



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

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

**August 17, 2005
6:00 p.m.**

**Tape Recorded
Tape 05-18**

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 – 6:06 p.m.

ROLL CALL

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

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 – Existing Litigation – John Van Fossen V. Sierra Sands Unified School District; City of Ridgecrest; and Does 1-10 – Case Number CVOS-5181 ABC (VBKX)

GC54956.9 Conference with Legal Counsel – Liability Claim of Sherrie Alley, Claim No. 05-05

GC54956.9 Conference with Legal Counsel – Potential Litigation – Public disclosure of Potential Litigant would prejudice the interest of the City of Ridgecrest

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GC54956.8 RRA - Real Property Negotiations, Lot 21, 21, and 22 of Parcel Map #10819, Ridgecrest Business Park (RBP), APN # 033-070-21, 22 and 23 - Negotiators Harvey Rose, James McRea, and Gary Parsons

GC54956.8 Real Property Negotiations, 230 W. Ridgecrest Boulevard, APN# 067-140-44 - Negotiators Harvey Rose, and Gary Parsons

GC54957.6 Labor Negotiations Update – P.E.A.R., UFCW Local 1036, Confidential Employees, and Mid-Management Employees – Negotiator Harvey Rose

REGULAR SESSION – 6:50 p.m.

PLEDGE OF ALLEGIANCE led by Council Member Morgan

INVOCATION – Silent Moment

CITY ATTORNEY REPORT OUT OF CLOSED SESSION

In Closed Session Council took no action on Van Flossen Existing Litigation; Liability Claim of Sherrie Alley was denied.; no action taken on the Potential Litigation; Council gave staff direction to negotiate with the Historical Society regarding 230 Ridgecrest Boulevard.

APPROVAL OF AGENDA

Moved by Council Member Martin, second Council Member Carter TO APPROVE THE AGENDA. No public comment. Motion carried with a voice vote of 5 ayes.

PUBLIC COMMENT

John DiPol, 836 W. Howell Avenue

- Looking forward to discussion on USO building (Old County Courthouse)
- Thanked Council for addressing this issue

Hal Bennett, 916 N. Randall Street

- Bennett Optical Research just celebrated its 10th anniversary
- Received two congratulatory plaques from Assemblyman McCarthy and from Congressman Thomas
- He read Congressman Thomas' plaque
- Encourages working with the people you know

Dorothy Bennett

- Dick Bailey was first husband and he was a good man just like Hal

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- He helped keep the histories of many places in Bakersfield and in this valley and worked to establish the Maturango Museum
- Strongly believe in economic development and would be delighted with what we are doing here in this community

Karen Davis, 237 W Ridgecrest Boulevard

- Owns business across from the Old County Building
- Thanked Council for helping keep history alive
- Saw a photo in Kernville of the Old County Building and a dance in November 1949 sponsored by the Elks Lodge
- Would be great to see it restored and used for purposes such as that again

Tim Neipp, 735 N. Fairview

- Announced the 100 Flags event at Freedom Park for Patriot Day September 9 In honor of those serving in our military
- Brochures on how to place flags and costs to do so are available through the Exchange Club
- A Search for Talent is their big effort in the Club

CONSENT CALENDAR

1. **Resolution No. 05-51, A Resolution Of The Ridgecrest City Council Authorizing The City Manager To Sign Contract Documents For The 2005 Wastewater Treatment Plant Upgrade** **McRea**

On 9 August 2005 the City received and opened bids for this project. Two bids were received as follows:

Special Service Contractors, Inc.	\$1,461,748
HPS Mechanical	\$1,530,340
Estimate	\$1,500,000

2. **Resolution No. 05- , A Resolution Of The Ridgecrest City Council Approving A Memorandum Of Understanding With The Ridgecrest Chamber Of Commerce** **Parsons**
3. **Council Expenditure Approval List (DWR) Dated August 5, 2005 In The Amount Of \$144,820.87** **Winegardner**
4. **Agency Expenditure Approval List (DWR) Dated August 5, 2005 In The Amount Of \$1,233.47** **Winegardner**

Council Member Carter requested removal of item 2

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Moved by Council Member Morgan, second Council Member Martin TO APPROVE THE CONSENT CALENDAR WITH ITEM 2 REMOVED. No public comment. Motion carried with a voice vote of 5 ayes.

2. Resolution No. 05- , A Resolution Of The Ridgecrest City Council Approving A Memorandum Of Understanding With The Ridgecrest Chamber Of Commerce Parsons

Community and Economic Development Director Parsons

- Chamber of Commerce wants to place a messaging sign on the City right-of-way at Bowman Road and China Lake Boulevard
- The reader board would have 75% of time for messages related to non-profits and groups
- Conditional Use Permit approved by Planning Commission over staff objections
- To pay for sign 25% of time needs to be advertising
- Needed to do a MOU in order to use the easement
- Showed a PowerPoint presentation of the sign project

Council

- ❖ Mr. Carter thanked Jan Bennett for meeting with him about his concerns but won't stop him from supporting this
- ❖ Concerned with MOU should it be opened up to any business who wants to advertise
- ❖ Wants City to be able to have more control
- ❖ Mr. Martin appreciates everything Chamber has done to get this sign
- ❖ Has concerns of who will pay for landscape and upkeep and electric
 - Chamber will be responsible
- ❖ Mr. Morgan asked if engineering has taken a look at this and asked if it will interfere with traffic lights proposed for that intersection
- ❖ Mr. Clark asked who will take care of vandalism damage
 - As stated above the Chamber is responsible for the sign
- ❖ He wants to see documentation to see how the 25%-75% breaks down and encourages defining in a timely manner
- ❖ Thinks #5 of MOU needs modifying about who determines content and the other outside organizations
 - There will be policy guides that everyone will get
- ❖ Mr. Holloway asked if our attorney has seen the Chamber agreement with Signatories
 - He has not
- ❖ Loves the graphic - has concern with the location for the sign and asked why not across the street

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- Chamber was afraid of what might happen when super WalMart comes in that area that the sign would be obscured and did not want to interfere with the Fair signage
- ❖ Mike Thomas is open to talks with the Chamber about the signs
- ❖ Asked if the MOU should be redone because of staff and Council concerns

Jan Bennett, CEO, Ridgecrest Chamber of Commerce

- 75% community messaging time will be open to any business not just Chamber members
- Civic messages are the types of things we want to do
- Rates will be \$125 per month with a 2 year commitment but would like to see it for 5 years
- 1/2 sponsorship is \$75 per month and 1/2 time one sponsorship open for 1 time messages or temporary messages from time to time

Ron Kiciniski, 1911 S. Downs Street

- Shouldn't get into policies and procedures in the MOU it is a document of commitment

Dave Matthews, 717 Kevin Court

- Asked the height of the sign
 - 18 feet
- Could something like an Amber Alert be put on the sign and if so suggest you go wireless
- Asked the cost of sign
 - 44K with modem, etc it runs about 75K at \$125 per month for 5 years and then we buy for \$1

Moved by Council Member Carter, second Council Member Clark TO ADOPT RESOLUTION NO. 05- , A RESOLUTION OF THE RIDGECREST CITY COUNCIL APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE RIDGECREST CHAMBER OF COMMERCE AND TO ADD RECOMMENDATIONS OF COUNCIL AND PUBLIC AND STAFF. Public Comment Heard. Motion carried with a voice vote of 5 ayes.

PUBLIC HEARINGS

5. **Joint City Council And Redevelopment Agency Public Hearing, Notice Of Real Property Sale, And Pending Disposition Development Agreement To Construct And Develop A Commercial Use On A Vacant Parcel At 110 West Ridgecrest Boulevard, Vacant JD'S Building And Adjoining Properties**

Parsons

Community and Economic Development Director Parsons

- This will be development of the corner for Rite Aid at cost of \$1 square foot

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- If he cannot obtain the other properties Agency can resort to Eminent Domain
- If he cannot develop the area JD's will come back to us

Council

- ❖ How many eminent domain properties might there be
 - One at present - all but one property is now in escrow
- ❖ Asked if gas station has had lots of testing
 - Yes and it will most likely be the area used for a parking lot
 - He's willing to put in a right turn lane on CLB
 - A small park like area is planned at the entrance off Balsam Street
- ❖ Questioned the DDA – is this the hammer to force the improvements
 - All the legal things are built into the real DDA being

Opened Public Hearing at 7:56 p.m.

Dave Matthews

- The mention of Eminent Domain really got his blood boiling
- This is a commercial development not public use so Eminent Domain is not appropriate

Mr. Parsons noted this will be elimination of blight may and we may not have to use that vehicle

Public Hearing closed at 8:02 p.m.

Resolution RRA No. 05-04 , A Resolution Of The Ridgecrest Redevelopment Agency Approving A Disposition And Development Agreement With Halferty Development Company And Authorizing The Execution Thereof

Moved by Agency Member Carte, second by Agency Member Martin TO ADOPT RESOLUTION RRA NO. 05-04 , A RESOLUTION OF THE RIDGECREST REDEVELOPMENT AGENCY APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT WITH HALFERTY DEVELOPMENT COMPANY AND AUTHORIZING THE EXECUTION THEREOF. Public comment heard. Motion carried with a voice vote 5 ayes.

6. **Joint City Council And Redevelopment Agency Public Hearing, Notice Of Real Property Sale, And Pending Disposition Development Agreement To Construct And Develop A Commercial Use On A Vacant Parcel At North China Lake Boulevard And Within The Ridgecrest Business Park, Lot 13, Parcel Map 10819.** Parsons

Community and Economic Development Director Parsons

- \$2.75 per sq ft gross - \$1 goes back to China Lake Properties

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- Will be steel structure with stucco façade and appropriate landscaping

Public Hearing opened at 8:12 p.m. and hearing none closed at 8:12 p.m.

Resolution RRA No. 05-05, A Resolution Of The Ridgecrest Redevelopment Agency Approving A Disposition And Development Agreement With Richard Rohrick dba Sierra View Counseling and Psychotherapy And Authorizing The Execution Thereof

Moved by Agency Member Morgan, second Agency Member Martin TO ADOPT RESOLUTION RRA NO. 05-05, A RESOLUTION OF THE RIDGECREST REDEVELOPMENT AGENCY APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT WITH RICHARD ROHRICK DBA SIERRA VIEW COUNSELING AND PSYCHOTHERAPY AND AUTHORIZING THE EXECUTION THEREOF. No public comment. Motion carried with a voice vote 5 ayes.

7. Joint City Council And Redevelopment Agency Public Hearing, Notice Of Real Property Sale, And Pending Disposition Development Agreement To Construct And Develop A Commercial Use On A Vacant Parcel At North China Lake Blvd. And Within The Ridgecrest Business Park, Lots 20 And 21, Parcel Map 10819 Parsons

Community and Economic Development Director Parsons

- This development will be a hotel, offices, and a conference/meeting center
- Location is fronting on China Lake Boulevard
- Hotel will be Marriot SpringHill Suites – 3 stories with 99 rooms
- A casual dining restaurant such as Applebee's, TJ Fridays, Chilies is planned
- Two story office building
- \$3.75 square foot - 900K gross - future TOT and sales tax to the City of Ridgecrest

Agency Member Morgan stated he though 2,800 SF is not near enough for a conference/meeting center and would like to see at least 5,000 SF

Public Hearing opened at 8:30 p.m.

Ray Arthur, 139 Balsam Street, RACVB

- How large is the banquet room at Kerr-McGee Center – Mr. Ponek didn't have number at his fingertips
- Have we looked on possible loss of TOT for stays over 30 days – it is a suites hotel for extended stays

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Hal Bennett, 916 N. Randall Street

- Would like to strongly support Council for their efforts in the business park and their concern for a conference/meeting center

Dave Matthews

- Conference center seems a little small to him too
- Things have changed since the developer started this project
- The Navy Base does not have space large enough to hold large or all hands meetings and their theater has been closed

Closed Public Hearing at 8:35 p.m.

Resolution RRA No. 05-06, A Resolution Of The Ridgecrest Redevelopment Agency Approving Disposition And Development Agreement With K Partners And Authorizing The Execution And Delivery Thereof

Moved by Agency Member Martin, second Agency Member Carter TO ADOPT RESOLUTION RRA NO. 05-06, A RESOLUTION OF THE RIDGECREST REDEVELOPMENT AGENCY APPROVING DISPOSITION AND DEVELOPMENT AGREEMENT WITH K PARTNERS AND AUTHORIZING THE EXECUTION AND DELIVERY THEREOF. Public comment heard. Motion carried with a voice vote of 5 ayes.

ORDINANCES AND RESOLUTIONS

8. Ordinance No. 05-04, An Ordinance Of The City Council Of The City Of Ridgecrest Granting A Non-Exclusive Taxi Franchise Winegardner

Deputy City Manager Winegardner

- This ordinance was presented for first reading, by title only, at the City Council meeting of August 3, 2005
- It is returned to Council for second reading and approval.
- The ordinance grants a Non-Exclusive Taxi Franchise to Mark Collins and Jack Sturgeon, dba Ridgecrest Taxi Service.

Mike Collins, 246 Fire Opal Street

- He wants the \$1000 deposit against the franchise fee waived stating he has to pay 3% fee of his gross sales to the City

Council suggested that he could post a bond against the franchise fee and it would cost him about \$500 to do so.

Dave Matthews

- Asked if there would be another ordinance drafted if others came forth
 - Yes there would be an ordinance for each

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Gwen Jensen, 241 Panamint Avenue

- Definitely need a taxi as there are places where the transit bus will not go
- This is a very needed service

Moved by Council Member Clark, second by Council Member Carter TO WAIVE READING IN FULL AND TO APPROVE, BY TITLE ONLY, ORDINANCE NO. 05-04, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST GRANTING A NON-EXCLUSIVE TAXI FRANCHISE WITH A BOND. Public comment head. Motion carried with a voice vote of 5 ayes.

9. Introduction And First Reading, By Title Only, Of An Ordinance Of The City Council of the City of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Administrative Citations Parsons

Code Enforcement Officer Bob Smith

- Read staff report and showed a PowerPoint presentation
- Showed listing of his contacts
- Explained code enforcement – what it is and what it does
- Staff is requesting an amendment to the Ridgecrest Municipal Code to allow administrative citations as part of the Code compliance process.

Moved by Council Member Carter, second Council Member Clark TO WAIVE READING IN FULL AND TO INTRODUCE FOR FIRST READING, BY TITLE ONLY, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE AS IT RELATES TO ADMINISTRATIVE CITATIONS. No public comment. Motion carried with a voice vote of five ayes.

OTHER ACTION ITEMS

This item removed from the agenda

10. Resolution No. 05- , A Resolution Of The Ridgecrest City Council Supporting Passage Of AB 777; The California Film Incentive Bill Of 2005 Arthur

A resolution in support of Assembly Bill 777, the California Film Incentive Bill of 2005.

Items 11, 12 and 13 can be approved as one motion

11. Resolution No. 05-53, A Resolution Of The Ridgecrest City Council Ratifying The City Policy For Acceptance Of Major And Minor Donations Winegardner

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Council suggested this - change equipment to equipment and land in the policy statement

12. **Resolution No. 05-54, A Resolution Of The Ridgecrest City Council Ratifying The City Fraud Prevention Policy**
Winegardner

13. **Resolution No. 05-55, A Resolution Of The Ridgecrest City Council Ratifying The City Capital Asset, Infrastructure, Valuation, And Fixed Assets Accounting Policy**
Winegardner

Moved by Council Member Morgan, second Council Member Carter TO ADOPT RESOLUTIONS NOS. 05-53, 05-54, AND 05-55 RATIFYING CITY POLICIES AS STATED ABOVE. No public comment. Motion carried with a voice vote of 5 ayes.

14. **League of California Cities Annual Conference – October 5-8, 2005** Rose

Council attendance at League of California Cities annual conference, selection of voting and alternate delegates, and probable cancellation of the October 5, 2005 City Council meeting.

Mayor Holloway and Mayor Pro Tem Martin will be attending the conference. Vice Mayor Clark and Council Member Carter have 40 Developmental Assets workshops, and Council Member Morgan has to work.

Mayor Holloway will be the voting member and Mayor Pro Tem Martin the alternate.

Consensus was that 3 Council Members will be available for the October 5 meeting so will be held as scheduled.

Mayor asked Quality of Life Committee to come up with parameters on how to choose our youth to go to LCC activities in the future.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

None

CITY ATTORNEY REPORTS

None

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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 September 1

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 September 13

City Organization Committee

Members: Chair Ron Carter, Steve Morgan

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

Met August 11

- Marketing police department – recruiting within community
- 40 Developmental Assets Partnership with Sierra Sands Unified School District and City, community and churches, etc
- Will take place October 6 and 7 with the school district doing one day and the City the next
- Motorcycle and canine patrols are out there
- Craig Bradley gave a program on teleconferencing
- WSI advance working on the web site
- Will help local businesses in marketing
- Transit – have new buses coming in (have one already)
- Code enforcement ordinance was presented

Next meeting September 8

Quality of Life Committee

Members: Chair Dan Clark, Ron Carter, Howard Laire, Matt Feemster

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

Next meeting August 25

Redevelopment Advisory Committee

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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

Met August 16

- Discussed the Disposition and Development Agreements heard this evening
Next meeting to be announced

RACVB

Council Member Duke Martin

Council Member Steve Morgan- Alternate

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

Met August 17

- Received update on several film and tourism topics and new 178CORRIDOR Tourism Kiosk
- Kiosk is one inspection away from being installed at Maturango Museum
- The RACVB 56 page visitors guide is being edited and expected to be published in mid-September
- The Lodging Tourism Committee met August 2 and discussed, among other things, the TOT exemptions, per diem rates, business source information collection and the creation of a Tourism Business Improvement District
- Film production has included commercial for Yamaha, Centrum Vitamins, Honda and Saab
- Still photography for Bell Helicopter, Mazda, Mitsubishi and Suzuki
- 2 student films and the independent feature film Bone Dry
- John DiPol of the Historical Society of the Upper Mojave Desert gave a presentation on their plan to renovate the "Old County Building – USO Building on W. Ridgecrest Boulevard
Next meeting September 21

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Kern County Air Pollution Control District meeting will be held in the Council Chamber on September 1 at 2 p.m. and is open to the public

There will be a rally meeting August 30 in Bakersfield for IN GOD WE TRUST

California LAFCO conference is September 7

MAYOR AND COUNCIL COMMENTS

Morgan

- Moving into busy time in community
- Congratulated Bennett Optical on 10th anniversary
- Healing Fields on 9-11

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- Community Dinner 17th at Kerr-McGee Center
- Thanked staff for all they do
- Have taken flack for past actions and tired of getting hung so are being more watchful in our business dealings
- In grave need for funds for infrastructure improvements
- Thanked his wife Doreen - married 18 years appreciate her help and support

Martin

- Congratulations to Bennett Optical on 10th year anniversary
- Commended Mayor and staff and Chamber of Commerce for putting on a wonderful day on the 12th with the business round table with Congressman Thomas and Assemblyman McCarthy
- Received a lot of info from them regarding transportation funds and BRAC

Clark

- Welcomed all students, teaches and administrators to a new school year
- Read letter from former student who is now a Deputy Sheriff in Colorado
- Sept 13 will be first meeting of the Youth Advisory Council

Carter

- Youth Advisory Council youth have only been to the League of California Cities 3 times in the last 9 years
- Have taken 2-3 kids for each of the high schools
- Looked at those who serve on Youth Advisory Council
- Go on recommendations from the high schools
- Read our view in the DI working together outstanding
- Commented on editorial regarding travels of Council and youth and hotels and costs
- We look for ones within walking distance to save on expenses of taxis– got youth rooms free but had to pay for chaperones
- Praised Mr. Morgan for using his salary but all of us do the same thing
- Before reporting news the media needs to talk to Council Members
- DI looking at the positive and being pro active

Holloway

- Will never be ashamed about our Council travel
- Referrals are used in Bakersfield
- 3 RFP's are out there regarding surplus property – once we receive them we need to tell citizens why we choose the specific ones
- Need to have overall building standards and the Planning Commission needs to look at that – there needs to be ad hoc of Planning Commission
- Solid waste franchise needs to be revisited
- Have received rent control requests from citizens and will take it to City Org
- Not happy with requirements on landscaping in new developments

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- Thanked Bob Smith for the presentation on Code Enforcement and all his good work
- Noted that Mr. Ponak created revenues of \$399K with a smaller budget
- August 30 meeting for city county group for growth planning
- Fire Department issue – need to prepare plan for having to pay for service
- Teacher convinced Council is recruiting low income families to the City of Ridgecrest
- Public was responsible for the success of the Thomas-McCarthy meeting
- Rumor circulating about Congressman Thomas letter and the BRAC – he says this situation has been handled
- He thinks long term steady growth is going to happen
- Is on parade committee for the annual fair
- Buffalo Soldiers are coming to us for the parade

Mayor Holloway recessed the meeting to continued Closed Session at 10:14 p.m. to reconvene in open session at 11:45 p.m.

In Closed Session staff was given direction regarding the negotiations.

ADJOURNMENT

Mayor Holloway adjourned the meeting at 11:45 p.m.

Rita Gable, City Clerk