



**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 4, 2007
6:00 p.m.**

**Tape Recorded
Tape 07-06**

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 – 6:00 p.m.

ROLL CALL

PRESENT: Mayor Marshall Holloway, Mayor Pro Tem Steven Morgan, and Vice Mayor Thomas Wiknich

ABSENT: Council Members Daniel Clark and Ronald Carter

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

CLOSED SESSION – 6:00 p.m.

GC54956.9 Conference with Legal Counsel – Existing Litigation – Matrix Motor Company vs. City of Ridgecrest

GC54956.9 Conference with Legal Counsel - Liability Claims of Special Services Contractors, Claim Nos. 07-02, 07-03, 07-04, and 07-05

REGULAR SESSION – 6:30 p.m.

PLEDGE OF ALLEGIANCE led by Rachel Rumbo, Human Resources Assistant

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

April 4, 2007

Page 2

INVOCATION – Silent Moment

CITY ATTORNEY REPORT OUT OF CLOSED SESSION

Council received update on the Matrix Litigation - no action taken; received information on Special Services Contractors Claims Nos. 07-02, 07-03, 07-04 and 07-05 – Council denied Claims No. 07-02, 07-04, and 07-05 and instructed Attorney to draft a settlement offer for Claim 07-03.

APPROVAL OF AGENDA

Mr. Rose requested addition of a proclamation, under Proclamations and Presentations, for SEXUAL VIOLENCE AWARENESS MONTH, and a resolution, under other action items, for approval of absence in excess of 6 days for Council Member Ron Carter who is having medical procedures. These items and the need to address them came up after posting of the agenda.

Moved by Council Member Morgan, second Council Member Wiknich TO APPROVE THE AGENDA WITH THE ABOVE TWO ITEMS ADDED. No public comment. Carried with a voice vote of 3 ayes, 2 absent, Council Members Carter and Clark absent.

PROCLAMATIONS AND PRESENTATIONS

1. Youth Advisory Council

No report

2. Proclamation – Support of Public Education in Indian Wells Valley

Mayor Holloway presented a proclamation to Peter Eiserloh, Indian Wells Valley Masonic Lodge #684, in recognition of Support of Public Education In The Indian Wells Valley, April 2007.

Added item

Proclamation – Sexual Violence Awareness Month

Vice Mayor Wiknich, read a proclamation and presented it to Annie Hess, Karen Stone, and Mary Nestor of the Women's Center-High Desert in recognition of Sexual Violence Awareness during the month of April.

3. Presentation –Employee Service Awards

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

April 4, 2007

Page 3

Mayor Holloway, Mayor Pro Tem Morgan and Vice Mayor Wiknich, assisted by Human Resources Assistant Rachel Rumbo, presented plaques honoring employees who have reached years of service milestones of 5 or more years of service with the City of Ridgecrest.

5-year

James Ponek
5 years
2000-2005

James Winegardner
5 years
2000-2005

10-year

Paul Wheeler
10 Years
1994-2004

15 Year

Joyce Markwith
15 Years
1989-2004

Robert Obergfell
15 years
1990-2005

Michael Sylvia
15 years
1990-2005

Rick Bowen
15 years
1990-2005

William Bracken
15 years
1990-2005

20 Year

Jon Wheeler
20 years
1985-2005

25 Year

Yuri Kamiya
25 years
1980-2005

Jim Ponek, Mike Sylvia, Rick Bowen, John Bracken, and Yuri Kamiya were unable to be present to accept their plaques.

4. Presentation – Boy Scouts of America

Travis Connally, District Executive, Desert and Inyo-Mono District, Southern Sierra Council, Boy Scouts of America gave a presentation about Scout programs. Thanked police officers for sponsoring an explorer post and noted there was also one at Lake Isabella. Mentioned Scout Reach that services

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

April 4, 2007

Page 4

underprivileged youth – program is set up and no fees charged to the youth. Dave Maxwell also spoke about his connection with scouts through the years – has no boys but his 7 girls were active with scouts. Spoke about fund raising efforts. Mr. Connally would like to start a partnership with the City and requested a donation of \$5K.

Mayor Holloway thanked Mr. Connally for the excellent presentation. He suggested they make application for funding through the Parks, Recreation and Quality of Life Committee and come back in next budget cycle.

PUBLIC COMMENT

Jerry Taylor, 315 Mesquite

- Thanked the public for showing up and participating in the general plan meetings
- Participation was very good
- Meetings will be ongoing for the next 18 months
- Next meeting of the group will be April 24

Sophia Merk, 2062 Mike's Trail

- Participated in the general plan meetings and called attention to page 121 of Desert Act regarding plans to acquire BLM land within the city boundaries
- Need to put something in place if the City hopes to do so

Dave Matthews, 717 Kevin Court

- Apologized for having missed the general plan meetings
- Wished everyone a happy and blessed Easter
- Saddened to note the passing of Albert Warren
- Impressed with the presentation on scouting
- Was a scout when he was young and participated in scouting efforts when first here in the valley
- Way back when at Huntington Lake you had to prove you could swim before you could go out on the lake in any of the boats and the water was very, very cold
- Traffic at Towne Center seems to be getting better
- No left turns sign seems to be working

Mike Neel, Randall

- Thanked Mr. Connally for the scout presentation
- Good way for the youth to exert their energies
- Counseled council not to use public funds for this purpose
- They should be funded through private funding and grants
- Encouraged Council to be cautious if asking for bonds or new taxes

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

April 4, 2007

Page 5

Walt Maurer, 209 W. Mariposa

- Read accounts in both newspapers about the new Police Department CHAMPS car
- Noted that not one penny was used on the vehicle
- All special features were donated by merchants within the community

CONSENT CALENDAR

5. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of March 21, 2007** **Gable**
6. **Council Expenditure Approval List (DWR) Dated March 16, 2007 In The Amount Of \$162,912.64** **Winegardner**
7. **Agency Expenditure Approval List (DWR) Dated March 16, 2007 In The Amount Of \$8,576.01** **Winegardner**

Mike Neel requested items 6 and 7 be removed

Moved by Morgan Wiknich 3 ayes TO APPROVE ITEM 5. No public comment. Carried with a voice vote of 3 ayes, 2 absent, Council Members Carter and Clark absent.

6. **Council Expenditure Approval List (DWR) Dated March 16, 2007 In The Amount Of \$162,912.64**

Mr. Neel questioned the item for Bickmore Risk Services on page 2

- Mr. Winegardner said the City is self insured for Workers Compensation and for first \$150K CSAC requires us to do an actuarial.
- We contracted with Bickmore to provide that
- CSAC reimburses \$2000 for the study and the \$2250 is the responsibility of the City

On pages 8 and 9 there is a long list of items under I.M.P.A.C. amounting to \$807,177K

- These are purchases of various items using CalCards as it is more efficient

On page 14 an item marked as Sun Ridge for \$9540.00

- It states that this is the annual support services to PD to the RIMS system

7. **Agency Expenditure Approval List (DWR) Dated March 16, 2007 In The Amount Of \$8,576.01**

On pages 17 Rosenow, Spevack Group in the amount of \$2542.00

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

April 4, 2007

Page 6

- This is a progress payment for work done during February for the 5 year plan for the Redevelopment Agency.

Moved by Council Member Wiknich, second Council Member Morgan TO APPROVE ITEMS 6 AND 7. Public comment heard. Carried with a voice vote of 3 ayes, 2 absent, Council Members Carter and Clark absent.

ORDINANCES AND RESOLUTIONS

8. **Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code To Prohibit Medical Marijuana Dispensaries** Avery

City Attorney Lemieux noted that this item was received by Council at the last meeting but was not discussed.

- The proposed ordinance makes it clear no medical marijuana dispensaries shall be established or located or operated within the City of Ridgecrest
- It disallows the issuance of any building permit, use permit, zoning, clearance, or business tax receipt
- It does not contradict the California Health And Safety Code
- It does prohibit the marijuana dispensaries
- Paragraph 2 section C on page 2 paragraph defines a medical marijuana dispensary

Sophia Merk, 2062 Mike's Trail Road

- Her mother suffered with glaucoma for many, many years
- At age 66 she asked for marijuana for the pain
- She suffered terribly until she passed away at 90
- Felt with the dispensary people could avail themselves here and not have to go across the mountains to Bakersfield
- There are no legal means of obtaining marijuana on this side of the mountains
- She has friends who need this but cannot drive elsewhere to obtain it even with a doctor's recommendation as they are too disabled or in too much pain to travel
- Believes if a well know person of this community needed it you might rethink this ordinance
- Her ex-husband needed it and had to drive to San Bernardino for it and some times he was almost too debilitated to do so
- He was found dead by a sheriff on Cajon Pass
- Currently has 4 friends that need this medicinal marijuana as they all have incurable cancer

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

April 4, 2007

Page 7

Moved by Council Member Morgan, second Council Member Wiknich TO ADOPT ON INTRODUCTION AND FIRST READING, by TITLE ONLY, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING THE RIDGECREST MUNICIPAL CODE TO PROHIBIT MEDICAL MARIJUANA DISPENSARIES. Public comment heard. Carried with a voice vote of 3 ayes, 2 absent, Council Members Carter and Clark absent.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

Added item

Resolution No. 07-19, A Resolution Of The Ridgecrest City Council Granting Council Member Ronald H. Carter Permission To Be Absent From Regular City Council Meetings For More Than 60 Days Consecutively From The Last Regular Meeting Attended

Government Code § 36513 does provide that no member of the city council may be absent for more than 60 days consecutively from the last regular meeting attended without permission from the city council.

Council Member Morgan, having concern about the committees Mr. Carter sits on, said that he substitute on the Parks, Recreation, and Quality of Life Committee to enable the committee to meet and Mayor Holloway stated he would sit on the ACTION committee until Mr. Carter returned to the Council.

Mike Neel asked -

- What is required to be posted 3 days ahead of meeting time
 - City Attorney replied everything other than a "need that arose subsequent to publishing the agenda"

Moved by Council Member Morgan, second Council Member Wiknich TO ADOPT RESOLUTION NO. 07-19, A RESOLUTION OF THE RIDGECREST CITY COUNCIL GRANTING COUNCIL MEMBER RONALD H. CARTER PERMISSION TO BE ABSENT FROM REGULAR CITY COUNCIL MEETINGS FOR MORE THAN 60 DAYS CONSECUTIVELY FROM THE LAST REGULAR MEETING ATTENDED. Public comment heard. Carried with a voice vote of 3 ayes, 2 absent, Council Members Carter and Clark absent.

Financing Options

Mr. Rose stated he was proposing 2 things –

1. Ballot measure dedicated for infrastructure of 1/2 cent sales tax increase with no sunset provision – we have a list of approximately 100M worth of projects. Have implemented a developer impact fee but it is not enough

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

April 4, 2007

Page 8

and not for use everywhere in city. This would require a 2/3 vote of electorate

2. We can approach working with Kern County and LAFCO and propose a parks and recreation district in Indian Wells Valley and go to electorate with a property tax sufficient to pay debt on capital. Anticipate both would contribute most of the parks and recreation assets to the district except civic center and park area surrounding it and it should cover outside the city limits. Also would take a super majority of the district to carry.

Holloway believes if we have a 110M problem we should propose a 1 percent sales tax increase. Need to do enough to seriously address the problem. Feels the park and recreation district is something to pursue.

Wiknich asked if anyone has found out what the 1% would generate? We need to do something but without going to the electorate we have no way to even catch up. His "charge" for the roads will be through the Infrastructure Committee

Morgan thanked Mr. Rose for the report

Mr. Rose would like Council permission to talk to the county for a joint effort to conduct a district in the valley.

CITY ATTORNEY REPORTS

None

COMMITTEES, BOARDS AND COMMISSIONS

Community Development Committee

Members: Chair Chip Holloway, Steven Morgan, Jerry Taylor, Nellavan Jeglum

Meetings: 1st Thursday of the month at 5:00 p.m.; Council Conference Room

Next meeting April 5

City Organization and Services Committee

Members: Chair Tom Wiknich, Chip Holloway, Mike Biddlingmeier, Lois Beres

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

Met April 4

- Received update on transit system and unmet needs
- Consultant plan on alternatives
- Possible operational changes to make it better

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

April 4, 2007

Page 9

- Possibility of picking up persons without prior ride reservation
- Budget update from Mr. Winegardner and Mr. Next meeting May 10

Parks, Recreation and Quality of Life Committee

Members: Chair Dan Clark, Ron Carter, Jerry Taylor, Howard Laire

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

Next meeting April 26

Infrastructure Committee

Members: Chair Tom Wiknich, Steve Morgan, Lois Beres, Nellavan Jeglum

Meetings: 2nd Tuesday of the month at 4:30 p.m., Council Conference Room

Next meeting April 10

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

Members: Ron Carter, Dan Clark,

Meetings: 2nd Monday of the month at 6:00 p.m., Council Conference Room

Next meeting April 9 – will be a Town Hall meeting 6:00 p.m. at Kerr-McGee Center

RACVB

Council Member Holloway

Council Member

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

Next meeting April 18

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Holloway attended a Policy Committee meeting at League of California Cities last Thursday and Friday

PERS expends 13.4M a day health benefits

A bill to watch AB 1341 Health Care For Volunteers

Info on infrastructure bonds

MAYOR AND COUNCIL COMMENTS

Wiknich

- Encouraged everyone to work with us on the roads program for the 2008 election
- Wished everyone Happy Easter

Morgan

MINUTES – CITY COUNCIL / REDEVELOPMENT AGENCY – REGULAR

April 4, 2007

Page 10

- Thanked the citizens who came out and assisted City in the general plan meetings
- Going to continue to have these meetings on the General Plan amendment
- If you care about the next 20 years in the community you need to get involved
- Spring Fair is coming up
- No secret he is incredibly passionate about the infrastructure problems we have
- Now is the time to have discussions but we are already behind
- It's not being over taxed - it's a matter of trust
- Our citizens don't trust us to do what we say we will or to do the right thing
- If there isn't a group that will come forth to assist and take the message to the community we are doomed
- Has battle scars but willing to walk down the path again with Mr. Wiknich and try to get things going

Holloway

- Newspapers had headline that said the university was a no go
- That is not true in any way
- The organization working for getting a university is still in place and working
- We are one community in California that has more churches than bars
- Postcards are going out to everyone inviting you to Easter services at all the churches
- In God We Trust – very proud to have been able to get our banners in city Hall
- We are pikers in this display compared to other cities he has been in
- Wants a display mounted permanently somewhere in Chambers – something that will be very hard to take down
- Will not be here for the May 2 meeting and

ADJOURNMENT

Mayor Holloway adjourned the meeting at 8:21 p.m.

Rita Gable, City Clerk