



**MINUTES OF THE REGULAR MEETING OF THE
RIDGECREST CITY SUCCESSOR AGENCY,
FINANCING AUTHORITY, AND HOUSING AUTHORITY**

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

**December 16, 2015
5:30 p.m.**

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded solely for the purpose of preparation of minutes.

CALL TO ORDER – 5:00 p.m.

ROLL CALL

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

Council Absent: None

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

APPROVAL OF AGENDA

Add Closed Session:

GC54956.9 (d) (4) Conference With Legal Counsel – Existing Litigation - William Johnson v. City Of Ridgecrest

Motion To Approve Agenda As Amended Made By Council Member Thomas, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

PUBLIC COMMENT (Closed Session)

- None Presented

CLOSED SESSION

GC54957 Personnel Matter – Public Employee Performance Evaluation – City Manager

GC54956.9 (d) (4) Conference With Legal Counsel – Existing Litigation - William Johnson V. City Of Ridgecrest

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Closed Session
 - GC54957 Personnel Matter – Public Employee Performance Evaluation – City Manager. Report received, continued to next regular meeting.
 - GC54956.9 (d) (4) Conference With Legal Counsel – Existing Litigation - William Johnson V. City Of Ridgecrest. Report received, direction given to City Attorney.
- Other
 - None

PRESENTATIONS

1. Presentation of Life Saving Recognition Awards **Strand**

- Chief of Police Ron Strand presented Recognition Awards for Life Saving to Officers Matthew Roland and Nathan Lloyd.

2. Presentation On Developer Fees **Speer**

Dennis Speer

- Presented Staff Report and PowerPoint Presentation regarding developer fees paid to the City of Ridgecrest.

Mike Mower

- Public concern about El Nino and questioned possibility of using fees for drainage expansion.

Peggy Breeden

- Questioned if there had to be damage done or if fees could be used as preventative.

Dennis Speer

- Fees can be used for a specific project with plans and designs.

Mike Mower

- Commented about past experience with flooding along Felspar Street and suggested expansion project of the flood channel in this area.

Dennis Speer

- Drainage fees collected can be used on projects.

Jim Sanders

- Asked the scope of a project where fees can be used, what percentage do developers pay and is it based on the cost of the projects

Mike Mower

- Provided examples of fees paid per house in a development

Peggy Breeden

- Questioned the ability of combining some parts of the project to reduce developer fees.
 - Dennis Speer – some costs can be discounted for parts of a project. There is a formula approved by the Council and has not been reviewed or updated since prior to 2006.
- Asked about the need to look at the formula again.
 - Dennis Speer – will discuss with departments.
- Questioned if development is down compared to last year, would lower fees help generate and encourage new development?

Eddie Thomas

- City received \$2.3 million dollars, how much is for General Fund?
 - Dennis Speer – none of the fees go to General Fund.

Public Comment

Mike Neel

- Commented on the Chinese Restaurant behind Rite Aid Pharmacy and their experience with development fees in excess of \$30,000 which impacts the individual trying to build the structure.
- Supported the Mayor's suggestion of reviewing and possibly lowering the fees for developers.
- Questioned which fees were mandated formulas or can the formulas be amended by the City.
 - Dennis Speer – commented on plan check and inspection has been kept close to actual cost. Impact, sewer, and grading fees were adopted by Council and could be reviewed.

Mike Neel *(continued)*

- Suggested Council have staff review percentages and fixed fees and show justification for the costs.
- Commented that small businesses are not developing or expanding and the development fees could be a reason.
- Questioned why a commercial industry should pay a school district fee. Suggested this be a residential fee.
 - Mike Mower – school district fee is mandated by the State and we have no control of that fee.
- Whatever City could do to reduce the fee impact for development would help buffer the pain of the state mandated fees.

PUBLIC COMMENT *(Regular Session)*

Dave Matthews

- Commented on the lack of decorations in the Council Chambers
 - Peggy Breeden – Kathy Armstrong does the decorations out of her own pocket and good will. She is having vision problems and so we thanked her and excused her from decorating this year.

Sophia Merck

- DRECP just closed the protest on Monday and hope the Council all got their letters in.
- Tomorrow night at 6:00 p.m. at City Hall, will be a WEMO meeting and their comment period ends in January.
- Thanked the Council for all they do and encouraged Council to attend the WEMO meeting.

Mike Neel

- Questioned scheduled hearing for the Dale Howard item this Friday to discuss the legal fee recovery. City is still pursuing this and did not ask the receiver to back off. Commented on additional costs being added.
- This is the holiday where we celebrate the child who died to save mankind. Spoke on salvation and Christmas being a religious holiday. Encouraged everyone to remember this and to worship.

COUNCIL ANNOUNCEMENTS

Jim Sanders

- Merry Christmas

Lori Acton

- Merry Christmas

Mike Mower

- Merry Christmas

Eddie Thomas

- Will be celebrating Martin Luther King Jr. day soon

Peggy Breeden

- Kern COG presentation regarding 3 projects in the City
- Annual regional awards in Bakersfield and one was given to Ridgecrest Blvd Project and Transportation Project, Jim Gregory and Jim Suever also received awards.

CONSENT CALENDAR

- 3. Adopt A Resolution Authorizing The City Manager To Sign The Notice Of Completion On The Cycle Five Highway Safety Improvement Program (HSIP) Traffic Signal Modification At Seven Intersection Projects, Authorizing The City Clerk To File The Notice Of Completion And Authorizing The Release Of Retention In The Amount Of Seven Thousand Six Hundred Nine Dollars And Thirty-Eight Cents (\$7,609.38), After Recordation Of The Notice Of Completion** Speer
- 4. Adopt A Resolution Accepting The Donation Of R1 Single Family Real Property To The City – Located At 209 S. Gold Canyon Street. Property APN 080-141-03-00-1** Parsons
- 5. Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated December 2, 2015** Ford

Items Pulled From Consent Calendar

- Item No. 4

Motion To Approve Consent Calendar Item Nos. 3, & 5 Made By Council Member Thomas, Second By Council Member Mower. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent

Item No. 4 Discussion

Gary Parsons

- Presented staff report

Item No. 4 Discussion (continued)

Jim Sanders

- Asked about potential liability.
 - Gary Parsons – property has never been developed and is clear of debris.

Peggy Breeden

- Questioned if the City is bound by the staff recommendation
 - Gary Parsons – no restrictions to the property.

Dave Matthews

- Questioned sewer connections
 - Gary Parsons – property would require connection. Lines and laterals in the street to the property line.
- Questioned tax deduction if donated to non-profit.
 - Gary Parsons – owner does get the tax deduction if donating to the City, no deduction if donated to a non-profit.
- Not in favor of being a middle-man. Suggested City sell and add proceeds to street paving funds to improve that block of streets where the land is located.

Motion To Approve Consent Calendar Item No. 4 Made By Council Member Mower, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent

DISCUSSION AND OTHER ACTION ITEMS

6. Presentation and Discussion of Quad State Participation

Staheli

Tyrell Staheli

- Presented Staff Report and introduced Gerald Hillier, Executive Director of Quad State Local Government Authority

Peggy Breeden

- Commented on discussion with Steven Morgan pertaining to this agency. Benefits of open land and having public access to use the land and therefore spend dollars locally.

Gerald Hillier

- Reviewed the locality of the Quad State Local Government Authority and participation. Ridgecrest is the only Associate member and fully participates in the board meetings and activities.
- Primary organization was in association with the Desert Tortoise with development of a recovery plan. After long-term negotiation with wildlife organizations, developed a new recovery plan in 2011 which organized citizen and professional groups across the range who recommend measures to conserve the tortoise. Local governments have seats on each of the 8 teams.
- Kern County has participant on one of the teams and there is continuing dialogue with Steve Morgan. Ricca Charlon contacted the agency last year to identify new appointments from Ridgecrest.
- Steve Morgan has requested he be allowed to continue as a representative providing he has access to the Council.
- Spoke on continued program enhancements in cooperation with Fish and Wildlife.
- Reviewed membership affiliations throughout the region including Desert Management group. Mr. Hillier attends meetings and provides feedback to the authority board of directors.
- Current issue is that BLM did the desert renewable energy conservation plan and in this part of the Mojave Desert is the WEMO plan which was adopted in 2006 and immediately litigated. Quad State intervened and the courts sustained our issues. Development is contained to no more than 1% within the Desert Tortoise terrain. BLM was required to redo their route designation and was nearing completion until September when they flip-flopped. Reviewed the changes by BLM which now has lowered the development caps. This is a significant change and the new development cap will cover the base line and will assess disturbance that has already occurred which will limit vehicle traffic routes. This is a major effort to undertake next year to prevent this from happening. Tomorrow night's meeting is critical for submitting protests.
- Arranging meetings with the State directors to discuss these issues.
- Authority has been assisting with protection other cities plans in Kern County and is actively engaged in protecting the desert regions with regard to climate management projects. Closely monitoring activities in this area.
- This is constant collaboration between the City and State agencies to bring information back to the Council regarding broad variety of impacts to public lands that directly affect community members who use the public lands.
- Encouraged City of Ridgecrest to continue to participate and work with the authority to actively pursue other Cities to join the authority.

Peggy Breeden

- Mr. Sanders has requested to not be reappointed should we continue and Steve Morgan is very anxious to act as our representative. Commented on Mr. Morgan's statements. Questioned Mr. Mower as the alternate if he would be interested in participating as our primary representative.
- Gerald Hillier – because the seat on our board is non-voting, if the representative is agreeable to the City then the bi-laws will accommodate the representative. Our bi-laws require that a voting member of the board be an elected official but as a non-voting representative it is possible. The elected official can be named as the representative and then defer the attendance to a delegate.

Jim Sanders

- Very impressed with the agency and wanted to be involved however scheduling conflicts prohibited attendance at the meetings. Encouraged continued participation.

Mike Mower

- Questioned Ridgecrest as the only Associate Member.
 - Gerald Hillier – made presentation to California City but have not actively pursued other cities for membership. Think this would be of value to the cities and the authority. We communicate about a lot of issues that State associations do not talk about. If other cities have an interest we would be very interested in adding them as associates.
- Questioned meeting location.
 - Have used several locations and the most central location within the agency is the club house at Primm Valley Golf Course and has proven to be more satisfactory than Baker as a meeting location. Between Bakersfield and St. George Utah was too far to drive and this is centrally located, we have also reduced the number of meetings to one or two per year.
- Questioned Arizona Counties
 - Mojave and La Paz Counties. Currently updating our membership directory.
- No problem with Steve's participation but would still like to be involved.
 - Gerald Hillier – if Council would name Mr. Mower as principal and Steve Morgan as an alternate then will communicate with both gentleman.
- Willing to do this.

Lori Acton

- Steve is willing to provide quarterly reports and annual presentation so if Mr. Mower is willing to take this on and rely on Steve as needed then believe this would be beneficial for the City.

Lori Acton *(continued)*

- Questioned the BLM seats which used to be two.
 - Gerald Hillier – currently have 7 appointments overdue and assume one of these is the second BLM seat. Not privy to the appointment process for BLM. Currently have Ray Castillo but do not know who has come in as the second member. There are issues with coordination at the state level.
- Thanked Mr. Hillier and Quad State for all they do for us.

Gerald Hillier

- Associate Member dues are \$1000 per year which is ½ of the County cost. Counties are set at a flat fee of \$2000 per year. above 50,000 population there is a formula which includes County acreage and Desert Tortoise habitat. San Bernardino County pays the largest portion.

Public Comment

Sophia Merck

- This organization is truly remarkable in what it achieves. This is a cost saving to spend the \$1000 because you get so much benefit and legal representation. The news about Steve Morgan is wonderful.

Dave Matthews

- Heard Kern County dropped out. Former supervisor helped form this agency and thanked him.
- 20 years ago, retired and was trying to keep government contractors in line. Wanted to go out and do off-roading but some of the places he wanted to go were off limits because BLM had snuck in a wilderness area.
- Need to be involved with this agency because they are a protective agency for local government. For \$1000 per year we are getting a good deal.

Minute Motion To Approve Continued Participation In Quad State Local Government Authority And Authorize Payment Of The Annual Membership Made By Council Member Mower, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent

7. Presentation Of The October Financial Report

Staheli

Tyrell Staheli

- Presented Staff Report and PowerPoint presentation.

Jim Sanders

- Thanked Tyrell for getting the information to Council in advance in a form that was understandable.

Public Comment

Stan Rajtora

- Checked the City website to see the City budget and was dismayed that the budget is not available for the public. Requested this be put on the website.
- Commented on other funds – wastewater expenditures. Original budget was more like \$3 million and is now showing \$7 million.
 - Tyrell Staheli – the budget approved is a snapshot and is constantly evolving. In this particular case it is an encumbrance for a study that rolled from last year. These are accounted for in the year end numbers.
- Commented on the 2010 contract but has no idea where the difference of \$3 million up to \$7 million came from.
 - Dennis Speer – commented on the preparation for the expansion and repairs to system.
- Would appreciate the City providing a line item listing of where these numbers came from and what the numbers are so we can understand. Are these contracts let from the past?
 - Tyrell Staheli – could be but do not have that information available tonight, will have to review.
- Requested a line item budget of encumbrances. Each year there should have been dollars authorized and they are adding up if they have not been spent. Would be nice to know what the line item obligations are so we can know where that money is going.
- Commented on Navy process for spending money. If not spent within 2 years had to go back and have it reauthorized.
 - Dennis Speer – contract is over 7 million dollars. These expenditures are for the contract let for the improvements to the plant and studies.
 - Mike Mower – think the budget being put on the website may have been an oversight due to changes in staffing.

Mike Neel

- Question on year to date revenue. Which of the line items does Measure ‘L’ fall into and what amounts would be represented.
 - Tyrell Staheli – falls under Sales and Use Tax, did not break down all the individual taxes, this is an overview.
- Suggested providing the breakdown for future reports.
- Requested year to date department budgets reflect which line items are receiving the funds from Measure ‘L’ and how much they each receive. Stated this would be a good mechanism to show Measure ‘L’ funds
 - Peggy Breeden – would be in favor of showing the information but cautioned this is a snapshot of funds and some funds are expended at different times as paving projects have seasons.
- Commented on not spending the \$1.5 million per year for maintaining streets.
 - Tyrell Staheli – transfers are spent thru the Gas Tax Fund.
- Commented on residential streets not being maintained.

Dave Matthews

- Asked about an article in the Daily Independent which listed all the projects Measure 'L' funds are being expended on.

Lori Acton

- Thanked Tyrell and have no problem putting the numbers into the report so long as people remember not all the money is spent as it is received.
- Want to be transparent and accommodating but do not want to get mired down in details. Appreciate the monthly snapshot.

Jim Sanders

- Comfortable with this level of detail. Want this to be a quick health check of the budget. Save the in-depth details for budget hearings.

Peggy Breeden

- Agree with these statements. Measure 'L' committee will cover that level of detail in their annual report. Do believe we can separate the Measure 'L' numbers without having a full project listing.

ORDINANCES

- 8. Second Reading And Adoption Of Ordinance No. 15-04, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Medical Marijuana Cultivation Facilities**
Strand

Ron Strand

- Presented Staff Report
- No council comments or questions presented
- No public comments or questions presented

- A. Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance No. 15-04, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Medical Marijuana Cultivation Facilities Made By Council Member Thomas, Second By Council Member Mower. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent*

Item No. 8 *(continued)*

B. Motion To Adopt By Title Only, Ordinance No. 15-04, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Medical Marijuana Cultivation Facilities Made By Council Member Acton, Second By Council Member Mower. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent

OTHER DISCUSSION AND ACTION ITEMS

9. Discussion Of The Kern County Council Recommendation To Form A Joint Powers Authority For The Purpose Of Establishing The Indian Wells Valley Groundwater Sustainability Agency Breeden

Peggy Breeden

- Presented Staff Report

Michael Silander

- City Attorney has reviewed the issue and recommendation from City Attorney in support of a Joint Power Authority.

Public Comment

Elaine Meade

- Commented on CIGMA and all stakeholders having representation on the GSA.
- Spoke in favor of a Joint Powers Authority recommendation.

Dave Matthews

- Agreed with Mrs. Meade statement
- Questioned attorney on the difference between a Memorandum of Agreement and Memorandum of Understanding
 - Michael Silander – responded.
- If you have a Joint Powers Authority you are establishing a layer of authority. Not really solving the problem. Need to be flexible enough to solve the problem rather than being bogged down with legal issues. Nobody has addressed the problem with finding other sources of water.
 - Peggy Breeden – this is not developing the plan or process, only establishing how we are going to do it. You are mistaken to say that no one is discussing it, the sooner we get passed this, the sooner we can begin establishing the plan.

Mike Neel

- Pointed out things the GSA would have power to do including regulating water use. Talking about going forward with the formation of a governmental entity.
- Recommended the letter address how members are going to be put in place and if going to be a governmental agency they will do all the things other governmental agencies can do.
- Response should also say this agency is made up of elected representatives and suggest who gets how many representatives.
- There could be more litigation over this issue. Need to think about what might be said to the effect that the board members are elected.

Sophia Merck

- Commented on letter written regarding environmental issues and agency has been watching the water issue closely because of the impact on the land.
- Believes the GSA needs to be established and by Joint Powers Authority.
- Makeup needs to be diversified and include all municipalities that use the water in the valley including Searles Valley.
- Encouraged Council to approve a Joint Powers Authority and prevent the water being governed by the State.
- Submitted letter to the City Clerk for inclusion in the minutes (attachment A)

Lynn Loscar

- Asked Council for example of the flexibility afforded by JPA and not by MOA
- Not comfortable private well owners will not be represented.
- Concerned about representation about taxing.
 - Peggy Breeden – these issues have not been decided; this is the best way to give everybody the opportunity to be a part of the decisions.
 - Jim Sanders –private well owners would be represented by their elected officials who are serving on the JPA.
 - Peggy Breeden – listed the various agencies who would be a part of the JPA

Speaker

- Suggested the City Attorney provide the acre per foot definition. It is up to the GSA to decide the 2 acre per foot rule about meters or taxation.
 - Peggy Breeden – the legislation says 2 acre feet, will clarify.

Minute Motion To Approve A Letter In Favor Of A Joint Power Authority For The Purpose Of Establishing The Indian Wells Valley Groundwater Sustainability Agency To The County Of Kern Made By Council Member Mower, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 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
Meeting: 4th Wednesday each month at 5:00 p.m. as needed
Location: Council Conference Room B

- No Report

Infrastructure Committee

Members: Jim Sanders; Mike Mower
Meeting: 3rd Thursday each month at 5:00 p.m. as needed
Location: Council Conference Room B

- Meeting tomorrow

❖ Ad Hoc Water Conservation Committee

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

- Next meeting January 25, 4th Thursday due to the holiday

Parks, Recreation, and Quality of Life Committee

Members: Eddie Thomas; Lori Acton
Meeting: 1st Tuesday each month at 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

- No report

❖ Ad Hoc Youth Advisory Council

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

- Dark till 2016

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

Members: Eddie Thomas; Lori Acton
Meeting: Quarterly on the 3rd Tuesday of the month at 4:00 p.m. as needed
Location: Kerr McGee Center Meeting Rooms

- Dark till 2016

Ridgecrest Area Convention And Visitors Bureau (RACVB)

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

- Dark till January.

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Lori Acton

- DRECP and WEMO coming
- Attended BLM roundtable and submitted a protest. Final version of the ERIS differed from the draft. Not enough time to review final version
- Final version took 77% of trails away
- Disputes between DRECP and WEMO, the more restrictive rule will apply.
- Will type of a full report and provide for website.
- WEMO meeting tomorrow will only accept written comments.

Peggy Breeden

- League of California Cities meeting established 3 new goals: housing affordability for all ranges; funding for critical travel and water authority; and updating local government in responding to growth of economic development issues (point-of-sale sales tax for internet purchases)

CITY MANAGER REPORT

Dennis Speer

- Kern COG Awards
- Cancellation of January 6 meeting.

MAYOR AND COUNCIL COMMENTS

Mike Mower

- Merry Christmas and see everyone next year

Eddie Thomas

- Happy Holidays

Lori Acton

- Merry Christmas and thank you to all the staff, enjoy the holidays and get some R&R

Jim Sanders

- Wished everyone Merry Christmas

Peggy Breeden

- Requested Justin O’Neill contract on next agenda to report to Council and get direction.
- Asked City Clerk to list all meetings attended by Council so we can get reports.
- Asked for report on audits of businesses that received grant money from the City.
- Asked about assessment district (DR Horton) report and concerned about liability for RidgeProject volunteers.
- Asked about assessment district for City Business Park, would like to follow up on this.
 - Dennis Speer – originally stopped because the district is paid by the owners and the City owned the property so entire group should be paying.
- Merry Christmas and Happy New Year. Sincere thanks to staff for all they do to make our lives easier.

ADJOURNMENT at 8:46 p.m.



Rachel J. Ford, CMC
City Clerk