

**MINUTES OF THE REGULAR MEETING OF THE
RIDGECREST CITY COUNCIL AND
RIDGECREST REDEVELOPMENT AGENCY**

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

**April 6, 2005
6:00 p.m.**

**Tape Recorded
Tape 05-09**

This meeting was tape 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 – 6:01 p.m.

ROLL CALL

PRESENT: Mayor Marshall Holloway, Mayor Pro Tem Richard Martin, Vice Mayor Daniel Clark, and Council Member Ronald Carter

ABSEBT: Council Member Steven Morgan

STAFF: Harvey Rose, City Manager; Keith Lemieux City Attorney; Rita Gable, City Clerk; Jim Winegardner, Deputy City Manager Administrative Services/City Treasurer; Jim McRea, Deputy City Manager, Public Services; Gary Parsons, Community and Economic Development Department Director; Joe Pollock, Assistant Public Works Director; Jim Ponek, Parks and Recreation Department Director; Michael Avery, Chief of Police; and other personnel

CLOSED SESSION – 6:00 p.m.

GC54956.9 Conference with Legal Counsel – Potential Litigation – Identification of Party Would Prejudice the City's Interests

REGULAR SESSION – 6:37 p.m.

PLEDGE OF ALLEGIANCE led by Council Member Clark

INVOCATION Reverend Ralph Mueller, Ridgecrest Presbyterian Church

CITY ATTORNEY REPORT OUT OF CLOSED SESSION

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City Attorney discussed the potential litigation with Council. No action taken.

APPROVAL OF AGENDA

City Manager Rose requested addition of a resolution reallocating Community Development Block Grant funds in the amount of \$161,030 for roadway reconstruction – arose subsequent to publishing of agenda. Place on Consent Calendar.

Moved by Council Member Martin, second Council Member Carter TO ADD RESOLUTION TO THE CONSENT CALENDAR. No public comment. Motion carried with a voice vote of 4 ayes, 1 absent. Council Member Morgan absent.

Mr. Rose noted there was a replacement resolution for agenda item 6 due to new requirements from PERS.

Moved by Council Member Carter, second Council Member Martin TO APPROVE THE AGENDA. No public comment. Motion carried with a voice vote of 4 ayes, 1 absent. Council Member Morgan absent.

PROCLAMATIONS AND PRESENTATIONS

1. Proclamation – Sexual Assault Awareness Month

Mayor Holloway and the Council presented a proclamation to Karin Stone, Program Manager, Women's Center-High Desert, Inc., in recognition of Sexual Assault Awareness Month, April 2005. Karin and Denise were wearing denim to call attention to Annual Denim Day in Kern County on April 27.

PUBLIC COMMENT

Sue Petersen 117 W Robertson Avenue

- Expressed some concern over the City hiring Bob. Smith as the Code Enforcement Officer
- Attempted to read a letter with a list of his "misdeeds" and was told by the City Attorney that it was a personnel matter
- Was told that the Council meeting was not the place to bring this type of item
- If there was a problem it should be brought to the attention of the City Manager and Human Resources
- Was cautioned that whatever she said could be used against her if a civil suit ensued

Ahmed Mohson, 1596 S. Ranger Street

- Published a newsletter regarding public lands

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- The website regarding public lands is going national
- It was created and is maintained locally
- Commented about our great natural surroundings and area attractions
- Noted there is no protection for the Pinnacles
- Trying to protect the public lands we have for public use
- Distributed his materials to all present

Dave Matthews, 717 Kevin Court

- Commented on apparent success of Town Hall Meeting
- Noted Maturango Days was suggested to be taken over by City and extend it into more days
- Originally a fund raiser for the Maturango Museum – they couldn't or wouldn't do it so went to Elks
- Currently being put on by Knights of Columbus
- It is a private fund raiser even by non-profit organizations
- Pow Wow also being held at the same time
- The idea of bringing in a casino has been heard before a couple of times
- Many disadvantages more traffic, more light pollution

CONSENT CALENDAR

Item removed for discussion

2. Resolution No. 05-, A Resolution Of The Ridgecrest City Council In Opposition To The Designation Of State Route 99 To An Interstate Facility From State Route 4 In Stockton To Interstate 5 South Of Bakersfield California McRea
3. Resolution No. 05-19, A Resolutions Of The Ridgecrest City Council Accepting The Motor Vehicle Emission Reduction Project (MVERP) Of The Kern County Air Pollution Control District (KCAPCD) Grants For Two Pickup Trucks McRea
Resolution RRA No. 05-02, A Resolutions Of The Ridgecrest Redevelopment Agency Accepting The Motor Vehicle Emission Reduction Project (MVERP) Of The Kern County Air Pollution Control District (KCAPCD) Grants For A Vehicle McRea
4. Resolution No. 05-20; A Resolution Of The Ridgecrest City Council Accepting Federal Transportation Administration (FTA) Section 5311 Entitlement. The City Was Approved And Will Receive A Department Of Transportation State Of California Standard Agreement No. 644002, To Purchase A Type II Transit Bus. Total Cost Is \$39,972.88. The Required City Match Is \$13,007.88 McRea

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5. Resolution No. 05-21, A Resolution Of The Ridgecrest City Council Re-Allocating Community Development Block Grant Funds In The Amount Of \$30,000 For Roadway Reconstruction Pollock
6. Resolution No. 05-22, A Resolution Of The Ridgecrest City Council Authorizing The Disability Retirement Of Sworn Safety Member Jack Sturgeon Winegardner

Item removed for discussion

7. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of March 16, 2005 Gable
8. Council Expenditure Approval List (DWR) Dated March 18, 2005 In The Amount Of \$210,158.19 Winegardner
9. Agency Expenditure Approval List (DWR) Dated March 18, 2005 In The Amount Of \$10,476.90 Winegardner

Added item

Resolution No. 05-23, A Resolution Of The Ridgecrest City Council Authorizing Reallocation Of Community Development Block Grant Funds (CDBG) For Street Reconstruction On Sunset Street Between Upjohn Avenue And Ridgecrest Boulevard And Authorizing The City Manager To Sign An Amendment To The Agreement With The Kern County Department Of Community Development Pollock

Council Member Clark asked for item 7 to be removed for discussion

Dave Matthews asked for item 2 to be removed for explanation

Moved Council/Agency Member Martin, seconded by Council/Agency Member Carter TO APPROVE THE CONSENT CALENDAR WITH ITEMS 2 AND 7 REMOVED. No public comment. Motion carried with a voice vote of 4 ayes, 1 absent. Council Member Morgan absent.

2. Resolution No. 05-24, A Resolution Of The Ridgecrest City Council In Opposition To The Designation Of State Route 99 To An Interstate Facility From State Route 4 In Stockton To Interstate 5 South Of Bakersfield California McRea

Deputy City Manager for Public Service Jim McRea

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Kern Council of Governments (KernCOG) is the federally designated metropolitan planning organization for the Kern region, and is the state designated regional transportation planning agency for the Kern region. KernCOG took action not to support the change in status of Route 99 to an Interstate facility by Resolution 04-32. at their regular meeting of November 18, 2004. State Route 99 does not meet Federal Interstate Standards, and estimated cost to upgrade it would cost between \$6 and \$8 billion dollars, and concern is expressed with the fiscal impact of the re-designation As a member city, the City Council may wish to adopt this proposed resolution, opposing the Designation of State Route 99 to an Interstate Facility from State Route 4 in Stockton to Interstate 5 south of Bakersfield, California

Moved by Council Member Clark, second Council Member Carter TO ADOPT RESOLUTION NO. 05-23, A RESOLUTION OF THE RIDGECREST CITY COUNCIL IN OPPOSITION TO THE DESIGNATION OF STATE ROUTE 99 TO AN INTERSTATE FACILITY FROM STATE ROUTE 4 IN STOCKTON TO INTERSTATE 5 SOUTH OF BAKERSFIELD CALIFORNIA. Public comment heard. Motion carried with a voice vote of 4 ayes, 1 absent. Council Member Morgan Absent.

7. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of March 16, 2005 Gable

Council Member Clark had concerns about the reporting of actions of the Redevelopment Advisory Committee (RAC) pertaining to the statement "turned down a 200+ room hotel in the (business) park". Questioned if the RAC had authority to do that as they are an advisory committee. Asked who they "advised". He cited several things from the agreements for the business park and the CC&R's. He expressed concern about the letter sent to the developer saying the hotel was turned down. Also asked if this subject should be taken to the Economic Development Committee and questioned who did what when "paths seemed to cross".

Community and Economic Development Director Gary Parsons and Deputy City Manager, Public Services Jim McRea addressed the concerns:

- RAC is a public forum regarding public funds and lands– Community and Economic Development Director is the staff advisor
- RAC is an advisory group to the Ridgecrest Redevelopment Agency (RRA) and has no authority to make a decision to turn down any proposal, only to advise the RRA
- The subject of the 241 unit hotel in the business park was brought to the committee to keep them apprised on the status of the park.
- Staff 's position is we are interested in overall benefit to the City.

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- The various documents involved in the park are CC&R's, purchase agreement (Agency owns free and clear) the DDA, strategic plan, specific plan for the park
- Agency is trying to create jobs and fill the business park.
- There was no letter sent to the developer but Mr. Parsons did apprise him of the committee's decision to advise against the hotel in the park

RAC members Lois Beres and Gary Charlon spoke on the subject meeting

- 4 committee people present and 1 Council Member - 2 members voted for advising against project, 1 for project and 1 abstained from voting
- At the meeting Mr. Charlon asked if action needed to be taken and was told yes so they voted
- We need to look at how a new hotel will affect other lodgings in the City.

Council Member Martin stated the Economic Development Committee is a Council Committee with advisory functions to Council. The RAC does not advise Council but advises the Redevelopment Agency. The Ridgecrest Business Park is an RRA project

Council Member Carter wants staff to work on bringing things coming from RAC to the Agency.

Council Member Clark requested the council minutes of March 16, 2005 as pertains to the Redevelopment Advisory Committee report be corrected to reflect the vote on the proposed hotel in the Ridgecrest Business Park.

Council Member Martin requested that when he is absent from the Council meetings on official City business he be listed as "absent on City business".

Moved by Council Member Clark, second Council Member Carter TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL/RIDGECREST REDEVELOPMENT AGENCY OF MARCH 16, 2005 AS AMENDED AND CORRECTED. Public comment heard. Motion carried with a voice vote of 4 ayes, 1 absent. Council Member Morgan Absent.

OTHER ACTION ITEMS

10. **Resolution No. 05-25, A Resolution Of The Ridgecrest City Council Approving A Rate Increase For Trash Collection In The City Of Ridgecrest**
Rose

City Manager Rose gave some background on the California Environmental Protection Agency Air Resources Board (CARB) adopted diesel vehicle rules in 2003. These rules mandated fuel switch from low-sulfur to ultra-low sulfur diesel and mandated truck emissions retrofits. Benz Sanitation has submitted a request

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(attached) to raise rates in order to comply with the new State rules. The requested rate increase is \$.36/month. This request has been to committee twice and the City Attorney has answered questions regarding reopening of the contract because of the requested rate increase. He determined it was not.

Council Member Martin confirmed that this has been to Infrastructure Committee twice and further confirmed it is an unfunded mandate for Benz with a sunset that the rates will be in effect 5 years and then revert back.

Moved by Council Member Martin, second by Council Member Clark TO ADOPT RESOLUTION NO. 05-25, A RESOLUTION OF THE RIDGECREST CITY COUNCIL APPROVING A RATE INCREASE FOR TRASH COLLECTION IN THE CITY OF RIDGECREST. No public comment. Motion carried with a voice vote of 4 ayes, 1 absent. Council Member Morgan absent

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

Assembly Speaker Fabian Núñez on Tuesday offered what he described as a comprehensive plan that would raise transportation spending by nearly \$60 billion over the next 30 years while providing immediate relief from rising gasoline prices by eliminating the sales tax on fuel.

CITY ATTORNEY REPORTS

None

COMMITTEES, BOARDS AND COMMISSIONS

Economic Development Committee

Members: Chair Dan Clark, Chip Holloway, Mike Biddlingmeier, Chuck Roulund

Meetings: 1st Thursday of the month at 5:00 PM; Council Conference Room

Next meeting April 7

Legislative Committee

Members: Chair Duke Martin, Chip Holloway

Meetings: probably quarterly - at 8:00 AM; Council Conference Room

Next meeting to be announced

Infrastructure Committee

Members: Chair Steve Morgan, Duke Martin, Chuck Roulund, Jim Smith

Meetings: 2nd Tuesday of the month at 5:00 p.m., Council Conference Room

Next meeting April 12

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City Organization Committee

Members: Chair Ron Carter, Steve Morgan

Meetings: 2nd Thursday of the month at 5:00 PM; Council Conference Room

Next meeting April 14

Quality of Life Committee

Members: Chair Dan Clark, Chip Holloway, Howard Laire, Matt Feemster

Meetings: 4th Thursday of the month at 5:00 PM; Kerr-McGee Center

Next meeting April 28

Redevelopment Advisory Committee

Members: Chair Ron Ketcham, Vice Chair Lois Beres, Mike Hogan, Bob Peoples, Gary Charlon. Ex-officio Members Council Members Steve Morgan and Ron Carter, Planning Commissioner Mike Biddlingmeier

Meetings: 3rd Tuesday of the month at 5:00 PM, Council Conference Room

Next meeting April 19

RACVB

Council Member Duke Martin

Council Member Steve Morgan- Alternate

Meetings: 3rd Wednesday of the month, 8:00 a.m., RACVB Office

Next meeting April 19

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Council Members Martin and Holloway are on the way to San Jose for League of California Cities meeting. Monday is the Leagues Mountain-Desert training on tax initiatives in Victorville. April 22 will be regular meeting of Mountain-Desert Division in Victor Valley.

Council Member Carter has concerns with not getting agendas and minutes of all commissions, committees, and boards – would like them hard copy and email.

MAYOR AND COUNCIL COMMENTS

Martin

- ❖ Was in Washington DC at time of last Council meeting – should have been noted as being "absent on city business"
- ❖ Attended the National League of Cities meetings
- ❖ He and the Mayor are active in League of California Cities in California and the Mountain Desert Division of the League
- ❖ There is always a need to go out and talk to the source

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- ❖ We now have two contacts in the White House
- ❖ 2 contacts in Senator Boxer's office
- ❖ Met with Senator Feinstein and have two contact there - one is her BRAC person and the other is her chief of staff
- ❖ Now have contact with 2 senior members of the Commerce Department
- ❖ And with the President of the Nation League of Cities and the 1st Vice President also
- ❖ Met and now have contact with Charles Lyons the immediate past president of the National League of Cities
- ❖ These and other contacts may help the City
- ❖ This Council does this one-n-one and contacts because we are proactive
- ❖ Personally met with the California consultant for BRAC who said that of all the plans he has review ours was by far the best he ever read
- ❖ Also met the man appointed by Department of Defense for California – another good contact

Clark

- ❖ Noted that several local schools have done well in the rating system
- ❖ Mesquite High School is continuation school and is not judged as are regular schools
- ❖ California exit exam must be passed by all seniors to get a diploma – especially math and English
- ❖ Compared to 20 model schools in the continuation schools arena Mesquite placed 7th in English and 5th in math
- ❖ Incredibly proud to teach there with Shirley Kennedy an outstanding Principal
- ❖ Leon Ortega teaches English and Saxon Johnson teaches math
- ❖ Town Hall meeting was better then anticipated
- ❖ Counted 114 people and heard there may have been 120 or more
- ❖ Thanked all who acted as facilitators and those that helped in other ways – Gale Vanderpool, Rita Gable, Ann Taylor, Chuck Hensen among them and Amanda Bradley and Brenda McGee students who circulated with the microphone and Joann Handeland, Mike Hogan and Jim Davis and anyone he has not specifically noted by name
- ❖ And Dwain Cook who came to comment and ended up a facilitation for an added table
- ❖ Excellent experience for the community

Carter

- ❖ Met with group of 30+ people representing 10 different countries taking citizenship classes
- ❖ Excited because they were excited
- ❖ They really want to talk to the Chief as they were excited by officer who talked to them
- ❖ Met with community leaders from other cities who were impressed with how we are easy to reach and we go out into the community

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- ❖ Went to Burroughs High School Wednesday - they may become a distinguished school - delegation investigating committee of other faculty checking them out
- ❖ April 15 in-service at Las Flores - developmental assets

Holloway

- ❖ Pray for Jess Fortney and Loren Smith who passed away suddenly over the last week
- ❖ KernCOG has a Safe Roads Initiative they are backing and they are available for town hall talks and presentations
- ❖ Congratulated Clark on the Town Hall Meeting - it was a tremendous success
- ❖ Thanked staff for what they did for the KCAC dinner meeting on the 31st
- ❖ He missed the PACT awards dinner but thanked all who received awards for the efforts in PACT

Council Member Martin mentioned that he delivered a City proclamation to Mike Hill our hometown hero at his bedside at Walter Reed Medical Center. Noted that there are ongoing fund raisers in the city to assist Mike and his family with housing concerns. The Army is taking care of all his medical but the housing is a big burden.

ADJOURNMENT

Mayor Holloway adjourned the meeting at 8:22 p.m.

Rita Gable, City Clerk