



**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL/RIDGECREST CITY SUCCESSOR AGENCY/  
FINANCING AUTHORITY/ HOUSING AUTHORITY**

**CITY COUNCIL CHAMBERS CITY HALL  
100 West California Avenue  
Ridgecrest, CA 93555**

**April 15, 2015  
6:00 p.m.**

This meeting room 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 6:00 p.m.**

**ROLL CALL**

Council Present: Mayor Peggy Breeden; Mayor Pro Tempore James Sanders; Vice Mayor Lori Acton; Council Members Eddie B. Thomas and Mike Mower

Council Absent: None

Staff Present: Chief of Police-Acting City Manager Ron Strand; Deputy City Clerk Ricca Charlon; City Attorney Keith Lemieux; and other staff

**APPROVAL OF AGENDA**

*Motion To Approve The Agenda Made By Council Member Mower, Second By Council Member Thomas. Motion Passed By Roll Call Vote Of 5 Ayes; 0 Noes; 0 Abstain; And 0 Absent.*

**REGULAR SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation – Pastor Bill Corley of Crossroads Community Church

**CITY ATTORNEY REPORT**

- None

## PUBLIC COMMENT

Opened at 6:08

Mike Neel – Spoke about Dale Howard's property right. Served informal notice to Council that on the day Dale Howard is given a bill for the removal of his property he will be serving recall notices to the entire Council.

Robert Eierman – Spoke about the San Juan Capistrano court case regarding tier level water rates being unconstitutional and a violation of prop 218

Lemieux – spoke about the case and that every water district in the state is watching closely.

Ronald Porter – Spoke about the Dale Howard case and his disapproval.

Dave Matthews – Got a scam call from the IRS today. Spoke about International Dark Skies week. Spoke about maiden voyage of the airplane 'Doc'. Asked Council to think about effects of any laws they consider passing (example-Howard).

Closed at 6:24

## CONSENT CALENDAR

1. Adopt A Resolution Of The Ridgecrest City Council Approving Contract Change Order Number Twenty-Five With The Contractor, Griffith Company, For The West Ridgecrest Boulevard Project And Authorize The City Manager, Dennis Speer, To Sign Change Order Number Twenty-Five Culp
2. Adopt A Resolution Of The Ridgecrest City Council To Approve The Agreement With The Engineering Firm Of David Evans & Associates And Provide Application Preparation For The City Of Ridgecrest On The Active Transportation Program (ATP) And Authorize The City Manager, Dennis Speer To Execute The Agreement Upon Approval Of The City Attorney Culp
3. Adoption Of Resolutions (1) Initiating Proceedings For The Levy And Collection Of Assessments For Landscaping And Lighting District No. 2012-1, Fiscal Year 2015/2016; And (2) Accepts And Approves The Engineer's Report; And (3) Declaring Its Intention To Levy And Collect Assessments For The Landscaping And Lighting District No. 2012-1 For Fiscal Year 2015/2016, And Sets The Time And Place For The Public Hearing Culp
4. Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated April 1, 2015 Ford

Items pulled from consent calendar

- Item Nos. 1, 2

*Motion To Approve Consent Calendar Items 3 & 4 Made By Council Member Mower, Second By Council Member Sanders. Motion Passed By Roll Call Vote Of 5 Ayes; 0 Noes; 0 Abstain; And 0 Absent.*

Item No. Discussion 2

Council Member Sanders – does this have to do with the widening of Downs St? Would it be appropriate to coordinate with RCS?

Loren Culp – it refers to any elements in regards to the widening. With a federal project there are milestones that would make that difficult to coordinate with them but the SSSUD and RCS will be included in the public outreach

*Motion To Approve Pulled Item No 2 Made By Council Member Sanders, Second By Council Member Acton. Motion Passed By Roll Call Vote Of 5 Ayes; 0 Noes; 0 Abstain; And 0 Absent.*

Item No. Discussion 1

Mayor Breeden – why are we paying more for oil when the price has dropped?

Loren Culp – Caltrans and the federal highway administration section 5-314 which offers contracts payments for fluctuation in crude oil. Caltrans adopted a policy for long term projects and oil fluctuation. It is a contractual issue and a requirement to adhere to this section established through Caltrans.

Council Member Mower – the docs show a negative in September and we don't benefit from that, correct?

Loren Culp – that is correct, there is no benefit to the City with that negative number. He would be happy to bring something back to the Infrastructure Committee for more detail and explanation if so desired.

Public Comment open – 6:37

Dave Matthews – is there backup data?

Council Member Mower – yes, it is in the council package

Public Comment closed– 6:39

*Motion To Approve Pulled Item No 1 Made By Council Member Thomas, Second By Council Member Acton. Motion Passed By Roll Call Vote Of 5 Ayes; 0 Noes; 0 Abstain; And 0 Absent.*

## PUBLIC HEARING

**5. Conduct A Public Hearing And Approve A Resolution Of The Ridgecrest City Council Adopting A Mitigated Negative Declaration For The Ridgecrest Commercial Specific Plan Offsite Improvements Project** Parsons

Gary Parsons – Reviewed staff report

Open Public Hearing – 6:42pm

Ronald Porter – Asked that Mr. Nelson speak so we have more information.

Matthew Nelson, Attorney for Walmart - affirmed G. Parsons comments. Walmart has all the permits and will be going out to bid in mid-May with groundbreaking hopefully in July.

Council Member Mower – if in July we break ground what is the build time frame?

M. Nelson –roughly a year to completion.

Dave Matthews – There has to be a better way for projects to come forward and be worked through.

Council Member Mower – this includes only the Walmart building not the other ‘out’ parcels/buildings.

M. Nelson – yes that is correct

Mayor Breeden – does the year give us a time frame with the closure of the old store and the new one opening?

M. Nelson – when the new store opens the old will close simultaneously but hopefully filled by another store.

Lynn Loscar – how is this going to impact water? Fill old Walmart? What about the impact on the small mom and pop stores? Not so sure this is a great thing.

Close Public Hearing at 6:51pm

*Motion To Approve A Resolution Of The Ridgecrest City Council Adopting A Mitigated Negative Declaration For The Ridgecrest Commercial Specific Plan Offsite Improvements Project – With The Amendment Acknowledging The Informational PG&E Page Provided - Made By Council Member Acton, Second By Council Member Sanders. Motion Passed By Roll Call Vote Of 5 Ayes; 0 Noes; 0 Abstain; And 0 Absent.*

## DISCUSSION AND OTHER ACTION ITEMS

### **6. Discussion And Approval Of Council Response To The Indian Wells Valley Land Use Management Plan (IWVLUMP)** **Breeden**

Mayor Breeden – read the proposed letter. She then reported on IWV water district meeting last Monday night regarding the IWVLUMP.

Council Member Thomas – After the IWV water district meeting he was struggling and after the report from Mayor in regards to that meeting it is a good thing you went and got more clarity.

Council Member Sanders – thanked Peggy for writing the letter and starting the process. He has been battling in his mind about this issue. Knows there is an overdraft and the data he has seen convinces him of that. The solution to approach the problem is not pretty, but agreeable and shared burden on property owners has to be what we come to. If the GMA assesses a pump tax for usage, there has to be a study completed, and everyone in the valley would pay an equal portion and it would self-regulate itself. He is leaning in his mind towards opposition to supporting the letter but wants to hear the public tonight.

Council Member Acton – Believes we have a serious water issue. Used Tehachapi as an example on how they issued permits in regards to water. Disagrees with the rezoning issue and feels it gives a no-growth plan for the valley. Maybe we should put a hold on new development and see where we are at. We need to slow our approach and at this time is also leaning towards opposition at this point.

Council Member Mower – He has been through a moratorium and feels it is more of a violation of property rights to those people who have property and can't build.

Mayor Breedon – Food and agriculture are her past, she supports agriculture. The water is an issue-we work together-no finger pointing. The navy employs 80% of the valley and we need to make sure that is not interfered with in any way. I want to see growth and economic development and believes we have to do this is because the opportunity for the sustainability act is going to give us the ability to find solutions. I don't want somebody from the state coming here to solve out water problem, nobody knows us better than we do.

Public comment – 7:15

Dave Matthews – Well written letter. It is mentioned about tertiary water usage, but would like to see added that a question be presented to the KC Board of Supervisors that they ask the State to look for additional sources of water and look to form an interchange board for the region.

Robert Eierman – Would say the letter is the best letter he could think of to oppose this plan. They are not doing the right thing and dangerously close to 'a taking' and a violation of the constitution.

Ed Hackett – Bottom line upfront – the proposed plan is reactive and it sets neighbor against neighbor. It tells those investors we are reactive and only here to protect the base. The base is important to the defense of the country. There is an elegant solution and that is that we are proactive and build. The spirit of this community can't be kept if we put neighbor against neighbor. Sins of our fathers as it should have been addressed sooner, but this plan shuts down this valley and its economic development. Please don't support the letter.

Ronald Porter – Believes the City should abstain from writing the letter. Everyone needs to feel the pain equally and it should not on a select few backs.

Renee Westa-Lusk – wants something done to protect our water supply. This plan did not go far enough but is on the side of approval and is worried about consequences of not doing anything now.

Mike Neel – What we have, that you are considering supporting, is a plan that has numbers that are off 30% - that far off and yet they want to push this forward? This doesn't sound right.

Carol Vaughn – We have an opportunity to do something about the water problem, let's do something about it. Let's not send a message that says we don't want any growth. We need economic development to survive. The plan does nothing to save any water use in this valley and she does not support it. Let's get together and make a plan for economic development plan and make it happen.

Lynn Loscar – We have pipelines that carry oil, why can't we get a pipeline for water – the other side of the country is flooding. Concerned about those whose rights are being violated and how the process of deciding active agriculture is happening.

Pat Farris – mentioned to Scott O'Neill about the water issue and his recruiting efforts. We need to look to the future and build the community. The revised plan needs to be presented in writing so we can SEE what you are, or are not, supporting. We need to get a document that is not going to change so we know what we are sending to the Board of Supervisors. Believes this is not good policy and too confusing.

Mrs. Neel – echoed all the comments said tonight. Too many empty seats in the room tonight and people need to attend and speak up.

Sophia Murk – concerned about the changing document and how fast it is happening. Encourages the letter to show the changes you are supporting as the document will probably change tomorrow, before they receive the letter.

Al Huey – Talked about the Governor's water restriction and the IWW water district's reaction. We have time to talk about this and allow the people to come together and work out a solution locally. Quoted scripture. He talked about the regulatory taking of rights among property owners and how it bothers him. Does not think the Council should support the plan.

Public Comment closed – 8:00pm

Council Member Acton – There is a solution but thinks this plan is not what she wants to support. Let's discuss the trading of water for power.

Council Member Mower – We have talked about water for 41 years of my living here. We have been mandated by the state to do a 35% water reduction, this is on the non-well owners – so the city is feeling the brunt already. Everybody is speaking about the county's changes, we asked for those changes and so we cannot complain. He will not vote to send a letter of opposition.

Council Member Thomas – still stuck in the middle on his decision. Been praying for guidance and wants this city to grow.

Mayor Breeden – been asked a lot about this and feels this is 50 times more difficult than Measure L. Doesn't love the plan, but not against it, and thinks we need to do it.

*Motion To Approve Letter, As Amended, Regarding Council Response To The Indian Wells Valley Land Use Management Plan Made By Council Member Mower, Second By Mayor Breeden. Motion DID NOT Pass By Roll Call Vote Of 2 Ayes; 3 Noes (Sanders, Acton, Thomas); 0 Abstain; And 0 Absent.*

5 minute break 8:12 p.m.

## ORDINANCES

### **7. Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter 20 Of The Ridgecrest Municipal Code** **Alexander**

City Planner Matthew Alexander reviewed staff report.

Mayor Breeden – seemed unusual that we had 6 homeless people and we must provide shelter for them. What is our responsibility?

M. Alexander – it doesn't mean the City has provide them, it just means they are permitted uses.

Council Member Acton – in preparing this, has anyone come forward and proposed this? Currently most go to Bakersfield.

M. Alexander – I am not aware of anyone at this time.

Council Member Sanders – can you clarify density bonus.

M. Alexander – it means that if a developer comes forwards and says 10% would be allowed for low income it would allow for more total units. I asked that of a State representative, and it was said the State would not approve our Housing Element if we

did not approve this ordinance. Without the Housing Element we would have issues getting some grants we currently get.

Public Comment 8:29

Ronald Porter – This is a violation of the Brown Act and the description should be more detailed. What if they are going into an existing residential neighborhood and just plant a homeless shelter upon the house. I think we need more local control.

**Lemieux – it would be helpful, and he recommends more detail be added in the future, but no violation has been committed tonight.**

Dave Matthews – asked for clarity on definitions.

Carol Vaughn – what zones are being clarified in the ordinance?

M. Alexander – R-3 and R-4, these are not identified for homeless it is just allowed if someone came along and wanted to do it.

Public comment closed 8:37

*Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter 20 Of The Ridgecrest Municipal Code Made By Council Member Acton, Second By Council Member Sanders. Motion Passed By Roll Call Vote Of 5 Ayes; 0 Noes; 0 Abstain; And 0 Absent.*

*Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter 20 Of The Ridgecrest Municipal Code Made By Council Member Acton, Second By Council Member Sanders. Motion Passed By Roll Call Vote Of 5 Ayes; 0 Noes; 0 Abstain; And 0 Absent.*

## COMMITTEE REPORTS

*(Committee Meeting dates are subject to change and will be announced on the City website)*

### City Organization and Services Committee

Members: Lori Acton; Mike Mower, Solomon Rajaratnam, Cecil Yates  
Meeting: 4<sup>th</sup> Wednesday each month at 5:00 p.m. as needed  
Location: Council Conference Room B

Mike Mower

- Only action take was voting of Lori Acton-Chair, Mike Mower - Vice Chair

### Infrastructure Committee

Members: Jim Sanders; Mike Mower, Matthew Baudhuin, Warren Cox  
Meeting: 2nd Thursday each month at 5:00 p.m. as needed  
Location: Council Conference Room B

Jim Sanders

- Discussed the funding options for Downs St project
- Went over TAB allocation funding list.

**Ad Hoc Water Conservation Committee**

Members: Jim Sanders; Peggy Breeden  
Meeting: 1<sup>st</sup> Monday each month at 5:00 p.m. as needed  
Location: Conference Room B

Jim Sanders

- Colin talked about formation and restrictions about forming the GSA committee.
- Public at the meeting talked about the condition of the cemetery. Things are being looked into to provide help.

**Parks, Recreation, and Quality of Life Committee**

Members: Eddie Thomas; Lori Acton, Matthew Baudhuin, Scott Davis  
Meeting: 1<sup>st</sup> Tuesday each month at 12:00 p.m. as needed  
Location: Kerr-McGee Center Meeting Rooms

Lori Acton

- Have not met

❖ **Ad Hoc Youth Advisory Council**

Members: Eddie Thomas  
Meeting: 2<sup>nd</sup> Wednesday of each month, 12:00 p.m. as needed  
Location: Kerr-McGee Center Meeting Rooms

Eddie Thomas

- Youth talked about voting regarding new officers.

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

Members: Eddie Thomas; Lori Acton  
Meeting: 3<sup>rd</sup> Tuesday every other month at 4:00 p.m. as needed  
Location: Kerr McGee Center Meeting Rooms

Eddie Thomas

- Have not met

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

Members: Lori Acton and Eddie Thomas  
Meetings: 1<sup>st</sup> Wednesday Of The Month, 8:00 A.M.  
Next Meeting: To Be Announced

Eddie Thomas

- Have not met

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

Lori Acton

- Reported on Broadband/CETF meeting attended in Riverside. Lots of grant money on the table and will be talking with our consultant about how Ridgecrest can acquire some.

Peggy Breeden

- Reported on KernCOG meeting attended in Bakersfield. Read statistics regarding county
- Went to Washington with Supervisor Gleason last week – met with Navy Admiral in regards to the wastewater treatment facility. He (the Navy) can't financially support the effort but showed different avenues about getting the funds – MILCON grant. McCarthy's office was there and the admiral gave them direction to make it happen. More info to come.

**CITY MANAGER REPORT - None**

**MAYOR AND COUNCIL COMMENTS**

Peggy Breeden

- Wants to write a letter to the Governor requesting the county and states to support our BRAC process and our valley.
- Wants to establish (very soon) a town hall meeting in regards to economic development. Would like to invite Stu Witt to talk about how he accomplished all he has in Mojave.
- Wants to talk about water use in the city (fountain, parks, etc.) and how we can preserve

Mike Mower

- Spoke regarding intersection lights – specifically RC/Downs – not functioning properly

Eddie Thomas

- Concerned about city works shoveling off asphalt from the back of a truck, no safety vests, no hard hats, and believes there might be a safety violation.

Lori Acton

- Would like to speak at the Town hall regarding the Broadband initiative

Jim Sanders

- Town hall meeting a good idea – we need more of them
- Just heard tonight about the 35% water mandate and what he thought about was the grey water ordinance that is still at staff level. Believes it is critical and we need to work on it.
  - Tomorrow at the groundwater management meeting Loren Culp will be talking about this topic.

**ADJOURNMENT 9:11**

  
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Ricca Charlon, CMC  
Deputy City Clerk