



**LAST ORDINANCE NO. 09-xx
LAST RESOLUTION NO. 09-08
LAST RESOLUTION RRA NO. 09-01**

CITY OF RIDGECREST

**CITY COUNCIL
RIDGECREST REDEVELOPMENT AGENCY**

AGENDA

Regular Council/Agency Meeting
Wednesday March 18, 2009

CITY COUNCIL CHAMBERS CITY HALL

100 West California Avenue
Ridgecrest, CA 93555

Closed Session – 6:00 p.m.

Regular Session – 6:30 p.m.

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council/Ridgecrest Redevelopment Agency Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

CLOSED SESSION – 6:00 p.m.

GC54956.8 Redevelopment Agency Real Property Negotiations – Vimco, Civic Center Alley Improvements Within the N 1/2 of NE 1/4 of Sec. 4 as

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shown on APN 478-01 - Agency Negotiators Michael Avery and James McRea

GC54956.8 Redevelopment Agency Real Property Negotiations – OPA for the Ridgecrest Plaza Improvements - Agency Negotiators Michael Avery and James McRea

GC54956.9 Conference with Legal Counsel - Potential Litigation - California Integrated Waste Management Board and the City of Ridgecrest - Negotiators Michael Avery and James McRea

REGULAR SESSION – 6:30 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

CITY ATTORNEY REPORTS

- ❖ Closed Session
- ❖ Other

DEPARTMENT AND COMMITTEE REPORTS

Second Council Meeting (3rd Wednesday of the month)

Public Works Department Director's Report

Infrastructure Committee

Members: Tom Wiknich, Jerry Taylor, Lois Beres, Nellavan Jeglum
Meetings: 2nd Tuesday of the month at 5:00 p.m., Council Conference Room
Next meeting April 14

Finance Department Director's Report - attached

Chief of Police Report

City Organization and Services Committee

Members: Tom Wiknich, Jerry Taylor, Nellavan Jeglum, Lois Beres
Meetings: 2nd Thursday of month at 5:00 p.m.; Council Conference Room
Next meeting April 9

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

Members: Co-Chairs Ron Carter, Chip Holloway, Ron Strand

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Meetings: 2nd Monday of odd numbered months at 6:00 p.m., Kerr-McGee Center

Next meeting to be announced

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

There is still a vacancy on the Personnel Appeals Board. Council Member Carter need to appoint a member to the board.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

RECESS (if necessary)

PUBLIC HEARINGS

1. Public Hearing On The Appeal Of Tentative Tract Map No. 6691 Denial By The Planning Commission By Resolution PC No. 09-04, And The Recommendation Of Denial Of GPA/ZC-08-04, As Well As The Negative Declaration, An Application To Create A 228 Lot Subdivision Known As Wild Pointe Ranch With One Park/Sump And A Commercial Site On 161 Acres To Be Zoned E-1, E-1.5, E-2 And CG On Vacant Land Located At The NW Corner Of W. Ridgecrest Boulevard And N. Mahan Street, APN 455-100-06,08 And 09. Applicant: Pam McRea

The Planning Commission at the conclusion of a duly noticed continued Public Hearing adopted Resolution 09-04, denying the application, the Tentative Tract Map, the General Plan Amendment, and zoning reclassification. The application was heard before the Planning Commission at three (3) meetings; January 27, 2009, January 13, 2009, and November 18, 2008. A copy of the Planning Commission report was provided by separate cover. The denial was appealed by the attached letters, dated February 5, 2009 and February 9, 2009.

ORDINANCES AND RESOLUTIONS

2. Ordinance No. 09-01, An Ordinance Of The City Council Of The City Of Ridgecrest Deleting Chapter XIII And Amending The Ridgecrest Municipal Code As It Relates To Chapter XIII, Sanitation, Sections 13-1 To 13-6.2; Community Wide Universal (Mandatory) Curbside Solid Waste And Recycling Residential Service McRea

The provisions of this chapter are adopted to preserve, protect and promote the health, safety and welfare of the public with respect to sanitation and provide a community wide universal (mandatory) curbside solid waste and recycling residential service. This ordinance was presented to Council for first reading and approval at the Special meeting on March 2 and is presented here for second reading and adoption.

Recommended Motions - 2 motions

Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance No. 09-01, An Ordinance Of The City Council Of The City Of Ridgecrest Deleting Chapter XIII And Amending The Ridgecrest Municipal Code As It Relates To Chapter XIII, Sanitation, Sections 13-1 To 13-6.2; Community Wide Universal (Mandatory) Curbside Solid Waste And Recycling Residential Service

Requires a second

Motion To Adopt, By Title Only, Ordinance No.09-01, An Ordinance Of The City Council Of The City Of Ridgecrest Deleting Chapter XIII And Amending The Ridgecrest Municipal Code As It Relates To Chapter XIII, Sanitation, Sections 13-1 To 13-6.2; Community Wide Universal (Mandatory) Curbside Solid Waste And Recycling Residential Service

Requires a second

3. **Ordinance No. 09-02, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter III, Section 5-703, Of The Ridgecrest Municipal Code ("Code") As It Relates To The Exclusive Right Of Trash Collection** **McRea**

This ordinance amends Chapter III, Section 5-703 of the Municipal Code by continuing the City's right to award exclusive franchise for the purpose of trash collection. This ordinance was introduced for first reading at the Special Council meeting of March 2, 2009. It is brought to the Council at this time for second reading and adoption.

Recommended Motions - 2 motions

Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance No. 09-02, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter III, Section 5-703, Of The Ridgecrest Municipal Code ("Code") As It Relates To The Exclusive Right Of Trash Collection

Requires a second

Motion To Adopt, By Title Only, Ordinance No.09-02, An Ordinance Of The City Council Of The City Of Ridgecrest An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter Iii, Section 5-703, Of The Ridgecrest Municipal Code ("Code") As It Relates To The Exclusive Right Of Trash Collection

Requires a second

DISCUSSION AND OTHER ACTION ITEMS

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4. **Status Report on the Compliance Order IWMA BR07-07 and the Local Assistance Plan (LAP) required by the California Integrated Waste Management Board (CIWMB) and consideration of an Administrative Civil Penalty** **McRea**

The staff report is a continuation of the interaction between the City and CIWMB staff. The County of Kern has provided invaluable assistance upon the authorization by Mr. Douglas Landon, Interim Director, Waste Management Department. Ms. Nancy L. Ewert, P.E., Sr. Engineering Manager, Kern County Waste Management Dept. has presented the position of both the City and the County to the CIWMB staff. The City received notice after the visitation to Sacramento, to meet with the various sections leaders that the Public Hearing scheduled for February 24, 2009 had been pulled to consider additional information and efforts by the City. The City was notified by e-mail on the evening of February 24, 2009 that a hearing has been rescheduled for March 24, 2009 and the City is invited to provide Board staff documents for review that will be presented to the Board for their consideration to revise the L.A.P. and/or to modify the existing Compliance Orders timeline as well as continuation of an Administrative Civil Penalty Hearing.

5. **City Council Pay** **Wiknich**

6. **Sister City Budget** **Avery**

CONSENT CALENDAR

All items on the Consent Calendar are considered to be routine by City staff and will be approved in one motion if no member of the Council or the public wishes to comment or ask questions. If comment or discussion is desired by anyone, that item may be removed from the Consent Calendar and be considered separately, with public comment, before action is taken.

7. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared And Scheduled Date Of Presentation** **Avery**

Respect for Law Week - March 23-29, 2009 - Presentation on Friday March 20 at 12:00 noon.

Honoring Local Law Enforcement Officer's of the Year - Presentation on Friday March 27 at 5:30 p.m. at Elks Lodge at Respect For Law dinner

8. **Authorization For Mayor To Send Letter To Assembly Member Tony Mendoza Opposing AB 155 Municipal Bankruptcy** **Avery**

The City of Ridgecrest is a member of the League of California Cities and from time to time we receive requests from them to prepare letters to support or oppose current legislation.

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We have received a request to send a letter to Assembly Member Tony Mendoza to oppose **AB 155 (Mendoza) Municipal Bankruptcy**. *(As Introduced 1/26/09)*. This bill AB 155 establishes a Local Agency Bankruptcy Committee (Committee), consisting of the State Controller, the State Treasurer, and the Director of the State Department of Finance. The bill requires local agencies contemplating bankruptcy to first obtain approval from the committee before filing for bankruptcy.

The council should object to this legislation for the following reasons; **Most Cities Produce On-Time, Balanced Budgets – In Good Times and Bad**. Unlike the state, local agencies do not receive personal income tax, which is much more volatile than property or sales tax. Nor do local agencies face the same kinds of constitutional constraints that make passage of a state budget so difficult. As a result, even as property and sales tax has declined for both the state and for local agencies, most cities are able to make the difficult decisions necessary to produce a balanced budget, even when that means cutting substantially into core services, furloughing or laying off workers, or some combination of both.

By approving the consent calendar the City Council of the City of Ridgecrest authorizes the Mayor to send a letter on behalf of the city to assembly member Tony Mendoza, our local representatives, and the League of California Cities opposing AB 155.

9. Resolution No. 09- , A Resolution Of The Ridgecrest City Council Approving Agreement Between The City Of Ridgecrest And The Social Security Administration Ponek

The Social Security Administration (SSA) is requesting that the City of Ridgecrest enter into a one year agreement allowing Social Security to use the Kerr McGee Community Center meeting rooms one day per month and install a DSL dedicated phone line at SSA's expense, to include installation, maintenance, upgrades and monthly fees. Social Security will then provide service to the community approximately 5 to 8 hours on a designated day of each month. The service they will provide will be through a Video Service Delivery (VSD) monitor that will have a live feed to the SSA offices in Lancaster, CA. Volunteers coordinated by Social Security will set up the VSD monitor, provide assistance as needed, keep the room/participants organized and store the VSD monitor when complete in a storage area within Kerr McGee Community Center.

Presently, The City of Ridgecrest provides a double room once a month to SSA. A member of the SSA comes to Kerr McGee Community Center during that day for approximately four hours and with the help of SSA volunteers provides assistance to SSA customers.

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10. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council Setting The Public Hearing For Unmet Transit Needs Findings** **Speer**

The Transportation Development Act of 1971 (TDA), as amended provides for the disbursement of funds from the Local Transportation Fund for various eligible transportation uses. The funds are distributed by the Kern Council of Governments (KCOG), in its capacity as the Regional Transportation Planning Agency. An eligible claimant wishing to receive TDA funding through KCOG must conduct an annual review of the transit needs of the individuals and groups in the community. This year's submittal of the Public Hearing documentation is due to Kern Council of Government by the end of May 2009. Subsequently, a public hearing must be held in May 2009.

Since the public hearing must be duly noticed for thirty days prior to the public hearing date, staff is requesting that the hearing be scheduled for the Council Meeting of May 6, 2009 at 6:30 p.m.

11. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council Approving Expenditure Of Proposition 1B Funds In The Amount Of \$415,000 For Constructing A New Street: Bowman Avenue Between Mahan Street And Downs Street** **Speer**

The City of Ridgecrest has been allocated \$415,000 in funds from Proposition 1B (Phase II). It is proposed to use these funds on a new street project. This project would consist of constructing a new street with a typical section of 24 feet of roadway and a structural section of 0.35 foot AC, over 0.50 foot AB, over graded and compacted native soil. The estimated cost of the project is \$453,700.

12. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of February 18, 2009** **Gable**

13. **Minutes Of The Special City Council/Redevelopment Agency Meeting Of March 2, 2009** **Gable**

14. **Council Expenditure Approval List (DWR) Dated February 27, 2009 In The Amount Of \$244,370.19** **Sloan**

15. **Council Expenditure Approval List (DWR) Dated March 5, 2009 In The Amount Of \$69,469.90** **Sloan**

16. **Council Expenditure Approval List (DWR) Dated March 13, 200k In The Amount Of \$161,540.22** **Sloan**

17. **Agency Expenditure Approval List (DWR) Dated February 27, 2009 In The Amount Of \$10,211.34** **Sloan**

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18. **Agency Expenditure Approval List (DWR) Dated March 13, 2009 In The Amount Of \$4,117.23**
Sloan

PUBLIC COMMENT

Persons wishing to address the Council on matters that are within the Council's jurisdiction and do not already appear on this agenda, may do so at this time. Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on this Agenda. Speakers are limited to five (5) minutes. The PUBLIC COMMENT section of the Agenda is limited to a total of sixty (60) minutes. Speakers are asked to provide their name and address for the record.

MAYOR AND COUNCIL COMMENTS

The Mayor and Council Members may make a brief statement. In addition, Council Members may ask a question of staff or the public for clarification on any matter, make a request of staff for factual information, or request staff to report back to the council at a later meeting concerning any matter. In addition the Mayor or any Council Member may direct the City Manager to place an item of business on a future agenda.

ADJOURNMENT