



**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**

**May 6, 2015  
5:00 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; Council Members Eddie B. Thomas, and Mike Mower

Council Absent: Vice Mayor Lori Acton

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

**APPROVAL OF AGENDA**

*Motion To Approve Agenda Made By Council Member Mower, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 3 Ayes (Mayor Breeden, Council Members Thomas, And Mower); 0 Noes; 0 Abstain; And 2 Absent (Council Members Sanders and Acton)*

**PUBLIC COMMENT – CLOSED SESSION**

- None Presented

**CLOSED SESSION**

GC54956.9 (d) (1) Conference With Legal Counsel – Liability Claim of Pertexa Healthcare Technologies, Inc. – Claim No. 15-02

**Closed Session** *(continued)*

GC54959.8            Local and Successor Redevelopment Agency's Real Property Negotiations – Negotiation For Receipt And/or Sale Or Use – APN's 033-070-44, 033-070-50, 030-070-49, 030-070-22 & 030-070-46 – K Partners. Agency Negotiators Dennis Speer, City Manager, and Gary Parsons, Economic Development Manager

Council Member Sanders arrived during closed session

**REGULAR SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation

**CITY ATTORNEY REPORT**

- Closed Session
  - Pertexa claim – claim rejected unanimously 4-1 (Council Member Acton was absent)
  - Status update of negotiation with K-Partners, report received, no action taken

**PUBLIC COMMENT**

Chip Holloway

- Distributed handouts to Council regarding Kosmont presentation of April 15
- Invoice presented for each month no action taken on item.
- Commented on TAB refinancing and potential for general fund savings
- Quoted interest rates increasing and loss of money by waiting to take action
- Stated staff time is reimbursable by the State.
- Encouraged Council and staff to explore the opportunity.

Peggy Breeden

- Requested clarification from City Attorney of Council's ability to respond to comments.
  - Wayne Lemieux - responded

Dave Matthews

- Asked Friday May 8, 2015 and significance. Seventieth anniversary of VE day for WWII. 14 years old at the time and remember both VE and VJ day. Spoke on experience as a 10 year old when Japanese attacked Pearl Harbor. Commented on Russians reinventing the day due to their belief they defeated the Nazis. Reminded Council the Russians began as allies of Germany.
- Stated this county can accomplish things when the mindset is right and expressed fear for our future.

Mike Neel

- Stated that Nazi Germany was what this country is slowly becoming.
- Reminded Council this is a seat of government and yet most talk is about economic development and increasing economy
- Stated basic freedoms of the constitution are slowly disappearing and being violated. Commented the government root is at this level and need to start protecting people's freedoms here.
- Exemplified Dale Howard case and receivership discussion of requirements and the law. Referenced edict of judge without a trial by jury. Commented on Mr. Howard's freedoms and inalienable rights.

Scott Garver

- Asked Council and attorney to address the claims made about Mr. Howards loss of rights.
- Public nuisance law dates back to English law and stated Mr. Howard has been shown in the paper as a victim of the city which is misguided
- Mr. Howard has received his due process.
- Asked City to respond publicly to these repeated statements made without legal basis or fundamental knowledge in public comment.
- Asked Council to stop this type of discussion before it gets out of hand.
  - Mike Mower – commented on instruction pertaining to the Brown Act

Public Comment closed at 6:25 p.m.

**PRESENTATIONS**

**1. Presentation Of A Proclamation Recognizing May 10-16, 2015 As National Police Officers Week Council**

Council presented a proclamation to Officer Bill Groves representing the Ridgecrest Police Department recognizing National Police Officers Week.

**2. Presentation By The Measure 'L' Citizens' Oversight Committee Regarding Their Annual Report**

Ted Ribulton of the Measure 'L' committee presented the annual report of Measure 'L' funds and a PowerPoint presentation *(Copy Available In The City Clerk's Office)*.

Scott Garver

- Commented on previous tension between committee and Council
- Charter committee member traced 10 years of budget choices for departments and established a base line of funding to aid in determining a significant drop in departments which may have been shored up with Measure 'L' funds and goes directly against the promise of Measure 'L'.

**Scott Garver** *(continued)*

- Did not address this issue in the report and expressed concern due to recent newspaper articles encouraging we move forward and renew the measure 'I' funding.
- Referenced net increase in staffing and supplies for police in the first year which augmented the police budget.
- Commented that now over 1/3 of the staff for police is now reliant on Measure 'L' because some funding was funneled to streets.
- Committee didn't review Back-fill this year due to shortened schedule.
- Decisions of Council have burdened Measure 'L' more for police.
- Commented on RDA abolishment.
- If Measure 'L' goes away it could be fatal to the city's budget.
- Encouraged City to address this concern now should Measure 'L' not pass again.
- Expressed appreciation to committee members for the time spent on drafting the report.

**Peggy Breeden**

- Can't change or fairly comment on past Council actions, is appropriate to discuss future path.
- Stated Measure 'L' committee is the most important committee we have working with the City
- Stated the job of supporting this measure is everyone's job.
- Thanked the committee for their work.

**Jim Sanders**

- Thanked the committee for their work, exactly what was intended in the law.

**Eddie Thomas**

- Spoke on his experience as a committee member and the amount of effort put in by each member
- Thanked the committee for the research and numbers
- Commented on the 12 officers and asked if the funding goes away will Council have to find other ways to fund or lay off the officers?
  - Scott Garver – commented this would be the City Manager, Council and Finance Directors job.

**Mike Mower**

- Asked if the committee would be addressing the Back-Fill in the next report

Mike Neel

- Referenced table 3 on page 9 of the full report.
- Noted discrepancies and asked for clarification.
  - Scott Garver – information was transferred from a spreadsheet and will need to ensure the right numbers were reflected.
  - Ted Ribulton – committee will take the opportunity to simplify the report and bring back for public review after the June committee meeting.
- Appreciated detailed table and noted legal services for police. Suggested these services were for Dale Howard case and asked for more detail.
- Commented on taxing people to fund police. Suggested parks and recreation programs be cut to fund police.

Chip Holloway

- Commented on the confusion of 2012-2013 and transfer from general fund for gas tax to street fund which was not Measure 'L' revenue.
- Commented on the 'Back-Fill' issue needing to be addressed and the need to maintain current staffing without increasing anything.
- Commented on previous Council actions and plan to split the money.
- Stated the dissolution of the RDA combined with AB109 reduced revenues available for police services but expectation was to continue service at the same level.
- Challenged committee to find a department whose base-line budget increased after Measure 'L'. All department budgets were cut.
- Spoke on average citizen paying \$5.75 per month to maintain the police services and increase quality of life in the community.

Scott Garver

- Clarified rows 6 and 9 of table 3 included funds that were not Measure 'L' so if these are removed the numbers match.
- Committee will confirm and provide an addendum with corrections and additional explanation.

**CONSENT CALENDAR**

3. **Adopt A Resolution Of The Ridgcrest City Council Approving Contract Change Order Number Twenty-Six With The Contractor, Griffith Company, For The West Ridgcrest Boulevard Project And Authorize The City Manager, Dennis Speer To Sign Change Order Number Twenty-Six** Speer
4. **Adopt A Resolution To Approve An Agreement With The Engineering Firm Of Quad Knopf To Prepare Three Applications On The Highway Safety Improvement Program (HSIP), The Congestion Mitigation Air Quality (CMAQ) and The Regional Surface Transportation Program (RSTP) For The City of Ridgcrest and Authorize the City Manager, Dennis Speer to Execute The Agreement Upon Approval of the City Attorney** Speer

5. **Adopt A Resolution Of The Ridgecrest City Council Adopting And Reaffirming The City's Annual Statement Of Investments And Delegating The Authority To Make Such Investments To The City Treasurer McQuiston**
  
6. **Approve Draft Minutes Of The Ridgecrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated April 15, 2015** Ford

*Items removed from consent calendar*

- Item No. 3

*Motion To Approve Item Nos. 4, 5, and 6 Of The Consent Calendar Made By Council Member Mower, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Acton)*

Item No. 3 Discussion

Dave Matthews

- Confused about the changes and fiscal impact on the staff report
  - Dennis Speer – explained this is a credit to the City. Contract price is being reduced.

*Motion To Approve Item No. 3 Of The Consent Calendar Made By Council Member Thomas, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Acton)*

## DISCUSSION AND OTHER ACTION ITEMS

7. **Executive Summary and Discussion of Fiscal Year 2014-2015 Budget Projections** McQuiston

Rachelle McQuiston

- Gave brief update of RFP progress toward new software which will aid in future reporting in a timelier manner.
- Presented staff report.
- Reviewed summary of General Fund, Gas Tax Fund, Transit Fund, Garage Fund, and Wastewater Fund.
- Spoke on the County of Kern 'true-up' paybacks for overpayments previously received.

Rachelle McQuiston *(continued)*

- Stated wastewater has a \$10 million reserve. Increases to fees are bringing in more money however additional funds are being expended toward development of the new treatment plant including a tertiary plant. Encouraged Council to not reduce fees until all costs have been analyzed.
  - Dennis Speer – explained preliminary engineering and environmental requirements, design and implementation costs.

Peggy Breeden

- Asked about the timeframe for new computer program installation.
  - Rachelle McQuiston – once purchased, implementation is a minimum of six months. Work that now takes a week will be reduced to an hour and reports will be available on the city website.
- Would like more detail and anticipate getting this detail during budget hearings.
  - Rachelle McQuiston – suggested returning in two weeks for more discussion on details.

Jim Sanders

- Questioned wastewater fund, is budget for pipe replacement.
  - Dennis Speer – money will be added for the 2015-2016 budget. Spoke on video of lines and work plan development.
  - Rachelle McQuiston – have some funds set aside to begin replacement and correction and will be budgeting more next year.

Mike Mower

- Spoke on Infrastructure meeting and sewer fee discussion.
- Committee asked for information at next meeting.
  - Dennis Speer – Reviewed needs for bonding and the model not including tertiary facility. Recommended following plan already approved with scheduled increases with idea that once plant is in operation for a year then can determine operating costs and at that time Council can review and possibly reduce the fees. Commented on issues with selling tax exempt bonds on federal properties which could increase the costs.
  - Jim Sanders – original report mistakenly showed less reserve. Will cost a lot of money to increase the rates.
  - Rachelle McQuiston – once voted to increase can charge a lesser amount, would be hesitant to charge less until enough funds are obtained to build the new plant. Council decision. Currently spending more than receiving just to prepare for building the new plant.
  - Jim Sanders – until rate is recalculated, will continue to be questioned by citizens about the real number.
  - Rachelle McQuiston – until the final plans are developed including the tertiary component will not have exact costs.
  - Peggy Breeden – still have numerous issues to deal with.

Public Comment

Tom Wiknich

- Commented on consultant presentation during Prop 218 hearing.
- Asked about final report on sewer line conditions.
  - Dennis Speer – responded. Lines videoed, currently being put on the database and review will develop a work plan and prioritize lines. Can see if IT can make the data available.
- Asked about TOT drop during Petroglyph Festival
  - Rachelle McQuiston – some had paid late so did not see immediate increase. Did motel-by-motel comparison and there were some motels that went out of business during that time frame, and others changed name. 6 or 7 showed a marked increase and some showed less. According to RACVB the amount is as expected. Can review and report back in two weeks.

Peggy Breeden

- Asked if there is a way to look at the TOT in detail and see if there is a way to address this issue of reporting. Understand the temptation and issues but there may be a better way to report.
  - Rachelle McQuiston – audit was conducted last year at the price of \$30,000. Believe should audit regularly to avoid mistakes. Can do an informal review of records after budget time.

**8. Council Discussion And Approval Of A Letter Of Support For Senate Bill 111 (SB 111) And Senate Bill 121 (SB 121)**

**Breeden**

Mayor Breeden

- Presented staff report

Mike Mower

- Asked for clarification of the senate bills
  - Peggy Breeden – provides additional matching funds
  - Jim Sanders – read the bills and expanded on the content.

Public Comment

Dave Matthews

- Suggested in future adding the text of the bills for clarification.

Jim Sanders

- State bills use the same numbers so is helpful to include the year.

**Item No. 8 (continued)**

*Minute Motion To Approve Item No. 8 Of Authorizing A Letter Of Support For SB 111 And SB 121 Made By Council Member Sanders, Second By Council Member Mower. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Acton)*

**ORDINANCES**

- 9. Second Reading and Adoption, Ordinance 15-03, An Ordinance Of The City Council Of The City of Ridgecrest Amending Chapter 20 Of The Ridgecrest Municipal Code by adding a provision permitting “Emergency Shelters” within the R-3 and R-4 (Multi-Family Residential Districts), and An amendment to the Ordinance Section permitting Density Bonuses**

**Alexander**

Matthew Alexander

- Presented staff report

**Public Comment**

Dave Matthews

- Asked Mr. Alexander for residential zoning clarification
  - Matthew Alexander – complied
- Commented on this being example of some things citizens should push back on with the state.
- Confused about the emergency shelters
  - Matthew Alexander – exemplified the Women’s Shelter
- Commented on the vague use of emergency shelter.

**Per City Attorney Correct Title To Read**

*Adopting Zoning Text Amendment 14-01 And Amending The Municipal Code As It Relates To Definitions And Permitted Zones For Emergency Shelters And Density Bonuses.*

*Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance No. 15-03, An Ordinance Of The Ridgecrest City Council Adopting Zoning Text Amendment 14-01 And Amending The Municipal Code As It Relates To Definitions And Permitted Zones For Emergency Shelters And Density Bonuses Made By Council Member Mower , Second By Council Member Thomas0 . Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Acton)*

**Item No. 9** *(continued)*

*Motion To Adopt, By Title Only, Ordinance No. 15-03, An Ordinance Of The Ridgecrest City Council Adopting Zoning Text Amendment 14-01 And Amending The Municipal Code As It Relates To Definitions And Permitted Zones For Emergency Shelters And Density Bonuses Made By Council Member Thomas, Second By Council Member Mower . Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Thomas, And Mower); 0 Noes; 0 Abstain; And 1 Absent (Council Member Acton)*

**Mayor Breeden**

- Inquired about situations when an ordinance would need to be returned to the planning commission
  - Wayne Lemieux - responded

**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: 4<sup>th</sup> Wednesday each month at 5:00 p.m. as needed  
Location: Council Conference Room B

**Mike Mower**

- Reviewed discussion topics

**Infrastructure Committee**

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

**Jim Sanders**

- No Report

❖ **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**

- Discussed water restrictions and impact to Parks
- Discussed xeriscaping
- Update on cash for grass program
- Discussed false grass and trees concept and the need to water it for sanitary maintenance.
  - Eddie Thomas – commented on the base false grass and a different maintenance option instead of water.

- Discussed low flow toilets, faucets, and shower heads which have already been implemented in city hall facilities.
- Discussed sprinkler systems. Trial system currently implemented and report coming from Mr. Patin.
- Asked for Council direction to look at grey water ordinances and programs.
  - Mike Mower – new laws state medians cannot be watered.
  - Peggy Breeden – concerned about the Downs Street medians being federal grant funded.

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

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

Eddie Thomas – no report

❖ **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 will provide a report at the next meeting

**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 – no report

**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 – read RACVB Director’s report. (ATTACHMENT A)

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

Peggy Breeden

- League of California Meeting
- Information about upcoming proposed bills
- October 15-17 USO 70<sup>th</sup> celebration including Los Angeles Bob Hope USO and up to 5000 participants.
- Oversight successor agency new appointees, John O’Gara and Duke Martin as County appointees.

Peggy Breeden *(continued)*

- Council looking for someone to help with the Military Banner program. Need people or organization to help. Caltrans requires Chamber or City as administrator of the program. Looking for cooperative group to work with the City to make this happen.

### **CITY MANAGER REPORT**

Dennis Speer

- Attended Kern COG, TTAC meeting call for project for TDA Article 3 projects.

### **MAYOR AND COUNCIL COMMENTS**

Jim Sanders

- Commented on Grey Water Use Systems for residential and industrial and explained the types of systems available.
- Looking for Council direction before proceeding with grey water research
- Reviewed history of budget cuts taken by previous Council. Each department cut the same percentage. Police has a large portion of the budget so took a very large cut prior to Measure 'L'. Goal was to spend at least 60% of Measure 'L' on streets and later chose to fund the police. Public expectancy was to spend more on streets but the reality is we had to fund police or lose 14 officers. Council was not willing to sacrifice public safety for the sake of sending extra dollars to streets.
- Will not respond to Mr. Neel about Dale Howard comments. Read quote from Benjamin Franklin regarding false accusations.
- Ridiculous accusations do not deserve responses. Have responded multiple times to Mr. Neel and not going to continue to waste my time.

Eddie Thomas

- Tomorrow Mayor Breeden speaking at the Nazarene church at 6:45 am for Mayor's prayer breakfast.
- Thanked Mr. Marshall Holloway for invoice from Chamber Of Commerce. Thanked him for the challenge to look for additional funding.
- Commented on Heritage Village upgrades. Beautiful, green, area and shows what Ridgecrest can do. Commented on young people coming here for jobs and we can bring Ridgecrest up to a better standard and make it more desirable to people.
- Suggested looking at the RACVB process and we could increase this with promotion of the Petroglyph Festival and other events

Mike Mower

- Mrs. McQuiston is currently looking into refinancing.
- Tomorrow night the Police Open House, there is a dunk tank and Council members are participating.
- Commented on grey water.

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Peggy Breeden

- Economic Development town hall on June 10, the Wednesday between the two June Council meetings. Want to discuss what is economic development and how can we accomplish it. Want a lot of people to attend.
- Injured foot and want a handicap door on the front of city hall.
- Want to talk about how the city can better serve the public. What can we do as an organization to make your life better? Let Council and staff know what we can do to serve you better.
- Infrastructure committee, been reading the minutes and have learned a lot from this committee and want to give them sincere thanks.
- Ridgecrest Chamber, we need to save money but don't give us a bill because we did not do it yesterday. You proved a point and asked staff to follow up on how to save money in any way possible. Not going to pay this invoice, point is well taken.

**ADJOURNMENT at 8:46 p.m.**



Rachel J. Ford, CMC

City Clerk