



**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**

**February 1, 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 – 5:30 p.m.

CALL TO ORDER

ROLL CALL

Council Present: Vice Mayor Jerry D. Taylor; Council Member Steven P. Morgan; and Council Member Jason Patin

Council Absent: Mayor Ronald H. Carter and Mayor Pro Tem Marshall "Chip" Holloway

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

APPROVAL OF AGENDA

Motion To Approve Agenda (As Amended) Made By Council Member Morgan; Second By Council Member Patin. Motion Carried By Voice Vote Of 3 Ayes; 0 Nays; 0 Abstain; 2 Absent (Council Members Carter & Holloway)

PUBLIC COMMENT – CLOSED SESSION

- None

Mayor Carter and Council Member Holloway joined the meeting at 5:32pm

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CLOSED SESSION – 5:30 p.m.

- GC54956.9 (A) Conference With Legal Counsel, Existing Litigation. City of Ridgecrest v. Benz Sanitation Inc.
- GC54956.8 Real Property negotiations: APN: 343-362-05 and/or APN 343- 014-07, 11.5 acres north of the Wastewater Bio-farm and east of the Bowman right of way and/or a 12 acre portion of a 31.8 acres parcel north of the Animal Shelter fronting San Bernardino Road. City negotiators Kurt Wilson and James McRea
- GC54956.8 Real Property negotiations: Lot 13 and/or 14, Parcel Map 10819, APN 33-070-13 &14, Ridgecrest Business Park. City negotiators Kurt Wilson and James McRea.
- 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 – Warren Campbell

CITY ATTORNEY REPORTS

- Closed Session
 - Benz sanitation – received report – no reportable action
 - Real property negotiations – received reports – no reportable action
 - Labor negotiations – discussion started but not completed and will reconvene after the open meeting.
- Other
 - No other report

PUBLIC COMMENT

Paul Vanderwerf

- Spoke on business license decline for the past two years.
- Asked how many small businesses are operating without a license.
- Referred to past study comparing business licenses and revenue taxes and local dollar leakage.
- Analysis of data showed population had number one effect on the issue.
- Asked council for volunteers to work with him to review more data.

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- Quoted San Diego article referring to businesses not holding licenses and fines implemented.
- Jason Patin volunteered to meet with Mr. Vanderwerf.

Manuel Farmer

- Statement made in newspaper concerning Matrix building use by Waste Management and asked by what Authority City had to make the agreement.
- Keith Lemieux responded that property will be sold.

Tom Wiknich

- Reminder about sales tax leakage and women's clothing stores recently opened in town and urged citizens to patronize these stores.
- Proposed council creates regulations for 'Sea Containers' within City limits.
- Asked if Waste Management was paying to use the Matrix building or have they been free up to today?
- Kurt Wilson responded with explanation prior to dissolution of the Redevelopment Agency. Permitted Waste Management to use free during interim agreement with option to lease or buy for primary agreement. However that has changed now and had to maintain existing agreement but will now be obligated to sell the property and give the proceeds to the State. Waste Management is interested in paying for the property but we do not have the ability to enter into an agreement with them.
- Asked if the property would be listed on the open market or how it would be disposed of.

Harris Brokke

- Celebration of life for Carroll Evans this Saturday at the fairgrounds. Very special day at mesquite hall.
- Ridgecrest desert wildflower festival coming soon. Copies of the guide delivered to the City Clerk. Booth statistics provided added events this year.

PRESENTATIONS

1. Presentation By Council Of A Proclamation Declaring February As Safe Surrender Baby Month To Representatives Of The Safely Surrender Baby Coalition

- Mayor and Council presented a proclamation for Safe Surrender Baby Month to Heidi Carter and other representatives from the Safely Surrender Baby Coalition.

CONSENT CALENDAR

2. Adoption Of A Resolution Authorizing Investment Of Monies In The Local Agency Investment Fund Staheli

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3. Approve Draft Minutes Of The Regular City Council/Redevelopment Agency Meeting Of January 11, 2012 Ford

Motion To Approve Consent Calendar Made By Council Member Patin; Second By Council Member Taylor. Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Abstain; 0 Absent.

PUBLIC HEARING

4. Appeal Of The Planning Commission Decision On Parcel Map 11999 Lemieux

Keith Lemieux

- Gave staff report
- Recommendation from city attorney is to not discuss this item tonight as the proper procedure was not initially followed making the issues moot.
- Specifically a municipal code regulation prohibiting the approvals prior to a site plan being filed and approved.
- Recommends direction to staff to take back for the procedure to be followed properly.

Jason Patin

- Asked why this did not come up at the last meeting when the decision was made to schedule the public hearing.
- Kurt Wilson noted the circumstances were unique and the more we looked at the item we decided to seek legal council and the legal opinion took place after the item was placed on the agenda.

Mayor carter opened the public hearing at 6:30

Derrill Whitten

- Identified as the engineer for the applicant.
- Feels this is a foolish course of action. Gave background on why this is where it is now. Several parcels and hopes to develop into master plan commercial development but would like to rearrange parcels to fit better into the development plan. State prohibits moving lot lines on 6 parcels so arrange must be done with a parcel map waiver. Street improvements are in and staff required a parcel map. Planning commission required improvement conditions before a map would be recorded.
- Referred to Wal-Mart list of requirements which included recording of a parcel map. Was not a condition to getting a map but was one of the conditions for getting approval.
- In frustration, the site plan was pulled and asked just for the map.

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- Simple lot line adjustment so developer can move project forward.
- No lots can be developed without a site plan review.
- Understand the recommendation from City Attorney. Asked council to consider the message being sent to other developers who want to do a parcel map.
- Asking city council to approve the parcel map with a few reasonable conditions so we can move the lot lines and developer can pursue prospective clients and hopefully have development plans for planning commission.
- This is a land division and not a land development.
- Referred to municipal code generic list of requirements for all maps and doesn't identify between various types of maps.
- Compared city to county zoning.
- Asked not to send back to planning commission as it is a minor matter. Parcel maps don't go to the county planning commission because they are so minor. Are viewed before a directors hearing.
- Asking for relief by council approving the map with the minor conditions for the map. Adding a seventh parcel.

Dave Matthews

- Wasn't sure what problem was but from what is hearing the problem in the process is being reiterated by City Attorney.
- If follow the procedure may end up in the same spot. If problem is in the code then should be addressed.

Closed public hearing at 6:45pm

Kurt Wilson

- With respect to comments made, is highly unusual for council to allow applicant to write his own conditions.
- Many of these issues go back to the merits. Many comments related to the code.
- Staff should follow what is written.
- Recommend council look at the code for options but follow the procedures currently in place.

Jason Patin

- Issue stopping the parcel map approval is an issue of the code.

Keith Lemieux

- Code requires a site plan review and that was not followed. Problems may be corrected if we go thru the process again.

Jason Patin

- If what is being asked is reasonable, can we look at the policy and change the code. Doesn't make sense why we are holding the developer back from moving

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forward. If it needs to be fixed then let's fix it. If reasonable to change the code to make the process easier for businesses in this community.

Keith Lemieux

- Appropriate for council to direct staff to look at and bring back.

Jerry Taylor

- If council were able to move on this tonight, could we adopt regardless of what the code says?
- City Attorney reminded Council they do not have the authority to move on this tonight.
- Can we as council change the conditions?
- Keith responded the conditions were set by the planning commission.
- Planning commission felt they did not have the authority to change the conditions.
- Keith and Kurt has discussed teleconference of planning commission meetings and are working to implement that procedure.
- Relayed the frustration of planning commission.
- Has concerns with moving this forward because of the endless loop. Council should be able to change the process. Understand both sides and staff is doing their due diligence however the developer is looking for a lot line adjustment. Code is written and being interpreted that way.

Steve Morgan

- If city had appropriate levels of staff and money to make required changes to the municipal code, these issues would be reduced.
- No answer tonight but a light at the end of the tunnel because infrastructure has and agenda item to improve the engineering process and can begin making those changes to the municipal code.
- Unfortunately cannot do anything tonight but can begin fixing these problems thru infrastructure.

Jerry Taylor

- Suggest Council Member and staffs meet with the developer to work this out. Community development is all about moving projects forward.

Jason Patin

- The code is the code in the eyes of the staff.
- Talking about the conditions and the parcel map being lumped together.

Keith Lemieux

- Decision tonight is black and white
- Will work on the code issues.

Ron Carter

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- Need to look at changing the code. Want to start the process.
- Don't want to be a barrier to developers
- Directed staff to begin making changes to make it easier for developers.

Jason Patin

- Would like this to come back to council rather than committee

Steve Morgan

- Need to discuss in a small group with no time limits. Inefficient and would not work well.

Ron Carter

- Agree this needs to go to committee and staff rather than open meeting

Keith Lemieux

- Recommending the item go back to staff by way of direction

Derrill Whitten

- Asked for clarification of the city attorney's opinion.
- Related application for parcel map and hearings allowing the appeal.

Keith Lemieux

- Received hearings and recommend sending back to staff.

Motion To Result Of Hearing Is Matter Is Referred Back To Staff Pursuant To Section 20.22 Appeal Of The Planning Commission Decision On Parcel Map 11999 Made By Council Member Morgan; Second By Council Member Holloway. Motion Carried By Vote Of 4 Ayes; 1 Nays (Council Member Patin); 0 Abstain; 0 Absent.

DISCUSSION AND OTHER ACTION ITEMS

5. Discussion Of The Impacts And Solutions Related To The Fiscal Impacts Of The Dissolution Of The Ridgecrest Redevelopment Agency Wilson

Kurt Wilson

- Gave power point presentation (*copies available at the clerks desk*)

Jerry Taylor

- Quick calculation of \$5,000 + per day being expended.

Chip Holloway

- Recent hearings indicated the 5% administrative fee was too low and could change.

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Kurt Wilson

- If the 5% were to increase it would help but not aware of any move to change it at the state level.

Jerry Taylor

- That is something republicans are trying to fix but is not binding. Can hope and pray it changes.
- Right now interpretation issues need to be cleaned up.
- There is also the impression that we are responsible if we misappropriate the funds.
- Asked for 5% estimate. Need the assumptions to begin working on cuts. Want to understand what made the 900k assumption.

Kurt Wilson

- Briefly explained how the 900k was figured and can provide the backup.
- Current issue is only for this budget year.

Jerry Taylor

- Need to understand what will happen July 1.

Kurt Wilson

- Safe to multiply the debt we have now but the total picture after July will have different revenue projections. There will be a continuing problem.

Jerry Taylor

- Appreciate that these are guesstimates. Need to understand whether there are one-time funds for this year that are being used to offset the shortfalls.
- Did not take the county contracts into consideration, will add into calculations.

PUBLIC COMMENT

Tom Wiknich

- What about RDA transfer to county for sheriff and fire services?

PUBLIC COMMENT

Dave Matthews

- Tomorrow is Groundhog Day. Be a lot more than 6 weeks of winter as far as state is concerned. Need more moisture before wildflower season.
- Lost more colleagues. Carroll Evans will be missed; Don Cooper retired affairs officer; missed his services and my sympathy to his family. Knights of Columbus brother passed away. We need to get the youth to come in and regenerate the organizations that have made this community successful. Need to keep the

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young people here and involved. Encourage the youth to join and support our local organizations.

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: February 8, 2012

Jerry Taylor

- May or may not have a quorum, committee will meet and discuss some of the issues on the agenda. Not talking about turning lights off, just what we could possibly save and what we need in the budget.

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: February 2, 2012 Cancelled, next meeting April 5, 2012

Chip Holloway

- 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: February 21, 2012

Jerry Taylor

- No report

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: February 2, 2012

Jason Patin

- Next meeting announced

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 4:00 p.m., Kerr-McGee Center
Next Meeting: March 13, 2012

Ron Carter

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- Next meeting announced

Ridgecrest Area Convention and Visitors Bureau (RACVB)

Members: Chip Holloway, Jason Patin
Meetings: 1st Wednesday of the month, 8:00 a.m.
Next meeting: March 7, 2012 and location to be announced

- No Report

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- No Report

CITY MANAGER REPORTS

Kurt Wilson

- No report

MAYOR AND COUNCIL COMMENTS

Jerry Taylor

- Appreciate Dave Matthews comments pertaining to deceased citizens
- Request public comment be moved to a single time at the beginning of the meeting.
 - Majority council agreed to give direction to staff.
- Reality cannot cut 900k in 5 months without cutting personnel. Understand the personal impact but there has to be hard cuts coming. Already provided a score list to finance but need to go higher. Will do everything we can but will be tough times ahead.
- Apologize for banners lost in wind, will be replaced with a better material.
- Direction to staff – Murray's new location required fence line to be moved and asked staff to work with new captain to see how far that fence line could be moved.

Jason Patin

- Will miss Carroll Evans for all the support he gave this community.
- Change of command for Cpt. Dodson who is retiring to Virginia Beach. Will miss him and his family and welcome to the new commander and look forward to working with him.
- New building at Burroughs High School for engineering studies. Excited about what the school can do in conjunction with the base to keep our young people here.
- Groundbreaking for photovoltaic solar field on the base in partnership with a private developer.

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- Congratulated Jerry for the good work on the banner program and encouraged him to keep it up.
- Also congratulated Harris Brokke on the wildflower festival and encouraged continued success.
- Cuts will be very difficult and will have to go back to the basics and keep the core elements of our community intact. Police, infrastructure, etc. part of the problem with state is too many overfunded programs and we have to pay for it. Have to move forward and remain proactive to move ahead with redevelopment efforts. Crucial for general fund and push forward.

Chip Holloway

- Fundraiser Saturday night for Cerro Coso college academic booster association. Professional athletes present.
- Carroll Evans will be missed; he was seen but never heard. Put his head down and went to work.
- Attended policy committees and kern cog advocacy trips to Sacramento. Some potential success from kern cog in protecting rail lines. This trip tried to get tax measure passed and recently school boards received authority to do bonds with higher threshold. Senator Henry Graham will bring forth a bill to take back to legislature. Related discussion with senators. Did promise we would carry a lot of weight on this issue in Kern County and the COG.
- This is clear that the RDA issue is punishment to local agencies for Prop 22 and 1A. Total state budget mistake is 5.2 billion dollars.
- I understand the pain some employees will be going through. I did not come onto council to do what we've had to do the last few years. Ramifications that we cannot control and understand that if not careful we could make the same mistakes the state has done. Fully aware we create nothing in this building unless we create a bigger customer base.

Steve Morgan

- Convinced that neither democrat nor republican in the state of California is on our side. The state is going to take the increment monies this community could have used and waste it. They will not balance their budget and have no idea where they will go in a few years from now. We will stand together as a city and make the tough choices. Won't be easy or friendly. We are going to balance our budget. Large communities who had redevelopment staffs have as much or more problem than we do but was glossed over whereas we incorporated redevelopment and put more work on our employees. Those who laugh in the blogs which the paper so joyfully post now, is wrong. Those same people will be here yelling at us about the unfortunate circumstance of letting employees go, yet will continue the anonymous blog. This community has the desire to adapt and survive; we will get through and in a few years maybe as all cities adapt their budgets we will be able to level out. Right now we honestly don't know the target we are dealing with which is the most frustrating thing. Don't know how much, if anything is going to come back. State is getting the redevelopment dollars and

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the property sale monies. The money that we do get back will come thru the county auditor/controller. We believe anything left over after the bills are paid will be distributed throughout the county. Going to be rough a couple of years for every city in California. Council members are in for a rough ride.

- Saint Ann's school car raffle this weekend and tickets are still available. Well worth the cost of the tickets.
- Regarding the issue of the parcel map, we'll get that fixed. Attribute it to a continuing trickling staff where you are supposed to update the code and get people to help you but haven't had the staff or money. Been spending the money to keep other things going.
- Tuesday evening, Ridgecrest Lions Club Speech Competition at 6:30 in city hall. Students are eligible for scholarship funds. Topic this year 'what could the America of yesterday teach the America of tomorrow'
- Thanked everyone for attending, deepest sorrows to all who have lost loved ones in the community recently.

Ron Carter

- Concur with colleagues on everything said in council comment
- Message for state legislators, doesn't matter what party, you have failed us. The crisis at state has been there long enough to solve the problem and you refused to solve it by not working together. Now the problem will hit every citizen in every community. You should be ashamed. To take redevelopment away from the cities is criminal. From what I hear in Sacramento you are still playing the party game. Not elected to represent a party, but to represent the citizens of California and you are failing us. Can spend 49,000 for every prisoner but only 6,000 for a student in school. Can't afford to lose a generation because of no funds for the schools. Legislators better work together to solve the problem or you should be fired or resign. Elected to do a job you are not doing. Solve our problems.

ADJOURNMENT to closed session at 8:45pm in memory of Carroll Evans and all the loved ones lost.

REPORT OUT OF CLOSED SESSION

Keith Lemieux

- Council Received report on item identified on the agenda as labor negotiations with all employee groups. No reportable action taken.

ADJOURNMENT at 9:15pm



Rachel J. Ford, CMC
City Clerk