



MINUTES OF THE REGULAR MEETING OF THE RIDGECREST CITY COUNCIL

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

**November 20, 2013
5:30 pm**

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. Meetings are recorded for the purpose of preparation of minutes.

CALL TO ORDER – 5:30 p.m.

CALL TO ORDER

ROLL CALL

Council Present: Mayor Daniel O. Clark; Vice-Mayor Marshall 'Chip' Holloway; Council Members James Sanders, Lori Acton, and Steven Morgan

Staff Present: City Manager Dennis Speer; City Clerk Rachel J. Ford; City; City Attorney Michael Silander and other staff

APPROVAL OF AGENDA

- Pulled Closed Session Item Conference With Legal Counsel, Potential Litigation, Public Disclosure Of Litigant Would Prejudice The City Of Ridgecrest

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

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CLOSED SESSION

- GC54956.9(a) Conference With Legal Counsel, Claim No. 13-11 James B. Ponek v City Of Ridgecrest
- GC54956.9(a) Conference With Legal Counsel, City Of Ridgecrest v. Matasantos
- GC54956.9(b) Conference With Legal Counsel, Potential Litigation, Public Disclosure Of Litigant Would Prejudice The City Of Ridgecrest

Council Members Morgan and Sanders arrived at 5:32pm.

PUBLIC COMMENT – CLOSED SESSION

Jerry Taylor

- Inquired about the content of James B. Ponek v. City of Ridgecrest claim
 - Michael Silander – item will be made public once council takes action.

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Closed Session
 - Ponek v city of Ridgecrest – seeks severance pay, action taken claim denied
 - City of Ridgecrest v Matasantos – report received, no action taken
- Other
 - None

PRESENTATIONS

1. Presentation of Plaques to Grand Marshals of the 50th Anniversary Parade

Council presented plaques to Mayor Daniel Clark and former Mayor Cheize for their role of Grand Marshal of the 50th anniversary parade.

PUBLIC COMMENT Opened at 6:15 p.m.

Donna Thomas

- Presented letters from board of directors regarding Fremont valley project
- Spoke on the draft environmental impact report
- Have held up to 5 special meetings to deal with comment letters and presenting to council for further comment
 - Lori Acton – requested Mrs. Thomas to expand on the project impact
- Related proposed wells and taking water from the watershed and removing out of Kern County.
- Not truly a water banking project but rather mining water from the valley.
- Water banking should be done correctly, not annually
- Other issues highlighted including valley fever, Inyokern airport and air space.

Sophia Merck

- Commented on Fremont Valley water project
- Letters must be written by November 28.
- Citizens are concerned about the impact to the valley.
- Bus made available to attend and hearing notice provided to clerk
- Senior citizens live in the region

Jerry Taylor

- Spoke on water issue. Supports development when it makes sense but not when the impact destroys the environment
- Suggested zoning properly within the county
- Need to think in long term and suggest council submitting opinion on the subject
 - Lori Acton – December 18 Lorelai Oviata will be on council agenda. Met with county yesterday and discussed the subject.
- Speaking to public that all need to be engaged in this subject.

Public Comment closed at 6:30 p.m.

- Council held brief discussion of Aquahelio and Fremont Valley Project. Requested future agenda item for letter of concern.

CONSENT CALENDAR

2. **Adopt Resolution Approving The Annual Report On Development Impact Fee Revenues And Expenditures, And Making Findings As To Unexpended Funds** **McQuiston**
3. **Adopt A Resolution Approving An Agreement Between Kern County And Ridgecrest For County Provision Of Fire Protection Duties And Enforcement Of State Fire Marshal Regulations** **McQuiston**

4. Approval Of Draft Minutes Of The Regular Council Meeting Dated November 6, 2013 Ford

Items pulled

- Items 2 & 3 pulled

Item 2 discussion

Rachelle McQuiston

- Presented staff report

Dan Clark

- In reviewing report, trying to pave streets so bringing suggestions to council for consideration
- Fire facilities Impact Fees fund 261 = \$166,200 and suggested adding to traffic impact fees and pave streets.
 - Dennis Speer – attorney opinion states cannot combine categories and move to other categories or spend in aggregate or category other than purpose stated in study. Can however, borrow the funds and pay them back.
 - Rachelle McQuiston – impact fees can only be used for construction itemized in the report.
 - Dennis Speer – can borrow the funds but must repay at current market rate
 - Chip Holloway – legal mechanism of new fire equipment and add to future costs.
 - Dennis Speer – original intent was for fire station based on population increase anticipated.
 - Rachelle McQuiston – not opposed to possibility but would need to go back to negotiation on contract for fire services.
- Regarding traffic impact fee funds, suggesting this be used to pave streets. Fine with borrowing additional funds and paying back in order to pave more streets.
- Commented on promise to pave streets and DOF holding bond funding. Could use some of these funds to pave streets which are in need.
- Asked council to use the traffic impact fees and if agreeable borrow the fire impact fees to pave streets.

Chip Holloway

- Questioned if part of the traffic impact fees are designated to Walmart project and asked Mr. Speer's plan and expiration date of the fees.

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Steve Morgan

- Supportive of attempt to put some funds toward streets, do believe funds should not be co-mingled however with attorney opinion and public session agenda item. Do not feel it is a detriment to council or public. Believe projects such as Walmart which includes new streets and other areas in community with recent construction could utilize these fees. Suggested open discussion on future agenda

Lori Acton

- Asked if traffic impact fees are for construction rather than maintenance
 - Dennis Speer – to be used for construction of roads. Definition is vague and reconstruction can be considered construction. Money would have to be borrowed and repaid before sun setting of ordinance. Have used in past for match money and other projects. West Ridgecrest Blvd. project coming soon and SCE has indicated some poles may have to be relocated so funds will be needed for this project.
- Questioned where money would be coming from to repay the loan.
 - Rachelle McQuiston – general fund would repay the fire impact fees if borrowed.

Jim Sanders

- Questioned if impact fee total could be used on several street projects and if these funds could be used in combination with other street funds.
- Like idea on surface but requested chance to have discussion at another council meeting.

Dan Clark

- If DOF decision goes against city and have to pay fees, could borrow these funds to pay fees in order to free up TAB funds.
 - Rachelle McQuiston – would be a benefit to city to borrow \$3 million to receive \$24 million is a good idea.

Chip Holloway

- Asked about normal procedure for expending the funds, staff or council driven. Interested in park development project. Potential to do something with pool and USA pool. Asked this be added to discussion.
 - Dennis Speer – will have discussion

Public Comment

Jerry Taylor

- Suggested council stays within borders and be clear.
- Commented on various street projects needing to be completed
- Cautioned council to be careful with developers who are looking to get their money back.
- Oldest dollar may be ready to time out and have to give funds back to developers
- Interested in legal opinion on whether time is for project or based on when funds are collected. When will funds expire?
- Commented on other street projects that are ready to be completed
- Storm drains has \$1 million and commented on problems in other areas such as Balsam street
- Feels borrowing is a bad idea because is affecting general fund which does not support additional burden at this time.

Item No. 3 discussion

Rachelle McQuiston

- Presented staff report

Chip Holloway

- Reviewed initial annual costs.
- Discussion of County supplementing a portion of the cost.
- Concerned about some provisions in the contract
- Asked about other kern county fire contract are public record, could not find on websites
 - Fire Representative – contracts are standardized
- Commented on level of service and need for base line statistics
- Asked about cost allocation.
- Asked for level of service base line information for future services.
 - Dennis Speer – responded that basic approach is to pay for staffing regardless of number of calls.
- Commented on league of California cities conference relating to fire services.
- Expressed frustration of seeing fire response for EMT service and possibility of giving up one station for fire and converting to an EMT station.
- Agreement language regarding future expansion or closure 'both city and county'. If we don't agree, would we have to go to arbitration to get out of the contract?

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Chip Holloway *(continued)*

- Reviewed Item 14 term of agreement – 20 year agreement with 5 year options for termination.
 - County representative - Either party can terminate agreement with one year notice. Fixed cost agreement for first 4 years.
- Asked about indemnification
 - Michael Silander – standard hold harmless clause.
 - Rachelle McQuiston – Christine Carson under direction of Keith Lemieux has reviewed the contract.
 - County Representative – commented on costs for fire services as being fixed regardless of number of calls.
- Would costs be lower if fire were not responding to EMT calls?
 - County Representative – cost for EMT is minimal. Primary costs are based on having equipment and labor on standby.
- Asked scenario of backup service should calls outside city take trucks away.
 - County Representative – fire has plan for bringing equipment into city as needed to backfill
- Asked about homeowners insurance and effect of cutting services.
 - County Representative – explained ISO ratings which control fire insurance premiums.

Lori Acton

- Clarified paramedic services
- Asked about mutual aid contract with China Lake
 - County Representative – no guarantees of response. Do have mutual aid agreement with Inyokern and other agencies.
- Actual fire calls versus other calls, looking for breakdown. How do we know when we need two stations instead of one?
 - County Representative – responded with challenges liberty ambulance experiences and better utilization of resources that are already on standby. Medical aid for car accidents and other home medical aid situations are benefited by response from fire.

Michael Silander

- Reviewed first two paragraphs of section 14 of the contract.

Public Comment

Jerry Taylor

- Questioned the timeline urgency
 - Rachelle McQuiston – could be put off to next meeting but may also make changes and vote on contract.
- In good faith should pay for past year
 - Rachelle McQuiston – has been agreed already.
- Suggest taking time to do changes properly.

Dave Matthews

- Asked for difference between EMT and paramedic services and will it still be available
 - County Representative – responded, paramedic can provide medication where EMT is basic life-saving techniques. Explained the screening process during a 911 call.
- Commented on personal experience of 911 call and both fire and ambulance showing up. Without fire services spouse could not have been moved.

Chip Holloway

- Scenario of routing 911 calls and subcontracting to outside paramedic agency
 - County Representative – does not affect the costs for the additional service.
- Asked about plans to reduce to a modified vehicle for medical aid calls and not use the big engines.
 - County Representative – cost for short responses is nominal and does not justify potential decrease to operations. Long responses could result in a delay in getting people to the call.

Michael Silander

- Suggested amendments

Dan Clark

- Suggested giving direction to pay the past years fees and bring revised contract back at next meeting for adoption.

Motion To Approve Consent Calendar items 2 and 4 Made By Council Member Holloway, Second By Council Member sanders. Motion Carried By Voice Vote Of 5 Ayes; 0 Noes; 0 Abstain; 0 Absent.

Item 3 tabled for next agenda

PUBLIC HEARING

5. **A Public Hearing And Resolution No 13- Approving The Fiscal Year 2014-2015 Annual Action Plan Which Amends The Community Development Block Grant (CDBG) 5 Year Consolidated Plan (FY10-15) Regarding The Kern County Community Development Block Grant Program** Speer

Dennis Speer

- Presented staff report

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Steve Morgan

- Explained proposal for wheelchair ramps throughout the city.

Lori Acton

- Good with the 5-year plan

Jim Sanders

- Agrees with recommendation

Chip Holloway

- concurs

Public Hearing

Dave Matthews

- Asked about the truncated domes on the ramps and experience is these can impede the wheelchair.
- During cold and snow these may not provide good traction
- Asked about other standards which could be used.

Jerry Taylor

- Suggested postponing the ramps.

Motion To Approve Resolution Made By Council Member Holloway, Second By Council Member Morgan. Motion Carried By Voice Vote Of 5 Ayes; 0 Noes; 0 Abstain; 0 Absent.

DISCUSSION AND OTHER ACTION ITEMS

6. Budget Projections For Fiscal Year 2013-14

McQuiston

Rachelle McQuiston

- Presented staff report
- Will be providing projection at first meeting of the month to allow more time to prepare reports.
- Part time labor page 1 of 15 11-20 total should have been \$179k
- Overtime budget increase due to grant funding which will increase department overtime. Typically projects overtime and monitors to keep under budget
- Fund 4199 question page 415, misc. other equipment. Contingency in case emergency arises and if not spent then will revert back to general fund
- Fund 4921, asset seizure forfeiture funds used for furniture
- Adjusted budget has been added which includes prior year encumbrances, contract carried forward in wastewater. Explained adjusted budget amount.

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Steve Morgan

- Thanked Rachelle for getting information to public and council
- Budget is living document and these are difficult to put together.

Lori Acton

- Appreciate the information, is very helpful.

Jim Sanders

- No problem with delaying the presentation and is important for council to be able to receive and review the information.

Chip Holloway

- Agree with extension.
- Asked for clarification of item on Page 7 for AB 109
 - Rachelle McQuiston – this is revenue we were not expecting but did receive.

Public Comment

Jerry Taylor

- Appreciate extending presentation.
- Asked about Page 1, gas tax revenue projection and where it went. \$579k
 - Rachelle McQuiston – fund had negative balance which was carried forward and offsetting.
- Clarified not eliminating impact fees but waiving on temporary basis in terms of economic development and construction costs.

Stan Rajtora

- Questions about transferring of capital contracts forward into budget if not expended with respect to wastewater fund.
 - Rachelle McQuiston – explained transfer and adjusted budget. Money was set aside in previous year, not using current budget funds. This was a project which was already approved and funded.
- Commented on difficulty understanding and appreciates explanation.
- Wastewater fund 4186, page 4 of 7, firearms and safety vests?
 - Rachelle McQuiston – not the true title, will provide a correction.
- Gave plug for new accounting system, worthwhile expenditure.

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Jerry Taylor

- Expenses 386 of gas tax fund, page 8 of 8, revenue of \$575k origination?
 - Rachelle McQuiston – grant that is received for fund 7 which because of the terms has to be put into an account and then transferred to the gas tax. TDA grant funding for street requests.
 - Dennis Speer – explained allocation

Motion To Accept The Budget Projection Report For File Made By Council Member Acton, Second By Council Member Sanders. Motion Carried By Voice Vote Of 5 Ayes; 0 Noes; 0 Abstain; And 0 Absent

COMMITTEE REPORTS

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

Members: Jim Sanders, Dan Clark
Meetings: 3rd Tuesday of the Month at 4:00 P.M., Kerr-McGee Center
Next Meeting: To Be Announced

Jim Sanders

- Met and received update from police on at-risk youth program and teen court.
- Discussed other options for at-risk youth program

Veterans Advisory Committee

Members: Dan Clark
Meetings: 1st and 3rd Monday of the Month At 6:00 p.m., Council Conference Room
Next Meeting: To Be Announced

Dan Clark

- Mike Riley raised \$5000 for wounded warriors
- Working on 5013C non-profit designation
- Received 7 applications for Honor Flight to view Washington DC war memorials
- New program called Flags For Hero's for deceased veteran's

Dave Matthews

- Honor flight was primarily for veterans of WWII, asked about expansion to other war veterans.
 - Dan Clark – explained the expansion

Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Chip Holloway
Meetings: 1st Wednesday Of The Month, 8:00 A.M.
Next Meeting: Date And Location To Be Announced

Chip Holloway

- Announced next meeting for December 4

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Steve Morgan

- Planning commission adhoc for codification met
- Received update on adjustments and amendments
- Working forward with creating situation where staff has more latitude
- Attending Kern COG tomorrow night and item on agenda regarding Request for Authorization reporting schedule conflicts with funding time frame. Would put undue duress and place some projects in jeopardy because of the timing. Asking the item to be delayed and Kern COG work with the elected members to review conflicts.

CITY MANAGER REPORT

Dennis Speer

- Reminder the Christmas tree lighting ceremony is December 1 at 5:30.
- Mission, Vision, Values statements will return to council December 4 with second discussion item for council to determine process for establishing goals.
- Philadelphia marathon, Dennis Speer's daughter wore the Ridgecrest sports cap during marathon run.
- Commented on long-term capital budget combined with current budget and wastewater.

MAYOR AND COUNCIL COMMENTS

Steven Morgan

- Thanked Eileen Shibley and others involved in the Cal UAS day event
- Congressman McCarthy, Assembly Members Shannon Grove and others were present
- Other applicants not doing these types of events and the effort being put in is offsetting the money being thrown at this by others.
- Attended Maturango Museum gift shop opening, very impressed with what they are doing.
- Lori Acton has been forthcoming with comments about the Freemont Valley project and Mick Gleeson is working with it also. Believe the comment period will be extended and appreciate Lorelei Oviate coming to discuss with us on December 18.
- Base is also looking at the project.
- Impact fees suggestions have already been made to staff, suggest having a public meeting.
- Apologized for annoyance over discussion which will be coming forth from staff at a later date.

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Steve Morgan *(continued)*

- County is aware of situation with property in the county and are trying to make changes. Glad to see this. Just as interested as everyone else to see what their plans will be and will continue to attend meetings.
- Wished everyone a safe and happy thanksgiving.

Lori Acton

- Planning commissioner will be resigning in December, working to select a replacement.
- Aquahelio, very involved with the long read and have met with supervisor Gleeson.
- Water plan for the county has been delayed but supervisor wants it to go before the board in December but will be continued.
- Commented on article about boys and girls club. City buses will be used for riders which will improve fare box ratios and costs for the club were cut.
- Honor flight for WWII veterans is amazing
- Annual Hog Fry and Pow Wow was amazing.
- Great to see how many citizens participated in the local events over the weekend
- Wished everyone happy thanksgiving and invited those with nowhere to go to call her.

Jim Sanders

- Impressed with community turnout for Cal UAS event. Attendance was beyond expectations and reaffirms strong community spirit.
- List of projects to tackle so staff will be seeing more of me.
- Happy thanksgiving to everyone

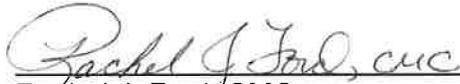
Chip Holloway

- Thanked everyone for Cal UAS event and attendance.
- Appreciate Congressman McCarthy taking the message back to Washington
- Attended SKAG Kern COG meeting. Discussed AB 32 air resources board and standards will be doubled for future. One of 2 counties that do not have a transportation tax. Presentation from Tejone Ranch on centennial project which will preserve 90% of the area and still were sued for biological diversity. Also asked for report from Aquahelio project on air quality.
- Happy thanksgiving.

Dan Clark

- Commented on the flowers from Charlotte Braitman's family for remembrance of her contributions to the community.
- Staples will be signing contract in July 2014 for another year. Asking community to support Staples if we want them to remain in the community.
- Petroglyph Festival held meeting. Distributed minutes to council members and recapped other businesses who are participating.
- Cal UAS event was impressive
- Reviewed 50th celebration conclusion meeting. Any funds remaining will be minimal.
- Spoke on invitation to attend event at Richmond elementary school
- Open house for Jim Gregory at Heritage apartments for young engineers and contractors coming to the community. Encouraged people to see what Mr. Gregory is doing.
- Happy Thanksgiving, be safe.

ADJOURNMENT at 8:51pm



Rachel J. Ford, CMC
City Clerk