



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

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

**January 18, 2006
6:00 p.m.**

**Tape Recorded
Tape 06-01**

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 – 6:36 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

PLEDGE OF ALLEGIANCE led by Cub Scouts of Wolf Den 341

INVOCATION – Reverend Ralph Mueller, Ridgecrest Presbyterian Church

APPROVAL OF AGENDA

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

PROCLAMATIONS AND PRESENTATIONS

1. Proclamation – Burroughs High School Football Team

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Mayor Holloway and the Council presented a proclamation to the CIF Southern Section, Division 8 Champion Burroughs High School Football Team players, coaches, and assistants.

PUBLIC COMMENT

Opened at 7:12 p.m.

Dorothy Brown, 221 N. Gold Canyon

- In past have had problems with La Mirage management
- Chain link fence was erected in some common areas of The Willows homes
- Two years have gone in to attorney trying to sort it all out
- Entreats Council to consider who you allow to come into the city to do work

Dave Matthews, 717 Kevin Court

- What an evening – enjoy your glory while you can
- Mentioned last year about the landfill regarding florescent tubes not being allowed in the land fill
- This will probably result in dumping in the desert
- Need drop off point so that they can be collected
- Noted a Daily Independent editorial regarding a full time city hall
- Thinks it's a good idea – thinks we are heading for a boom in the valley
- Suggests city be opened 5 days a week and maybe it can be worked into the next fiscal year budget

Walt Maurer, Mariposa

- Read a paper about abortions being performed at Ridgecrest Regional Hospital
- Cannot stop it because they are state funded
- Board of Directors are the only ones who can stop it
- Why do they do it – they say for medical services
- Roe vs. Wade anniversary is here
- Urged citizens to sign petition to end abortions at this hospital

James Lyons, 437 Evelyn

- Concerned about the conditions of our streets
- Currently allow anybody to park on our streets
- Commercial vehicles of any tonnage are allowed to park on streets even in residential areas
- Other cities prohibit this
- Some areas have signs prohibiting this while others do not
- Why allow it when we have no funds to repair our streets
 - Ordinance allows 72 hours

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Howard Auld, 341 Mamie

- Ridgecrest has ability to interact with the board of supervisors through telecommunications

Steve Worland, Mt McKinley Place

- Mentor program used to be in place
- Mentoring young women with two young girls
- House burned down in trailer park at Ward and China Lake
- Believes there are building codes for trailer
- Park owner bought old trailer and rented it
- Need to meet codes of other

Bob Smith, Code Enforcement gave brief on the vehicle problems

- It is a 5 phase program
- 1 - education process - in November amended ordinance including sizes of vehicles and RVs
- 2 - began this week to hand out flyers putting on vehicles with laws, etc.
- 3 - will be a 3rd effort in educating community with options
- 4 - actual start of enforcement process of 72 hour notice is next step
- 5 - continued enforcement with administrative citations
- If you have questions call him at 499-5065

Closed at 7:20 p.m.

CONSENT CALENDAR

2. Resolution No. 06-01, A Resolution Of The Ridgecrest City Council Authorization Award Of Contract To Trueline Surfacing Of Corona, California In The Amount Of \$41,750 For The Resurfacing Of Tennis Courts And Basketball Courts Ponek
3. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of December 21, 2005 Gable
4. Council Expenditure Approval List (DWR) Dated December 21, 2005 In The Amount Of \$1,193.57 Winegardner
5. Council Expenditure Approval List (DWR) Dated December 23, 2005 In The Amount Of \$246,076.29 Winegardner
6. Council Expenditure Approval List (DWR) Dated January 6, 2006 In The Amount Of \$105,472.14 Winegardner

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7. **Agency Expenditure Approval List (DWR) Dated December 23, 2005 In The Amount Of \$271,106.11** Winegardner
8. **Agency Expenditure Approval List (DWR) Dated January 6, 2006 In The Amount Of \$595.00** Winegardner

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

PUBLIC HEARINGS

9. **A Public Hearing For The Purpose Of Obtaining Public Comment For Updating The Consolidated Plan And The FY 06-07 Annual Action Plan For Community Development Programs** Pollock

Every five years a new Plan must be developed as to how funds will be expended which are received by the City of Ridgecrest from the Community Development Block Grant (CDBG). Approximately \$200,000 is received each year over the five year life of the plan. Projects which have been constructed in the past include reconstruction of Norma Street, Allen Street and Sunset Street between Upjohn Avenue and Bowman Road. CDBG requires that the City of Ridgecrest conduct a public hearing to gain input from the citizens of the City of Ridgecrest as to what the public facility needs are and to conduct annual public hearings to gain input as to needed modifications of the five year plan.

Moved by Council Member Martin, second Council Member Carter TO CONTINUE ITEM TO FEBRUARY 1, 2006 MEETING. No public comment. Motion carried with a voice vote of 5 ayes.

10. **Public Hearing Pertaining To The AMG Associates Appeal Of The November 22, 2005 Planning Commission Decision Not To Approve The Negative Declaration #05-036 For The Larkspur Apartments Approving A Mitigated Negative Declaration For This Project** Parsons

City Attorney Lemieux stated the ground rules for this item

- Council must accept or deny the Planning Commission declined negative declaration
- Council is here as fact finders looking at staff information and what is presented here tonight
- If you decide there is an environmental impact not an economical one

Community and Economic Development Director Parsons

- At their December 21, 2005 meeting Council voted 2 ayes, 1 no, 1 abstention, and 1 absent (ayes-Council Members Martin and Morgan; 1 no-Council

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Member Carter; 1 abstention-Vice Mayor Clark; and 1 absent-Mayor Holloway) to accept the letter of appeal from AMG Associates and to set the date of January 18, 2006 to hear the appeal.

- Read the summary staff report and noted Council was provided exhibits A through M
- Public Hearing is on appeal of AMG
- Proposed mitigation declaration was agenda item at November 22 Planning Commission meeting
- Meets all zoning below max density of our code
- Staff added condition regarding soil testing if contamination is found
- Staff recommends overturning the PC decision and approve the resolution provided
- Council can add any conditions the deem fitting
- Showed PowerPoint of the proposed development at 340 S. Downs
- It meets the zoning of R2

City Attorney Lemieux

- Stated this item is a negative declaration and mitigated negative – it is a finding of no impact
- Finding is that a project does not have an environmental impact
- Only focused on the environmental impact
- Issues are drainage, traffic and soils

Opened at 7:57 p.m.

William Wood

- Remembered 2-3 55 gallon Drums behind old building behind Jack Turners house 40 years ago
- Drums were hazard thing for them when they played there as kids
- Were told to keep away from them
- Iron door frame still there

2407 Weiman

- Why did Council Member go to northern California or southern to check on other projects by this developer
- Did go to Delano and Barstow and Merced
- Checked with Community Development and police
- December 05 study done for traffic count
- Council Member Martin looked at Merced project and thought it was a beautiful thing
- Did not leave counter on long enough on the traffic study
- Cannot get out of driveways when Faller School is starting or closing
- Studies done on 13 and 14 December were starting at 7 a.m. until 8 and afternoon at 3 p.m.

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- Did not take into consideration the Faller School traffic
- Says neither study was adequate

Michael Hogan,

- November Planning Commission rejected this proposal
- Only allowed to consider what Planning Commission had to use to make their decision – not so per Attorney Lemieux
- Appeal based on what Planning Commission thought was inadequate traffic, drainage and potential hazmat problems
- Does not think Council has enough information to make decision
- Has petitions with 240 signatures objecting to the proposed development

Nicole Guerrero, 1101 West Church

- She just purchased this home
- Traffic study needs to take into consideration of streets adjacent to the project
- People tend to use fastest route to get where they are going
- No cross walks on Downs or signs
 - (A traffic signal in works for W. Ridgecrest and Downs)

Monica, 125 Fire Opal

- Grandfather used to own the property and had a landing strip there and a hangar and storage shed there
- Need to have a study done for hazardous materials in the soil

Joyce Cane, Panamint

- Would be occupant of this building
- Is on disability and needs some decent housing such as this
- Did not realize the impact that this project would have

John

- Need to search for places for affordable housing in different areas
- Posed as farther of service man and investigated the project in Barstow
- Barstow has units available but service (military) personnel make too much money to live in them
- If this project is build will they be able to live in it

Linda Hamlin , St. George

- Traffic study was supposed to be ok
- Who is going to widen the street or move the power lines
 - Mr. Parsons - development agreement that addresses it – developer will widen in front of project with curbs and gutters also the Charter School under their Conditional Use Permit
- Street lights will be shared by the developers with under grounding on side of the street of the Charter School

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- Soil issue should require developer to do the EIR
- Drainage to the 4 sides – no, the planting will act as a sump then drain off
- City has drainage plan and each project has to adhere to it
- Would like to see a new plan and EIR

Council Member Carter asked how much will developer contribute to signal light

Joyce McNamara, 1536 Gordon

- Has changed some of her thoughts
- Parking and covering seems to be in the easement behind the project – Mr. Parsons stated it was within the project
- Drainage landscaping would aid in the drainage if it flows to Downs
- She thinks it flows northeast to Church
- How do they direct the natural flow – Mr. Parsons noted the grading plan will alleviate it and re-channel the natural flow
- Stand strong and become a legacy and not bow down to developers
- Do not burden our future with decision taken tonight

Todd Mathers, 1100 W church

- Concerned with traffic because of where their business is located On Downs Street
- Know they are going to put in curb and gutter
- Until that is done will there be a problem – yes
- Understood the widening of Downs was to go all the way but see it is only at Charter School and this project
- What happen if Charter School does not do their part
 - Moving of the lights will happen with the pace of development
- Don't see how the street can be widened with their business located where it is

Barry Tipton, 1020 West Benson

- Just moved here from Pt. Mugu on his own not because of BRAC
- Has a grandson and has concern with the people who move in hazarding their lives
- Do more than a 48 hour traffic study for the safety of their children

Jennifer Sherfer,

- Drainage is a great concern because of the unusual rain this past year
- All streets were flooded
- Pushing to Church will not alleviate inadequate drainage in the area
- Traffic study was done at the wrong time near the Christmas holidays when half the students were gone
- Need to readdress it when it is normal school traffic
- Traffic just does not stop

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- Needs a more in-depth traffic study performed

419 S. Gordon

- Traffic in the area is mostly from Faller School
- Mather Business has reasons for concern
- Get everything done by this company they won't pay

Patricia Segal, Ashton

- Have to look at traffic trying to get onto Upjohn - something needs to be done there
- Usually use Upjohn to get to Downs to go to the base
- Doesn't remember the traffic study
- In fear of children going to the schools because people do not stop and if they do others go around them
- Is the drainage new based on comments – no it has been part of the project
- Traffic leaving the project site is a concern - representative said that their job was to conform to the site but after that it was the City's problem – did not like that attitude
- (Morgan City has spoken to developer about those comments – right the water will percolate to the northeast and soak into the soil)

901 W Upjohn

- Drainage will go to Downs to Church
- No curbs and gutters on much of Church
- Does not think traffic study was adequately counted during night hours
- Should have been 24 hours for 48 hours
- None done on Church or Upjohn
- Counted traffic for 10 minutes the day after they picked up the counter
- 930 in morning - in 10 minutes counted 87 mostly tractor trailers - after lunch 130 were counted – 81 in 10 minutes
- Whole street must be widened
- Mono and Inyo have to go all the way through

Mayor Holloway asked if cornerstone was there

Council Member Martin - study projected increase with the project and this development will not solve the existing problems

Council Member Morgan – traffic study Church and Downs – north on Downs none left 9 turned right 470 went north bound - south on downs at church 17 onto church 5 west into dirt 350 went south

From dirt – Upjohn from traffic report - total traffic 7 a.m. to 8 a.m. December 13
888 575 1463

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Jack Noyer, 500 N Sierra View

- Live across the street from Los Flores School
- Has concerns also
- Emotional issue
- Has copy of the environmental report
- Has copy of traffic study - two way turn lane will improve the safety of the children
- Conditions should be owner of property responsible for mitigation of hazardous conditions
- Planning Commission policies and procedures were criticized earlier - he thinks they do a fine job
- Phase 1 assessment on the EIR - do not recommend subsurface testing to assess any historical mitigation
- Accountability control

Jim, 1536A N. Gordon

- May be years before we get traffic signals, street widening, etc
- Does seem that it is reasonable to have the developer help pay for some of it
- Has done EIR site assessment in the past
- Talk to the neighbors and surrounding residents
- It didn't suggest subsoil testing due to history of environmental hazardous materials
- Certain amount of college traffic that uses Downs Street and traffic study was done on slow week at college

Mr. Parsons stated this is an infill project within the City

Dale Howard, 1109 Mayo

- Has concern on traffic – good time to propose an assessment district to take care of Downs
- In the 80's Calera did traffic count on Downs and Ridgecrest on China Lake over 2000
- Traffic study will show about 1000 cars a day
- In the 40's there were numerous small landing strips all over City of Ridgecrest

Lyle Gregory

- Counsel isn't here this day - one page letter sent to Council
- Recommends Council accept the Planning Commission rejection of the negative declaration
- It's a matter of safety so need to have a full EIR study
- The safety of all people is the concern

Steve Kopp, 315 S Gordon

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- Counsel is in a court case
- Reemphasized CEQA cumulative effect and feel that drainage plan will contribute to that
- Questioned reversing the natural flow of drainage
- Vacant land absorbs whatever water falls on it now - buildings multiply the runoff
- Drainage plan is flawed
- 12 foot buffer area from wall was for drainage will put some permanent water on that corner
- Issue of toxic waste potential - no photos of slab on the property, residual piles of tar drums of some substance
- Don't know how much materials was there as much as 60 years ago
- He was the one that went to the other sites about the military

Developer

- Staff has done great job on due diligence contacting other cities about our projects
- In past 6 years have done 20 projects same density same projects and never had to do an extensive environmental or questions about traffic
- We always do a phase 1 environmental and would be foolish to purchase land with hazard
- Have done due diligence prior to purchase
- These projects are privately funded
- Environmental was done when property was zoned a full EIR was done
- Done by the City before the zoning and general plan was adopted
- Project being proposed is in conformance of the general plan
- Have done 2 projects in Delano asked to do another in Barstow and Merced
- Suggest if required to do another soil environmental that if it comes up clean the City pay for the report - about 20K

Council comments

- Would like to have them (staff or developer) follow the recommendations of the Planning Commission instead of coming to the Council
- Was told time is of the essence and they have followed all the guidelines
- Did not feel it was a proper Planning Commission meeting
- He disagreed after talking to his appointee
- Developer has followed the Planning Commission recommendations
- Supports the Commission recommendation – take care of that and then go back to Commission
- Soils test is only condition from Commission – staff has to decide
- During the Commission meeting the developer broke down all the concerns
- He cannot fix Downs Street but has agreed to help fund the traffic signals

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- The two way turn lane will mitigate some traffic concerns
- In CEQA process we cannot make him fix all of it just what the project addresses
- Drainage has been mitigated for his water flow
- He has mitigated his property for hazards contaminants
- Southern California Edison Rule 20 funds talks will be coming up soon
- Think we may have enough funds to do the under-grounding
- Noise and lighting have been addressed in the project
- Staff has done their job and the developer has met all the requirements
- Feels that Council should approve the resolution
- Honored to be Councilman with Mr. Morgan
- Knowledge is first rate because of his Planning Commission experience
- City has been meeting with all type of developers
- Tasked as Council to define a specific situation
- Each has been resourced and researched and the facts are supported for traffic, drainage, and toxic or hazardous wastes
- He supports the staff resolution to overturn the Commission decision
- Followed this project from beginning feeling it would be controversial
- Engineers came forth with details
- Our job is not to get emotional with an issue - it is tough when you are dealing with friends and neighbors
- We have a General Plan that is certified by the state and we need to follow it
- Thanked everyone for their input and comments

Council Member Clark – abstained from comment

Attorney Lemieux

- Wants to make changes in the resolution
- Take mitigation measures projected and add it as an exhibit
- If resolution is adopted it means Council adopts the mitigated negative declaration and the developer will not have to do a EIR
- Planning Commission will do a site plan review

Moved by Council Member Martin, second Council Member Morgan APPROVING RESOLUTION NO. 06-02, A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION FOR SITE PLAN 05-11 A REQUEST FOR AN 81 UNIT FAMILY HOUSING COMPLEX (81 UNITS AND 1 COMMUNITY CENTER) LOCATED AT 340 SOUTH DOWNS STREET (APN 477-030-24) (Applicant AMG and Associates). Public comment heard. Motion carried with a voice vote of 3 ayes, 1 no, 1 abstention. Council Member Carter voted no, Council Member Clark abstained.

DISCUSSION ITEMS

11. **A Discussion Concerning The Conditional Use Permit Granted On August 14, 2001 To The Ridgcrest Charter School, 325 South Downs Street, APN #508-020-14** **Parsons**

Mr. Parsons

- Noted the conditions of the CUP consisting of 12 items
- Site plan has not been reviewed

Council

- Concerned that we have CUP and agreements that have not been done
- Requests this go to City Organization Committee in February
- And ask questions of charter school why the conditions were not done
- Over the last 6 years it has been stated we are not adjudicating our CUP permits
- Have had one planner since 1995
- PC will be getting very busy as well as Economic Development Committee
- You are asking us to give you guidance on what
 - Had process for checking on compliance in the form of a chart for code enforcement and administrative fines
- Asked how far are we going to go to enforce non-compliance
- This needs to go to Economic Development Committee
- City needs to review and use code enforcement - prioritize a list and get busy
- We need to have them working with us and talking to us
- Let's look at the case in point - the Charter School
- None of us want to close a school or a church – they needed our help then and we should be working with them
- We have a process and we expect staff to follow the process to take care of this
- Agrees with all the comments – Economic Dev Committee will have to bring all these in and talk to them and even make more deals

Elsa Hennings, Charter School

- We need to do what we signed up to do
- Best approach is to hit them in the pocketbook
- We have been working on these item and think that there are about 8 that have been completed
- Big ones are the curb, gutter, power poles and road widening
- Do need a little more time to get the big ones done

Michael Hogan, 1117 w Robert Avenue

- Works for Bureau of Land Management in land acquisition
- Disaster just before he arrived here – predecessor had 0 tolerance to trespass

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- Bickel Camp Rangers hauled him out of cabin and he had stroke
- Randsburg in trespass for decades then we went in and surveyed
- In 1997 issued passports to people who bought their property for \$500
- Take it in a triage manner and look at those items that are near to completion

Norman Alexander, Maryann

- Look at what might be safety issues on all the CUPs

Dav1d Allen, 711 Upjohn Avenue

- What happened that this has not taken place

Dave Matthews, 717 Kevin Court

- Hold on as the problem may not be as bad as it seems
- Admits he doesn't know how many and how bad
- Maybe an ad hoc committee should look at the CUPs

Consensus of Council was to send to the Economic Development Committee

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

None

None

CITY ATTORNEY REPORTS

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 February 2

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 February 8 – need special meeting re assessment district for

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Downs Street

City Organization Committee

Members: Chair Ron Carter, Steve Morgan

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

Next meeting February 9

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 January 26

Redevelopment Advisory Committee

Members: Chair Lois Beres Vice Chair Mike Hogan, Bob Peoples, Gary Charlton, Ron Ketcham. Ex-officio Members Council Members Steven

Morgan and Ron Carter, Planning Commissioner Mike Biddlingmeier

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

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

Next meeting February 15

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Jan 26 Bakersfield for Kern Council of Cities

Desert-Mountain Division League of California Cities in Victor Valley

Republican Women's January 20 State Senator Ashburn will be speaker

LCC last week – Administrative Services and Economic Development and Human Resources committees met

Bill in legislature for uniform statewide pension program

KernCOG for Mayor Holloway tomorrow

Assemblyman McCarthy has meeting at Supervisors room

MAYOR AND COUNCIL COMMENTS

Morgan

- Budget cycle coming up
- Expect we will be told we need more staff
- Assessment district best bet for Downs Street for November ballot

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Carter

- Thanked all who came out for the Public Hearing and Appeal
- Great evening for Burroughs High School
- The accomplishment of the football team uplifts the whole community

Clark

- Long late ending meeting
- Deferred utility payment bill to Economic Development Committee
- Thanked Jim Winegardner researching things for him
- Thanked Gary Parson for work on the staff report
- Thanked Chip and Gary for meeting with apartment developer

Martin

- Proud of Council
- Tough meeting this evening
- Appreciates the staff for all they do - they are terrific

Hollowly

- A 5 day work week is union issue
- Been suggested to switch the Monday flex with Friday flex
- City Organization Committee should look at

ADJOURNMENT

Mayor Holloway adjourned the meeting at 11:58 p.m.

Rita Gable, City Clerk