we being good guys and is there a cost to the city.
  - Kurt Wilson – not sure at this time that we even qualify but will take into consideration Council concerns.

Jerry Taylor

- Do we qualify for the highway improvement grant?
  - Dennis Speer – have been successful in the past for traffic lights and highway safety improvement program.

Jason Patin

- Clarified this list are grants we are either moving forward or reviewing qualifications.
  - Juan Garza – will send full list with current status.

Chip Holloway

- There are grants for skate parks and soccer, are there any for swimming?
  - Juan – there are grants for water parks and facilities/centers and are currently doing the research now. Looking at applications more favorably if the City partners with schools and non-profits. Baseball Tomorrow foundation has grants for infrastructure. Soccer Foundation helps fund programs. These are on the list for Ridgecrest.

Jerry Taylor

- Who are we partnering with for 5013C on the Hearst Foundation
  - Juan Garza – no project developed yet so no 5013C has been identified.

Jerry Taylor

- Recommended the Nexus group thru the Chamber of Commerce.

Ron Carter

- Thanked consultant for staying on top of our needs and working on this project.

Dave Matthews

- Who is this consultant working for? Asked we look for grants for Performing Arts Center.
  - Kurt Wilson – clarified that Mr. Garza is a consultant for California Consulting who City has retained.

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- 5. Adoption Of Resolutions (1) Declaring The City's Intention To Form Landscaping And Lighting District No. 2012-1 Which Calls For The Preparation And Filing Of The Engineer's Report Regarding The Formation Of The District And The Levy Of Assessments; And (2) Accepts And Approves The Engineer's Report; And (3) Initiating Proceedings To Form Landscaping And Lighting District No. 2012-1, To Levy Assessments Commencing In Fiscal Year 2012/2013, To Conduct A Property Owner Protest Ballot Proceeding For The Assessments, And Sets The Time And Place For The Public Hearing** **Speer**

Dennis Speer

- Gave staff report. outlining background and formation of landscaping and lighting district; Prop 218 hearing guidelines. Introduced Jim McGuire of Willdan Financial Services.

Jim McGuire

- Gave overview of engineers report. Ballots to be mailed on Friday and Public Hearing on May 6

Jerry Taylor

- If ballots are not affirmative, what happens.

Jim McGuire

- Measure would fail and could not move forward

Chip Holloway

- What is mechanism to raise the rate?

Jim McGuire

- Maximum of \$265 annual has a 3.5% cost of living increase built in and Council has to approve engineer report annually. This year's cost to city is zero however next year the maintenance fee would be calculated based on assessment.

Jason Patin

- Was this a condition of the project? And why not do this while developer owns the majority of land.

Dennis Speer

- That is actually a condition of the municipal code. Developer still owns a majority of the land.

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Ron Porter

- Not really a vote and has a problem with this. Does not meet the intent. Secondly, creating a practice of creating new districts in planning and the residents will have to pay for it. Historically this was done by property owners with individual control. Additionally did not see the statute identifying why special benefit is beyond all taxpayers. That needs to be answered. Questioned based on case law under provision 13D requires new protest vote before raising and inflationary rules are not allowed, does that apply to this district? Lots of concerns that have not been answered. Mechanism to get rid of it isn't written in, what happens if those purchasing the property don't want it?

Dave Matthews

- This district is just for 67 properties in this tract, if formed did I hear implication that lighting responsibility becomes the City's responsibility?
  - Dennis Speer – administration only, maintenance cost later is included in what we pay SCE.

Dave Matthews

- If a pole breaks, who pays to replace?
  - Dennis Speer - SCE

Jerry Taylor

- Clarified that the Lighting and Landscaping district would pay for their lights so they would not be turned off.

Stan Rajtora

- Understood DR Horton paid for the lights making them LS2 rather than LS1 which is less costly. Why are they now LS1?
  - Dennis Speer – developer did purchase lights and city does not have staff to maintenance so makes sense to make the LS1.

Stan Rajtora

- Recommends study to see if more cost effective to hire someone to maintenance as LS2 rather than put the burden on the property owners. This more than doubles what people will pay in property taxes. Trade to LS2.

Howard Auld

- Confused, what is council doing adopting resolution to form lighting and landscaping district and set a time and place for public hearing. How can you accept and approve an engineering report you haven't seen yet. Makes sense to only adopt the first two resolutions.
  - Dennis Speer – engineering report was attached to council agenda packet.

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Steve Morgan

- Cities have been putting together these districts to keep city costs down. we have been taking money out of general fund rather than do this. This is a way to reduce the cost to general fund. Those living in the development will pay for their lighting and landscaping and SCE will take care of it. We do not have anyone to do the job.

*a. Motion To Approve A Resolution Initiating Proceedings For The Formation Of Landscaping And Lighting District No. 2012-1, And Directing The Preparation And Filing Of An Engineer's Report Made By Council Member Morgan, Second By Council Member Holloway . Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Abstain; 0 Absent.*

*b. Motion to Approve A Resolutions Preliminarily Approving The Engineer's Report Regarding The Formation Of Landscaping And Lighting District No. 2012-1; And The Levy And Collection Of Assessments Related Thereto Commencing With Fiscal Year 2012/2013 Made By Council Member Morgan , Second By Council Member Holloway . Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Abstain; 0 Absent.*

*c. Motion To Approve A Resolution Declaring The City Council's Intention To Form Landscaping And Lighting District No. 2012-1 And To Levy Annual Assessments Commencing With Fiscal Year 2012/2013; Accepting And Approving The Engineer's Report; To Conduct A Property Owner Protest Ballot Proceeding On The Matter Of The New Assessments; And Setting A Time And Place For The Public Hearing On These Matters Made By Council Member Morgan , Second By Council Member Holloway . Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Abstain; 0 Absent.*

*d. Motion To Approve A Resolution Of The City Council Of The City Of Ridgecrest Authorizing The Establishment Of A New Fund For The Landscaping And Lighting District No. 2012-01 Made By Council Member Morgan , Second By Council Member Holloway . Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Abstain; 0 Absent.*

Jerry Taylor

- Commented on the past payments made without a district. Suggested establishing a district for the business park.

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**6. Approve A Resolution Of The Ridgecrest City Council for the Real Property Sale Option of a 12 acre + portion of APN 343-014-007, 411 N. San Bernardino Blvd, SunMark Energy, LLC** **McRea**

Jim McRea

- Gave staff report.

Jason Patin

- Asked who was paying for surveying
  - Jim McRea – surveying paid by developer, engineering would be done by wastewater and engineering.

Jason Patin

- Property has to be offered to other public agencies, who received the offer and what was the result. And was it offered on the open market
  - Offered to Sierra Sands, Parks & Recreation and offered on the open market with no response.

Chip Holloway

- How do we resolve the logistical difficulties, mechanism of retaining sales tax.
  - Jim McRea – outlined plans
  - Kurt Wilson – familiar with that option and looking into it.

Jason Patin

- Purchase price with payment options, as we go thru option money, do we retain the option money? If they don't exercise the option money?
  - Jim McRea – we would retain it and balance due when the solar field is complete. Option 3 would not occur until they install the solar field. Property purchase is scheduled June 30 and close the purchase when the field is operational. City retains any option funds if not completed.

Jerry Taylor

- Is the duration normal? Seems to be a long time to keep open.

Jason Patin

- On homes options go 3-5 years.
- Jim McRea – referenced last page of the agreement.

Jason Patin

- State regulations and hoops the company will have to jump thru, takes a long time because it is with the State.

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Ron Porter

- What is the value of the city other than money into the coffers? Exemplified parks and recreation study that didn't identify why we did it. If city continues to grow, may cost more to separate the property. Don't see any reason why this project could not be done on private property. Is there a requirement they build the facility and cleanup we have to cover which could cost more than listed for environmental costs. Concerned there is no long term benefit to the city. Lost the property and to get it back have to pay more. What happens after lifespan of the solar project ends? What is advantage to the city?

Dave Matthews

- Referenced San Bernardino blvd. (county line road). Where does county line run, thru the street or on east side? If on east side, there should be a correction to South San Bernardino Blvd.

Steve Morgan

- This property is not usable by City and this industrial use is perfect, especially if it expands. Hopefully we might be able to get something for parks or facilities that might benefit the city when the project is completed.

Jerry Taylor

- Impact Fees and property tax value for the City in addition to short term fees, construction. Proposed for sewer plant to be on base and not at this property

*Motion To Approve A Resolution Authorizing The City Manager To Sign Option Agreement With SunMark Energy LLC. In Relation To APN 343-014-07-01-1 Made By Council Member Morgan, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes 0; Nays; 0 Abstain; 0 Absent.*

## DEPARTMENT AND COMMITTEE REPORTS

### Infrastructure Committee

Members: Steve Morgan, Jerry Taylor, Craig Porter, James Sanders

Meeting: 2<sup>nd</sup> Wednesday Of The Month At 5:00 P.M., Council  
Conference Room

Next Meeting: May 9, 2012

Jerry Taylor – gave Thursday meeting schedules with next meeting May 10. Last meeting discussed street lights; understands law enforcement issues and wants crime rates for those areas that currently do not have street lights. Compare those areas to those that have lights. Other reports given.

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**Quality Of Life**

Members: Chip Holloway, Jason Patin, Craig Porter, Carter Pope  
Meeting: 1<sup>st</sup> Thursday Of Every Even Month At 12:00 P.M.; Kerr-  
McGee Center  
Next Meeting: June 7, 2012

Chip Holloway – announced next meeting

**City Organization**

Members: Ron Carter, Jerry Taylor, Lois Beres, Christopher LeCornu  
Meeting: 1<sup>st</sup> Tuesday Of The Month At 5:00 P.M.; Council Conference  
Room  
Next Meeting: May 1, 2012

Jerry Taylor – no agenda for next meeting at this time.

**Community Development Committee**

Members: Steve Morgan, Jason Patin, Christopher LeCornu, James  
Sanders  
Meetings: 1<sup>st</sup> Thursday Of The Month At 5:00 P.M.; Council  
Conference Room  
Next Meeting: May 3, 2012

Jason Patin – announced next meeting

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

Members: Ron Carter, Chip Holloway, Ron Strand  
Meetings: 2<sup>nd</sup> Monday Of Odd Numbered Months At 4:00 P.M., Kerr-  
McGee Center  
Next Meeting: May 14, 2012

Ron Carter – announced next meeting

**Ridgecrest Area Convention And Visitors Bureau (RACVB)**

Members: Chip Holloway, Jason Patin  
Meetings: 1<sup>st</sup> Wednesday Of The Month, 8:00 A.M.  
Next Meeting: May 2, 2012 at Location to Be Announced

Chip Holloway – announced next meeting

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### **OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

Steve Morgan – Kern Cog meeting, San Joaquin Valley Council discussed roads initiative, Assemblyman Perrera sponsoring bill and understands it to be forwarded without a percentage so assembly can work on issue and come up with an agreeable percentage. Kern Cog is watching and working with individuals to benefit Ridgecrest. Will be attending the California COG at no cost to City.

Chip Holloway – same information to be discussed at the next Desert Mountain Division on May 4

### **CITY MANAGER REPORTS**

Kurt Wilson

- Strong Cities Campaign update highlighting positive things happening in California Cities and Ridgecrest selected to participate
- Acknowledge public works department and streets cost savings thru alternative methods. Ridgecrest leader in Micro paving and Mr. Speer will host Kern Cog to review the process for them.
- Budget process is arduous, staff working to fulfill obligation. Have received council comments and finance trying to put those things together. Antiquated system does not make process faster. Tentatively schedule May 14-15 budget workshops with council meeting May 16.
- Waste Management updates by Rob Hilton with photos of reuse drive and sharps roundup sponsored by Waste Management. Recycle program is now collecting over 200 tons monthly and challenged community to reach the 300 ton benchmark. Also working with businesses to review and enhance going green. Noted new labeling of bins for recycling. Website updated. Launched recycle bank and Ridgecrest has the highest initial participation rate. Other programs available are additional recycle container for free and can step down to smaller garbage bin and save up to 20% on bill. Free bulky items pickup 3 times annually by calling 48 or more hours before regular pickup. Quarterly newsletter. Reviewed issues including transfer of recyclables to Pearson's rather than transporting to Lancaster. Other issue is billing of Multi-family accounts which is being corrected. Green Waste drop off at Corp Yard.

### **MAYOR AND COUNCIL COMMENTS**

Jason Patin – attended funeral for Dorothy Brown. Request staff bring back budget cut item concerning unrepresented employees of the City. we asked unrepresented employees to contribute their portion of benefits and social security, problem having with that is was premature and want council to reconsider/reinstate until negotiate with rest of employees and not affect them just because we can. Think it was a mistake by council in my opinion; we have ability to correct and give council the opportunity to reconsider what I believe to be a mistake.

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Jerry Taylor – relative to Mr. Patin's comments, understand the concerns and look forward to discussion and want to add lack of furlough's relative to department heads. In terms of fairness, good to have that same discussion. Tried to add to this agenda but was too late. Relative to citizen's comment about budget 25% listing. A date has been fixed. Individuals want us to spend money relative to IT and frustrating that due to antiquated equipment we are not having that discussion earlier. Am looking forward to budget but want the lowest 25% identified in each budget. Need to understand what level of budget council wants the city manager to build to. If assume no measure 'L' or RDA then must consider \$2 million less than today. Requested council members individually email city manager with their expectations. Assuming worst case as budget is today. Formally ask for understanding of crime statistics in terms of street lights. Want to understand impact relative to turning lights off. Can be presented to council in open session or one-on-one with me.

Steve Morgan – sympathies go out to relatives of Dorothy Brown. Even if we walked away disagreeing about the solutions, we had open discussions and walked away as friends. Saddened by passing of Dick Clark at the age of 82. Health Fair this Saturday at Cerro Coso community college with sponsored blood draws. Not sure of cost or what they are testing. Other groups are participating including Lion's club doing glaucoma testing. Respectfully disagree with Mr. Patin regarding the action taken toward unrepresented employees. Showed we were serious and have now gotten the point across to unions. If going to open the discussion then have to add police not being on furlough. Caution about opening the discussion. Idea of what audit to wastewater fund would cost or if could be done in house is beneficial. Look at chapter 12 and let's get it fixed if we have made a mistake. Continued salvos by we do not like measure 'L' group is not accurately represented. City has been in deficit spending mode and with staff efforts is not as bad as initially represented. Assured staff that we understand we are putting pressure on you and you are doing the best you can understaffed. With regard to the budget the sooner the better. Congratulated Mr. Fallgetter for his appointment to the oversight committee for redevelopment. Have a quorum and looking forward on projects.

Chip Holloway – thanked Supervisor McQuiston. There was a push to keep a county member on the committee and we were successful in preventing that from happening. Also attended Dorothy's funeral and family was appreciative. Agree to disagree and don't walk away mad. Budget issue I would like to see is get down to if Measure 'L' passes we could do the extra things we always intended to do with the funds, not make up the ground. Make the tough cuts now and lower services. Related meeting with Mr. Coleman showing our averages lower than other cities, always been behind the eight ball. Want to get a budget to the point that if it doesn't pass we can't do the luxuries but don't have to cut more. Computer issue has been a long-standing issue. How much extra time does staff spends doing the budget, can we quantify the process costs. Referencing the issue of obesity, different parents bring snacks at different levels. Understand both sides and that program is run by volunteers. League of California

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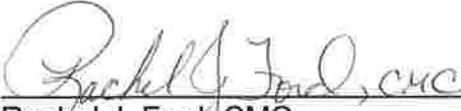
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cities is pushing the healthy cities program and will bring forward after staff gets caught up and budget is finished. Understand community perception, but is false that no one is working on the budget. In past solved the budget problem with small changes, now past that point and the solutions will come from people. Public discourse is not valuable from either side. Personnel issues involved. Staff and Council have been working on this all along.

Ron Carter – on obesity issue with parks and recreation youth, as educator it is difficult to regulate parents. As a coach I controlled what was brought in and what was not. Legislating doesn't work with parents; will have to be the coach. Policy won't change anything but work with the coach's will. On budget, when we work with budget to make cuts, same people saying we're moving too slow were saying we're going too fast. Staff is working hard and we are moving as fast as we can but there are so many things to go into the budget and a lot of potential things happening that could help us. Asking people to take this seriously and thanked staff for all they were doing. Better tools and equipment would make it easier. Dorothy Browns passing is very sad, got to know her and her family very well. She came to meetings, emailed and communicated with us and now have lost that voice. Being a good citizen means you have to participate. We didn't always agree with each other but had a good rapport.

**ADJOURNMENT in memory of Dorothy Brown at 8:35pm**

  
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Rachel J. Ford, CMC  
City Clerk