



CITY COUNCIL
CITY COUNCIL CHAMBERS
220 EAST MOUNTAIN VIEW STREET
BARSTOW, CA 92311

OCTOBER 15, 2018
7:00 PM
(HANDICAPPED ACCESSIBLE)

MINUTES

REGULAR MEETING

INVOCATION:

PASTOR DAVE SAMPLES from Hi Desert Word Center, led the City Council in the invocation.

PARTICIPATION IS INVITED: IF YOU WISH TO BE HEARD ON ANY ITEM ON THE AGENDA INCLUDING ANY ITEM ON THE CONSENT CALENDAR, PLEASE SO INDICATE BY FILLING OUT A "REQUEST TO SPEAK" FORM AND HAND TO THE CITY CLERK. IF SPECIAL ACCOMMODATIONS ARE REQUIRED, 48 HOURS NOTICE MUST BE GIVEN TO THE CITY CLERK.

CALL TO ORDER:

MAYOR HACKBARTH-MCINTYRE called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Franki Aguirre, a 3rd grade student from Cameron Elementary School, led the City Council in the Pledge of Allegiance.

ROLL CALL:

Attendee Name	Title	Status	Arrived
Merrill Gracey	Council Member	Present	
Richard Harpole	Council Member	Present	
Carmen Hernandez	Mayor Pro Tem	Present	
Timothy Silva	Council Member	Present	
Julie Hackbarth-McIntyre	Mayor	Present	

CODE OF ETHICS: AS YOUR ELECTED GOVERNING BOARD WE WILL REMEMBER THE "CODE OF ETHICS" THAT WE VOLUNTARILY AND UNANIMOUSLY APPROVED. DURING THIS MEETING WE WILL TREAT EACH OTHER AND THE PUBLIC WITH PATIENCE, CIVILITY AND COURTESY. THE DECISIONS MADE TONIGHT WILL BE FOR THE BENEFIT OF THE BARSTOW COMMUNITY AND NOT FOR PERSONAL GAIN.

PRESENTATIONS:

1. CERTIFICATE OF APPRECIATION FOR PLEDGE LEADER

Recommended Action:

Presentation item.

MAYOR HACKBARTH-MCINTYRE AND CITY COUNCIL MEMBERS presented a certificate of

appreciation to Franki Aguirre, a 3rd grade student from Cameron Elementary School, for leading the Pledge of Allegiance.

CITY CLERK COUSINO made the following statement:

- She asked the mayor and city council to allow her to rescind her resignation as the Elected City Clerk
- Stated she was ready, willing and able to serve the remainder of her elected term as city clerk.
- Noted when she retired from her employment with the city of Barstow as City Clerk Services Manager she was advised by CALPERS that she would need to resign from her elected position as Barstow City Clerk in order to be eligible for her full pension.
- Noted this was the only reason that she submitted her resignation from her elected city clerk position.
- Mentioned last week she received a letter from CALPERS that she could continue in her elected city clerk's position even though she had retired from her city employee position because her elected city clerk position was not subject to CALPERS retirement..
- Noted that because the citizens of Barstow had elected her, she would be proud to continue to serve in this capacity and asked the city council to retract her previous resignation and continue to serve as the elected city clerk until her term expired in 2020.

RESULT: PRESENTATION ONLY

2. PRESENTATION OF PROCLAMATION TO THE CITIZENS FOR SAFER COMMUNITIES COALITION IN RECOGNITION OF NATIONAL CRIME PREVENTION MONTH

Recommended Action:

Present proclamation to the Citizens for Safer Communities Coalition in recognition of National Crime Prevention Month.

A PROCLAMATION WAS GIVEN TO THE CITIZENS FOR SAFER COMMUNITIES COALITION IN RECOGNITION OF NATIONAL CRIME PREVENTION MONTH.

Representative from the Citizens for Safer Communities Coalition thanked the City Council for the proclamation and the Police Department for their support and encouraged the citizens to keep safe and collaborate with local law enforcement.

RESULT: PRESENTATION ONLY

3. AFTER-EVENT REPORT AND PRESENTATION BY THE ASSOCIATION OF THE UNITED STATES ARMY

Recommended Action:

After-event report and presentation only.

RENITA DEASON, President of (AUSA) Association of the United States Army gave the after event report from the AUSA Event held on JUNE 21st. They hosted the 43rd Anniversary of the Association.

- Thanked the City for their support and specified that there were educational sessions those day and professional development sessions for the attendees and mentioned that there was a great turn out.

- She presented a Certificate of Appreciation to the City Council for the City's support of the event.

RESULT: PRESENTATION ONLY

4. PRESENTATION BY COLDWELL BANKER COMMERCIAL - UPDATE ON RDA PROPERTIES

Recommended Action:

Presentation Only.

JASON representative from COLDWELL BANKER COMMERCIAL gave an update on RDA Properties:

- Noted the activity remains about the same when it comes to commercial.
- Mentioned investors of L Street Spanish Trails were concerned of over build of hotel rooms in Lenwood and would be waiting a year before future consideration of the project.
- Talked about the multifamily market in the housing market and residential.
- Noted the City does not have an oversupply of housing. Barstow was not over building. Price adjustments were being made to coincide with the market.
- Stated that the silver lining was in the single digits of 4-6% annual appreciation in housing. Right now, it was a slower gain but it had been steady.
- Noted that he remained positive regarding the housing markets Barstow was not over built and we had not seen a decline in the market.

COUNCIL MEMBER SILVA

- Asked what was going on about construction financing.
- Mentioned there had been some development interest but the banks did not seem to be ready to loan in the Barstow area.

JASON representative from COLDWELL BANKER COMMERCIAL

- Explained experienced builders were having trouble get financing at this time.
- Noted he was in a conference last week and specified that the banks would be offering construction loans in the very near future and that capital would be available again.

RESULT:	PRESENTATION ONLY
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PUBLIC HEARING:

NONE

REPORT OF CLOSED SESSION:

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Recommended Action:

(Government Code 54956.8)

Property: APN 0181-122-08-0000

Agency Negotiators: City Manager

Other Parties: Air Methods Corporation

Under Negotiation: Price and Terms

2. PUBLIC EMPLOYEE APPOINTMENT

Recommended Action:

(Government Code 54957)

Title: City Manager

CITY ATTORNEY HIGHSMITH reported the following:

- ITEM #1: City Council met in closed session with its real property negotiator regarding a potential lease with Air Methods, no reportable action was taken in closed session.

- ITEM #2: City Council met in closed session to begin a recruitment process for the city manager position, direction was provided to the city attorney and the city manager regarding the process.

MAYOR'S ANNOUNCEMENT

MAYOR HACKBARTH McINTYRE announced that the meeting would be adjourned in memory of Carol Lewis (Mother of City Treasurer Michael Lewis) and Jenny Wellinger from Children's Playhouse

Productions, as both ladies were very involved in our community and made a huge difference in making a Better Barstow.

PUBLIC COMMENT:

SPEAKERS

ALVIN SEGA - BARSTOW CALIFORNIA

- Shared his experience while volunteering for No on Measure Q Car Show event this past weekend.

CATHY WILLIAMS - BARSTOW CALIFORNIA

- This year would have been Caleb's 12th Birthday - invited the public to help celebrate by attending the "Babies So Special" event in Yermo at Howard Pump's Property, Saturday, October 20th at 3:00 p.m. Emphasized that "Babies So Special" helps out families with sick children..

AMY ZILLNER - BARSTOW CALIFORNIA

- Introduced herself and shared that she was from the Barstow Public Library
- Noted the Variety of programs oat the library for both children and adults
- Read for the Record about an event where the nation reads a book at a specific time, "Maybe Something Beautiful" was the book selected for this year.

PAULETTE MORRIS - BARSTOW CALIFORNIA

- She is a volunteer that holds "No on Q" signs
- Talked about the friendly protest that could have turned ugly.
- Stated that she felt it became a matter of race and name-calling and dividing the community.

BENNIE FEDRICK - BARSTOW CALIFORNIA

- Happy to See City Clerk Cousino back in her seat.
- Talked about Measure Q and our community. Asked how we could settle this controversy. He sees people who love Barstow and this issue has been so controversial.
- Made suggestions to the Mayor and Council on how to resolve this issue.
- Farmers Market - would like to see all members of Council there to show the community their support for the program.

MIKE CARSON - BARSTOW CALIFORNIA

- Asked that the City start to water the grass in downtown Barstow.
- Talked about the Route 66 car show and how he would like to expand it because of the popularity and attendance at the events.
- Asked if the City could waive the fees for vendors for future car shows

DR. NANCY WERES - BARSTOW CALIFORNIA

- Gave her opinion on the candidates and whom she endorses.
- Shared her book on economics.
- Shared her book on the Constitution
- She is NO on Q.

DR. PAUL COURTNEY - BARSTOW CALIFORNIA

- Noted that he was a promoter of No on Measure Q
- Stated that people should be able to protest peacefully.
- Talked about the high-speed train and the affect it may have on our community.
- Said that he taught economics and gave his analysis that Measure Q would not be solving Barstow's money problem.
- Stated that Barstow has the highest homeless, highest unemployment, and highest sales tax. Commented that we needed to save our community.

FRANK DILLARD - BARSTOW CALIFORNIA

- Stated that the Route 66 Car Show was great.
- Asked that the City play Halloween Music during the Mardi Gras Parade. It would be make it more enjoyable.
- Talked about a party near his location. Stated that the kids threw a rock at his door, feels because there is no bowling alley kids do not have any way to take out their frustrations.
- Stated many people miss the bowling alley and hopes we could start another one.

ELONA JONES - BARSTOW CALIFORNIA

- When she started coming to our community, she knew little about the city policies.
- Currently, the community seemed to have a big divide.
- Shared her concern about that divide and would like to see it unified once again..

LAWRENCE DALE - BARSTOW CALIFORNIA

- Commented about the time structure for public speaking and the time structure for the Council to speak and respond.
- Talked about benefits and other contributions that the City paid for its employees.
- Emphasized that the employees of businesses have to pay their own retirement so should the government employees.
- Mentioned the 3-minute speaking rule and how he felt it was unfair
- Stipulated that he opposed Measure Q adamantly
- Felt the council, city and county have not been transparent

NATHANIEL PICKETT - BARSTOW CALIFORNIA

- Talked about a letter that he had sent out to the City Council
- Happy to see JoAnne "JoJo" back
- Talked about the sewer smell on Riverside Drive and questioned if the Council reviewed the paperwork and ever challenged it.
- Asked the Council to think about what the real problem was.
- Stated the EPA came out and inspected it.
- Felt that the railroad was too noisy in those residential areas and would like the City to address the issue.
- Commented that the smell was horrendous.
- Shared his concern about methane.

BRIANNA MARTINEZ - BARSTOW CALIFORNIA

- Stated she was candidate for District 2.
- Announced that she and her husband would be re-opening the Daylight Donut Shop after all permits were received.
- Mentioned the Planning Committee had a vacancy again and was disappointed that the Council did not open the vacancy to the public but instead re-assigned it to Marilyn Kruse. Stated you never know who was might be out there and willing to apply. By closing the door to the vacancy.

VIRGINIA BROWN - BARSTOW CALIFORNIA

- Read the preamble of the Constitution. Stated that the people elected the Council.
- Mentioned that that the Environmental Administrator Belinda Barbour was told not to put her on the lien list until the issues were resolved.
- Stated that she just got her property taxes and there was \$1400 sewer lien listed from the City.

PAT ALEMAN - BARSTOW CALIFORNIA

- Stated that it has been an interesting evening.
- Talked about the Fire Department endorsing two candidates.
- Shared about the Howard Jarvis and Proposition 13.
- Shared his feelings regarding how the City Council was running the City.
- Many of the Fire Department personnel do not live in this town
- There was a group called "Citizens Against Taxes" in Barstow to stop all the taxes

RUDY DURAN - BARSTOW CALIFORNIA

- Noted that he had been in Barstow for over 50 years, and felt one person cannot speak for the entire city.
- Felt that Barstow was a good City and he was proud to be here.
- Requested an update on the signal located at the Rimrock and Monterey intersection.

DAVID MENDEZ - BARSTOW CALIFORNIA

- Very insulted about being called a "thug" by Dr. Nancy.
- Asked if the City had an economic director yet or had the recruitment even started.
- Asked what the status was on the recruitment for City Manager.
- Stated he supports Measure Q.

LOUISE MILLER - BARSTOW CALIFORNIA

- Noted she was a 60 year resident by choice.
- Stated she supported community theatre.
- Mentioned a play that would be coming up "It's a Wonderful Life" and invited city staff and the public to attend this event.
- Noted this would be a fun event to attend post-election night out.
- Thanked the Mayor for acknowledging their Co-founder and Director Jenny Wellinger who passed away suddenly, Mentioned that Carol Lewis was a great supporter of the Children's Playhouse Productions, and Debbie Gomez another one of our wonderful women who also passed away was a great supporter as well. Noted these three women were their "Steel Magnolias", which will be come out at the end of February, she will come back with an invitation then.
- Tickets are on sale for both events.

SANDY BACA - BARSTOW CALIFORNIA

- Noted she respects every one's views.
- Mentioned she is happy to see JoJo back.
- Stated Barstow pregnancy Center had its first Open House on Friday and it went really well.
- Explained how they help support themselves.
- Mentioned they had a \$5 a month club and people interested could call the Center for information.
- People could obtain cards at Food 4 Less and a certain percentage of their purchases would go to the Pregnancy Center. There was no cost to the shopper.
- They also had Bunco and Bingo.
- Noted that the Pregnancy Center was self-sufficient; they were supported by donations only
- Would like to present a letter to the staff and City Council Members at a later time requesting support.

MARILYN KRUSE - BARSTOW CALIFORNIA

- Commented on Measure Q. Mentioned she read comments from Mark Hartwig, A Fire Chief from the County Fire District. County Fire was in debt for \$29M. If our fire was annexed to County - where was the accountability? Where would the money come from to balance the debt and pay the services? What would make us think they would do their best for our local fire department given their current circumstances?
- Her suggestion: If you want to show you are serious about the accountability that is pent in Barstow and Measure Q, then you need to take the spending authority back from the City Manager.
- Stated that she felt by doing this, it would show that the City Council had Barstow's best interest at heart.

BOB CLEMMER - BARSTOW CALIFORNIA

- Said that he had a different perspective. His son worked for Barstow Fire for about 13 years.
 - The Barstow Fire Department has tripled their amount of calls. It used to be a Fire Department but has now become a public service, and a medical aide company.
- The Fire Department works 24 hours a day for 4-6 days straight. At this rate, someone (Fire personnel) was. Going to get hurt or killed and then they (Fire Dept.) will not be able to take care of this community.

- There was going to be a tax, either by the county or by sales tax and we have thousands of people that come through our town that can help pay the sales tax.
- He supports Q because it was the right decision and we needed to take care of the Fire Department and give them the resources they needed.

DAVID SPINK - BARSTOW CALIFORNIA

- Said he appreciated the pastor's prayer'
- He has worked for Barstow Fire for 28 years, has a business in Barstow and raised his family here.
- Thanked the City for trying to bring new business into Barstow
- The problem is an investor decides whether the outside money comes to Barstow. That decision was not made here in Barstow.
- If Measure Q passes - most of the money will come from travelers that come through
- Only Barstow voters will decide if this outside money will come to Barstow and we will not have to wait for the money to trickle down to us.
- We can make our community better. Better facilities, programs and image.
- What will Barstow voters do make Barstow better?

BILLIE BRAUN - BARSTOW CALIFORNIA

CHAIR PERSON FOR CITIZENS IN SUPPORT OF A BETTER BARSTOW.

- Emphasized that Measure Q was in support of Barstow and its families
- She was fortunate to stand by peaceful, pleasant supporters of No on Measure Q recently and she was so baffled that the same people were staring her down this evening.
- Talked about being here for the citizens.
- Talked about Citizens in Support of a Better Barstow and how they got donations from the local community, filed all their paperwork including sign permits because they wanted to do things fairly.
- Noted that she was advocating for Measure Q and a better Barstow
- Talked about what Barstow really needed and what this Measure would do to help.

MIKE HERNANDEZ - BARSTOW CALIFORNIA

- Talked about 2011 when Mr. Mitchell came aboard.
- Said that Mr. Mitchell was asked to review the contract with Johnson Control regarding the windmill and he caught how it would take 50 years to pay for the windmill. There were Better expenditures of the funds, which were blowers at the Sewer Plant.
- He gave credit to this Council and Mr. Mitchell for bringing the sewer plant up to date
- Noted that he has been waiting for his own projects to be done, but he knows these things do take time
- He commented on Mr. Dale's remarks about what the Police Department needed, and he (Mr. Hernandez) felt they would only get that through Measure Q.

REVIEW AND APPROVAL OF AGENDA:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Timothy Silva, Council Member
SECONDER:	Carmen Hernandez, Mayor Pro Tem
AYES:	Gracey, Harpole, Hernandez, Silva, Hackbarth-McIntyre

STAFF REPORTS:

5. UPDATE ON ACTIVITIES AND FUTURE PLANS BY PUBLIC SERVICES

Recommended Action:

None.

MICHAEL BROWN - SUPERINTENDENT PF PUBLIC SERVICES

Gave a Power Point Presentation on Activities and Future Plans by Public Services.

- Stated they put up about 20K crack sealer in the Montara area, Main Street from Barstow Rd to

Cool Water Ln, Barstow Rd from I-15 to Main St, and they will continue with this project.

- Noted they will continue with their striping, they put up 875 gallons of striping paint recently.
- They clean up about 92 tons of debris to the landfill.

LOOKING FORWARD

- Stated based on available funding staff and equipment will be dedicated to increase number of sidewalk and curb repairs.
- Noted with available funding they will be able to do heavy equipment work such as shoulder grading, channels, de-siltation basins, and percolation pond maintenance, they will be able to increase pavement preservation projects, increase quantity and frequency of maintenance operations and general cleanup of weed and abatement.

EQUIPMENT

- Stated most of the vehicles are leased and replaced regularly.
- Noted there are specialty pieces equipment that are essential to doing our jobs.
- Explained there are some of the equipment that we either do not have or need to replace because is not in compliance now.
- Noted Vacuum truck for storm drain cleaning needs to be replace.
- Stated we do not have Road Grader for many years now.
- Mentioned the small front-end loader needs to be replace now because is over 20 years old, same with our backhoe.
- Stated we no longer have a small dump truck and we are in need of one.

MAYOR PRO TEM HERNANDEZ

- Asked if the City has tried to get a grant from Mojave Air Quality for those items that are out of compliance now.
- Noted there is a wide crack on Mountain View and Muriel.
- Stated she was concerned that the asphalt was not working properly.
- Noted she appreciates how our staff works as a team and support each other.

ENG. SERV. ADMINISTRATOR GONZALES

- Explained they are looking at this situation, noted some of the grants were a match but the match was not a significant amount but maybe combining this with other grants to be able to replace this equipment's.

MICHAEL BROWN - SUPERINTENDENT PF PUBLIC SERVICES

- Explained he contacted some vendors already to rent equipment to get this crack and others around town fix.

CONSULTING CITY ENGINEER MERRELL

- Stated is correct the asphalt is not working properly and they have to use a modifier to make this work properly.

MICHAEL BROWN - SUPERINTENDENT PF PUBLIC SERVICES

- Stated that his staff understands that we are here to serve our citizens and they take pride of that.

MIKE HERNANDEZ - BARSTOW CALIFORNIA

- Asked if we have ever used the new products to see how long it last.
- Asked what the budget for the repairs of the streets is. The public needs to know what the budget for the repairs of the streets is.
- Will like to see this to be presented to the public here and not only at the street committee.

CONSULTING CITY ENGINEER MERRELL

- Explained they had tried the alternative method in our back parking lot and had worked well but we need the equipment at the right time.
- Noted we never have enough money in the budget for this projects.

FIRE CHIEF COMMENTS:

FIRE CHIEF WILLIAMS

- Said she was very appreciative of everyone who came to the meeting.
- No matter the outcome of the election, Barstow is still the town with a big heart.
- There was a red flag warning in effect until Tuesday at 8:00 pm, this affected burn permits so she asked the public to please call in to see if you can burn.
- Announced that this was fire prevention week. Earthquake Shake Out Exercise was October 18 at 10:18. She encouraged the public to join in the world wide exercise and at the referenced time to them to remember to "Drop, cover and hold". For additional information they could go to www.shakeout.org <<http://www.shakeout.org>> .
- Reminded businesses and employee's to find out what their emergency actions were.

POLICE CHIEF COMMENTS:

POLICE CHIEF RAMIREZ

- Stated so far in October they have had 4 shootings and 3 stabbings.
- There has been a big increase of crime (violent crime and gang activity).
- Talked about the incidents. Mentioned when these incidents happen at the same time, they have to split their officers up to handle the different crime scenes, plus they still have other calls to respond to.
- Reminded the public to remain vigilant, be aware of your surroundings, and report suspicious activity.

BUSINESS OF THE COUNCIL:

COUNCIL MEMBER SILVA

- Commented on the crime-had someone on camera stealing another one of his cameras
- Asked Domingo to get the information for the Hawk System to him and he would get a hold of Mr. Duran.
- Regarding Measure Q,- we are not imposing a tax on the people, we are asking the people to let us know, sales tax or property tax so he encouraged voters to get and vote to let their Council know.
- Addressed Dr. Nancy Weres about calling Mr. Mendez a "thug" as he felt it was not a proper term to refer to him as and feels Mr. Mendez was running a clean campaign.

COUNCIL MEMBER HARPOLE

- Commented on Police Chief Comments about the crime. The crime we are seeing today is the same as in the 80's and 90's and it was causing him concern.
- Talked about the 1988-1989 timeframe where they saw a gang problem starting in our community.
- Shared that at that time, we had a lot of soft on crime laws at the state level. The Police Department does not have any control over the state law.
- Noted that AB 109, Prop 47 & 57 had contributed significantly to the crime in our community because there was little to no consequences for their behavior
- Stipulated that we needed to give our police officers as many resources as we could.
- Police officers now have to take 5150's to Arrowhead where as before, the ambulance took them. That takes our officers off the street and not here to patrol. That is a significant drain on our resources
- Officers have to transport criminals to West Valley or Adelanto.
- Criminal court is in Victorville not across the street as it used to be.
- We are still working with a supervisor plus three officers on most shifts
- Officers are spending time at the hospital for alcohol or drug offenders for medical checks
- The job is different today
- We need to provide the resources for the Police Department in order to keep us protected

- Talked about Lawrence Dale. When he was Mayor, the city of Barstow paid 100% of all retirement cost for all employees. He could have taken that task on but he did not. City Manager Mitchell renegotiated and now City employees pay a share of their retirement. Mr. Dale contributed to the costs we are facing today
- Talked about MIKE HERNANDEZ comments. Talked about the Waste Water Plant and stated there were problems for many years and it was under contract and the contract did not favor the city.
- There is a nitrate problem that had existed for 20 years.
- The current Council has had to fix a lot of these problems that the prior Council should have taken care of.
- Stated Nathaniel Pickett blamed the Council for JoJo's resignation. CalPERS told her she would not get her full retirement if she did not resign as City Clerk. She did not want to resign. CalPERS told her they made a mistake and that is why she is here. e are all happy that she is back. Tired of people kicking rocks at the Council when they have no idea what they are talking about.

MAYOR PRO TEM HERNANDEZ

- Informed the public that the mail ballots were in and they could drop them off at City Hall. You do not have to put the 71-cent stamp on it. There is no excuse not to vote.
- This was a very important election for our community and we left the decisions to the residents
- Stipulated that residents were going to get a taxed either way.

COUNCIL MEMBER GRACEY

- Reiterated that Mr. Harpole's comments were his as well.
- Talked about Measure Q and that the (one cent) sales tax was a fixed amount versus Property tax of \$153 with increases every year by 3%

MAYOR HACKBARTH-MCINTYRE

- When you hear individual concerns and we sit down collectively, we come together to figure out how to get things done
- When you sit in the center chair, you have to take direction from your staff and there have been people in the past who did not do that.
- Stated that she was extremely proud of this Council and having one City Manager for 8 years and have accomplished everything as a team.
- Extremely proud to be in the center chair.
- Reminded Mr. Dale when he was in the Mayors seat, he was allowed to talk as long as he wanted to go up against anyone who threw stones at him.

COUNCIL MEMBER HARPOLE

- Don't go shopping when you are hungry. Talked about his grocery bill and only \$1 was the tax on \$166 receipt. With Measure Q, he would have only paid an additional (penny) 1 cent.

COUNCIL MEMBER GRACEY

- Regarding Measure Q, the City staff and budget have been cut to the bone.
- Commented we are doing more and more with less and less and soon we will not be able to provide all the services that we do.

CITY MANAGER COMMENTS:

NO COMMENTS

MINUTES APPROVAL:

Recommended Action:

Approve the following minutes as presented.

CITY CLERK COUSINO READ THE FOLLOWING:

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Richard Harpole, Council Member
SECONDER:	Timothy Silva, Council Member
AYES:	Gracey, Harpole, Hernandez, Silva, Hackbarth-McIntyre

6. CLOSED SESSION - CITY COUNCIL - OCT 1, 2018 6:00 PM

Recommended Action:

Approve the minutes as presented.

7. CITY COUNCIL - JOINT SPECIAL COUNCIL/BFPD - OCT 1, 2018 7:00 PM

Recommended Action:

Approve the minutes as presented.

CONSENT CALENDAR ITEMS:

CITY CLERK COUSINO READ THE FOLLOWING

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Richard Harpole, Council Member
SECONDER:	Timothy Silva, Council Member
AYES:	Gracey, Harpole, Hernandez, Silva, Hackbarth-McIntyre

8. RATIFICATION OF ACCOUNTS PAYABLE EXPENDITURES

Recommended Action:

Approve and ratify expenses, as audited, for checks 74262 - 74456 and wires # 575- 576 totaling \$689,199.74.

9. RESOLUTION NO. 4935-2018 TEMPORARILY CLOSING CERTAIN STREETS WITHIN THE CITY OF BARSTOW IN ACCORDANCE WITH SECTION 21101(E) OF THE CALIFORNIA VEHICLE CODE FOR THE MARDI GRAS PARADE

Recommended Action:

Adopt Resolution No. 4935-2018 (Temporarily Closing Certain Streets Within the City of Barstow in Accordance with Section 21101(E) of the California Vehicle Code - Kiwanis Mardi Gras Parade) and waive the full reading.

BUSINESS ACTION ITEMS:

10. MASTER LEASE AGREEMENT WITH TOWERPOINT ACQUISITIONS II

Recommended Action:

1) Adopt Resolution No. 4936-2018 approving a fifty year Master Lease Agreement with TowerPoint Acquisitions II, LLC and waive the reading.

2) Approve the Master Lease Agreement with TowerPoint Acquisitions II.

CITY MANAGER MITCHELL gave the staff report regarding the approval of the Master Lease Agreement with Tower point Acquisitions II.

- REPORT: Stated the city currently has two leases for cell sites on Virginia Way located just west of the Mojave Valley museum. The first lease was with Cox PCS Assets (now Crown Castle as a successor), originally approved in 2002 by the Barstow Park and Recreation District, and assumed by the City when it absorbed the Park District in 2004. The second lease was approved in 2006 with Cingular (now AT&T). TowerPoint Acquisitions has offered to purchase a 50-year Master Lease agreement (subject to the Telecom Tenant Leases) with a termination date in 2068.

In return, the City will receive a total of \$717,466.94 paid in a lump sum amount upon completion of the transaction. In addition, the City and TowerPoint will share future rents from new tenants on a 60%/40% basis. The City currently receives \$2,138.64/month for the AT&T lease with a current expiration date in 2021, and \$2,183.45 for the Crown Castle lease with a current expiration date in 2047.

- There are several reasons to sell the wireless leases. First, each lease has written termination language where the Lessee can terminate for any reason. If the leases are terminated, the rents currently being paid will stop. By holding the leases, property owners are not in control of what happens in the future. It would take almost 14 years of monthly payments to equal the amount offered by TowerPoint.

Major carriers have determined the current cell tower model is not cost-effective or sustainable. They are actively looking for alternatives to reduce rents or replace technology to become more cost-effective.

- In addition, new 5G technology is being heavily deployed by most carriers to replace the current 4G networks and to power the future of wireless telecommunications. The reduced size of 5G equipment allows carriers to locate their systems on utility poles instead of towers, resulting in greatly reduced payments to cities.

Also, new consolidations among carriers continue such as the in-progress T-Mobile/Sprint merger. With mergers, the combined companies will likely look to reduce duplicate sites to become more cost-effective.

- TowerPoint will manage this site location and the existing leases. They will also market the site location to try and attract new telecommunication related revenue. Any new revenue generated will be shared with the City at a rate of 60% for as long as the technology is in use.

MARK WELLNER representative from TowerPoint Acquisitions

- Presented himself and thanked the Mayor and Council Members.

COUNCIL MEMBER SILVA

- Stated on the said title "sellers final estimate settlement" he thinks this is inappropriate because we haven't settled.

- Asked Mr. Wellner to point where in the agreement the City was guaranteed to receive November and December's rent from AT&T and Crown Castle.

MARK WELLNER

- Explained in the itemized rent section, it was referenced what the city of Barstow would continue to receive.

- Noted he would have to come back with that information.

COUNCIL MEMBER SILVA

- Noted they received another copy of the Master Lease Agreement and asked if any terminology had changed.

CITY MANAGER MITCHELL

- Clarified there were some changes made and those changes had been redline in the new agreement.

COUNCIL MEMBER SILVA

- Asked for more clarification on Section 3 and read the following: "if the Master Lease Premises is not used for the Permitted Use for a period of five (5) years the Master Lease Premises shall be deemed abandoned and this Agreement and the master lease shall terminate upon Grantor's notice", noted he is not understanding this clause and wanted more clarification about the long period of time.

MARK WELLNER

- Explained in the World Telecom, they have 4 carriers and Sprint and T-Mobile were merging together so soon it would be down to 3 so it was extremely difficult to find replacement tenants,

and they reserved the rights to do so, but after the 5 year period their relationship dissolved.

COUNCIL MEMBER HARPOLE

- Asked what the total value of those two months are.

CITY MANAGER MITCHELL

- Replied the total value for one is around \$4376.00 and the other is pretty close to that, explained there was also prorated from October 25th through November 1st.

CITY ATTORNEY HIGHSMITH

- Stated that the issue is that once they close escrow and the purchase the master lease and the easement from us, they were taking over. It would take them two months for them to start collecting the rent, for this reason the way they structured the closing documents there was the sale price and then they subtracted those two months from that, because technically we sold the right but because they are not going to be able to administrative collect for two months they are letting the city collect that. This was not on the master lease agreement. She explained that the Council could still consider tonight and take action on it with the condition of this language to be added to the master lease agreement.

MAYOR PRO TEM HERNANDEZ

- Asked clarification on Grant of Master Lease For the sum of TEN AND NO/100 DOLLARS

CITY ATTORNEY HIGHSMITH

- Explained this was a deal point.
- Noted this was because the city was selling an exclusive easement as well as selling to them the value of our existing leases with the two different carriers.
- Stated this was the way these kind of documents were written.
- Explained the Council could take action tonight with the condition upon any exact language they wanted to add or direction to the attorney to craft language.

MAYOR PRO TEM HERNANDEZ

- Asked if we checked the reputation of this company?
- Asked what was the number of antennas? Noted there were many antennas on that tower. Asked if these were subleases from AT&T and Crown Castle? Asked if this was legal?
- Noted she was also concerned about the weight of those antennas.

CITY ATTORNEY HIGHSMITH

- Explained she did not know if there were subleases but subleases should not be approved unless they asked the City first.

MARK WELLNER

- Stated that what they were looking for about the two months was in the letter agreement.
- Mentioned the company has been in business over 10 years representing the property owners.
- Explained he did not think these leases had been subleases, because as property owners, the city would find out.
- Noted there were other ways for revenues, mentioned many of the sites had been upgrade and when this happens there were opportunities of pay point when this takes place, they would split with the City at a 60/40% split.

CONSULTING CITY ENGINEER BRAD MERRELL

- Stated that when they do these upgrades they would have to submit for permit.

COUNCIL MEMBER GRACEY

- Read paragraph 5 and explained that the City would get 60% and the grantor would get 40%.

CITY MANAGER MITCHELL

- Read part of the letter and noted this would be in the closing documents.

MIKE HERNANDEZ - BARSTOW CALIFORNIA

- Asked which fund the money would go to?

CITY MANAGER MITCHELL

- Replied that is the money would go to the general fund.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Timothy Silva, Council Member
SECONDER:	Richard Harpole, Council Member
AYES:	Gracey, Harpole, Hernandez, Silva, Hackbarth-McIntyre

11. LEASE AGREEMENT BETWEEN THE CITY OF BARSTOW AND AIR METHODS CORPORATION FOR A PORTION OF LAND SITUATED AT 555 SOUTH 7TH AVENUE, TO PROVIDE AIR MEDICAL SERVICES TO THE RESIDENTS OF BARSTOW, CA. AND THE SURROUNDING AREAS.

Recommended Action:

Staff recommends the City Council approve the Lease Agreement with Air Methods Corporation as presented.

FIRE CHIEF WILLIAMS gave staff report.

- Mentioned the Lease Agreement between the City of Barstow and Air Methods Corporation would provide air medical services for the residents of Barstow and the surrounding communities. Air Methods would lease a portion of the city owned property located at 555 South 7th Avenue that would house a modular office complex as well as crew quarters. The Lease Agreement also allowed for exclusive use of the helipad on the property.

- Air Methods has a long-standing relationship with the community of Barstow, the Community Hospital and the Barstow Fire Protection District in providing air medical services that spans over 25 years.

- Air Methods was a leading air medical provider, delivering lifesaving care to more than 70,000 people every year, with nearly 40 years of medical experience. The team included pilots, clinicians, mechanics, air communications specialist, support teams, as well as constant coordination with hospital emergency centers.

The portion of land located at 555 South 7th Avenue consists of 1,440 square feet of land for placement of a 24'X60' modular office complex and crew quarters; placement of a 8'X40' modular office building for use by the aircraft mechanic. Use of the Mountain View parking lot was also part of the lease agreement.

Air Methods Corporation would be an asset to the residents of Barstow and the surrounding community.

- Since the helipad has been inactive for more than one year, a conditional use permit would be required before operations could begin. Air Methods was coordinating the application with the Planning Department.

- City would receive a revenue of \$3,000 dollars a month.

COUNCIL MEMBER SILVA

- Asked on Section 24 Miscellaneous b) "Successors and Assigns" does the city maintain any decision if they assign their lease?

MAYOR PRO TEM HERNANDEZ

- Noted under 7b "Removal and Restoration by Tenant" she understands they will remove their modular within the first 60 days in case this was needed.

- Noted there was a potential they would use this land because they have a pending possible project.

JASON JOHNSTON from AIR METHODS

- Replied their company would remove everything.
- Stated they have a plan B in case the city was in need of the land.
- Noted this was one of the few leases they have signed with a month to month agreement.
- Mentioned they understood and they would need a Conditional Use Permit.

FIRE CHIEF WILLIAMS

- Clarified that they were not adding a new service to this area, they were just bringing the service closer by 30 minutes so when they have to utilize, they don't have to wait an additional 30 minutes.

JASON JOHNSTON from AIR METHODS

- Noted they all flight neighborly and they did have the approach paths that they most commonly used and they do try to make the least impact.
- Clarified they are 24/7 and they would have security on site for protection, they would have motion detector system and HD cameras.
- Stated the only competitor was in the Victorville area that they worked with and they have no problem with them attending an emergency in case they were not available.

CITY ATTORNEY HIGHSMITH

- Mentioned to answer Mr. Silva's question there was no grant or right of assignment in the document, therefore they could not assign their interest in this lease without the City's permission and that was covered in the amendment close. Therefore, assigning would require an amendment and amendments have to be in writing and it had to be approved by the City.

JASON JOHNSTON from AIR METHODS

- Noted that depending on wind condition and wind direction, they may have to change route for safety.

COUNCIL MEMBER HARPOLE

- Stated for the public information, this would just mean that residents would have quicker medical response.

MIKE HERNANDEZ - BARSTOW CALIFORNIA

- Asked if now we would have one helicopter at a time and not two?
- Stated we currently had a contract with the people who built the hospital that we cannot build for 25 years so they have total control, so would this supersede that contract.
- Noted the hospital and Air Methods signed a contract that nothing would go in as competition against them for 25 years.

FIRE CHIEF WILLIAMS

- Explained they fly 15-20 people out of the Barstow area average monthly, over half of the month they are bringing helicopters in and they are currently landing them at the Barstow Hospital.
- Explained that depending on the demand that's what drives how many helicopters come in or come out, this would give them the opportunity 15 times a month of not waiting 30 minutes for the helicopter to arrive.
- Explained this would not be competitive because it was the same air ambulance that they use, in fact this would give them a helicopter quicker.
- Noted Barstow Hospital was on board and in no way was this considered competition.

JASON JOHNSTON from AIR METHODS

- Stated they have an agreement with CHS systems that runs the hospital and they were one of the preferred providers.

COUNCIL MEMBER GRACEY

- Stated that many years ago, Mercy Air had to come up from Rialto and that wasn't practical.

JASON JOHNSTON from AIR METHODS

- Noted this was a service much needed for our community and he was happy to provide this service.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Richard Harpole, Council Member
SECONDER:	Carmen Hernandez, Mayor Pro Tem
AYES:	Gracey, Harpole, Hernandez, Silva, Hackbarth-McIntyre

ITEMS #12 AND #13 WERE ADDRESSED AT THE SAME TIME::

12. LICENSE AGREEMENT BETWEEN THE CITY OF BARSTOW AND GOLDEN STATE WATER COMPANY PARCEL NO. 0181-201-11-0000 - BEAR VALLEY RESERVOIR ON BARSTOW ROAD

Recommended Action:

Approve the License Agreement with Golden State Water Company for use of parcel number 0181-201-11-0000 located on Barstow Road for a period of ten (10) years, ending on December 31, 2028.

MAYOR HACKBARTH-MCINTYRE

- Explained items 12 & 13 were both lease agreements for Golden State Water and these were basically the signage agreements. Mentioned the one on Barstow Rd Supervisor Ramos had agreed to pay for the mural, the City would only have to maintain it.

CITY MANAGER MITCHELL

- Explained these license agreements provide for the City of Barstow to install a mural on the water tank located on those properties. The term of this Agreements was for ten (10) years, ending on December 31, 2028. Entry to the properties were permitted during regular business hours (8AM to 5PM) with a 48-hour advance written notice to the Golden State Water Company local Operations Superintendent. All activities shall be undertaken at the City of Barstow's sole cost and expense. Golden State Water had the right to terminate these contracts at any time.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Richard Harpole, Council Member
SECONDER:	Merrill Gracey, Council Member
AYES:	Gracey, Harpole, Hernandez, Silva, Hackbarth-McIntyre

13. LICENSE AGREEMENT BETWEEN THE CITY OF BARSTOW AND GOLDEN STATE WATER COMPANY PARCEL NO. 0428-123-33-0000

Recommended Action:

Approve the License Agreement with Golden State Water Company for use of parcel number 0428-123-33-0000 located on Agarita Avenue for a period of ten (10) years, ending on December 31, 2028.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Richard Harpole, Council Member
SECONDER:	Merrill Gracey, Council Member
AYES:	Gracey, Harpole, Hernandez, Silva, Hackbarth-McIntyre

14. AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE WILLIAMS STREET TRANSIT CENTER

Recommended Action:

Staff recommends that the City Council take the following actions:

1. Approve the project for the Transit Center.
2. Authorize the advertisement for bids soliciting.

ENGINEERING SERVICES ADMINISTRATOR DOMINGO GONZALES gave the staff report:

- Stated currently the transfer center was located on Mayor Barney Keller Court and East Buena Vista Street. Recently, to accommodate the increased number of passengers, the Victor Valley Transit Authority (VVTA) has added larger buses, which need a large radius to turn. The width and configuration of Mayor Barney Keller Court makes it impractical for these larger vehicles to navigate the turn-around. Additionally, the transit company informed the city that there was not adequate area for the larger buses to stack and be a route transfer location for the riders.
- For the past several months, the city has been working to prepare plans and specifications to move the transfer center to East William Street west of Barstow Road. The north side of Williams Street has the length required to stack the larger buses for route transfers. However, it would require some modification to the existing site such as increasing the width of sidewalks, installing retaining walls, installing a restroom, changing vehicle traffic patterns and reconstructing pavement in the parking lot. The bid schedule for this project has three components. There was a base bid for the sidewalks, retaining walls and other elements to move the transfer station to Williams Street. Alternate #1 was to install a restroom and Alternate #2 was to reconstruct the parking lot pavement. Based on the bid amounts submitted, staff would recommend a total project cost and acceptance of any alternatives when requesting award of bid at a future City Council meeting. The engineer's estimate for this project is \$809,109.
- Copies of the plans and specifications were available for review in the Engineering office.

COUNCIL MEMBER SILVA

- Asked if we were taking any of the parking lots and where were the buses going to line up?
- Asked if the City was widening the sidewalks pushing into the streets or the parking lot?
- Asked where the restrooms would be located at?

ENGINEERING SERVICES ADMINISTRATOR DOMINGO GONZALES

- Explained the buses were going to line up on Williams St, and they were widening the sidewalks so transit could go and that would be on the west side of the driveway.
- Noted the restrooms would be located on the center block, on the west side.

COUNCIL MEMBER HARPOLE

- Noted where the sidewalk was located, now there was a 10 foot width slope into the parking lot. It would be good to widen the sidewalk using this slope.
- Explained the reason we needed a wider sidewalk and that was to accommodate for ADA.
- Mentioned VVTA was being involved in this process and they were fully on board.

MAYOR PRO TEM HERNANDEZ

- Asked who was paying for this and who would own the facility?

COUNCIL MEMBER HARPOLE

- Explained all of the bus stop facilities belonged to the City.

ASSISTANT CITY MANAGER PROTHRO

- Noted the funding they have included there was the city's share, VVTA has committed at least \$200K, when the bids come in they have to sit down with VVTA because they have access to some grants the city does not. The reason why the parking is at the park and ride it is the only legitimated source of revenue.
- Mentioned they have money identified between the two agencies.
- Noted bathrooms were essential for VVTA, parking was essential for park and ride because that facility not only services the local traffic it also serves the Fort Irwin traffic, so there was a need of the park and ride.

COUNCIL MEMBER HARPOLE

- Noted because of a lot of the work we have to do is ADA related, that might open to additional grants VVTA might have access to.

MIKE HERNANDEZ - BARSTOW CALIFORNIA

- Asked if besides widening the sidewalks on William St, were they going to be paving that parking lot because it needed to be done.
- Asked if this was all part of one project or they were separate, then asked if we couldn't get funding for all the projects?

ASSISTANT CITY MANAGER PROTHTO

- Explained if we could get the additional money then they would do it all as one project, otherwise it would have to be done in phases.
- Noted the essential part of this project was the sidewalk renovation because they cannot move the buses from Buena Vista to Williams until that was handled because there was no ADA access with the current sidewalk. Noted they would love to pave the parking lot but that again was a funding issue. Noted she doubted they would be able to do more than the west side.

MICHAEL BROWN - SUPERINTENDENT PF PUBLIC SERVICES

- Stated they recently did a job in that parking lot, they relocated several of the ADA parking stalls to make them Van Accessible.

COUNCIL MEMBER HARPOLE

- Noted they could not just re-stripe the handicap spaces because of the slopes. It has to be completely rebuilt to take off the slopes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Richard Harpole, Council Member
SECONDER:	Timothy Silva, Council Member
AYES:	Gracey, Harpole, Hernandez, Silva, Hackbarth-McIntyre

15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BARSTOW ESTABLISHING CERTAIN TRAFFIC CONTROL MEASURES (NO PARKING ON AURORA STREET FROM MONTARA ROAD TO SUNSET STREET)

Recommended Action:

Staff recommends that the City Council adopt Resolution No. 4937-2018 and waive the reading in full.

ENGINEERING SERVICES ADMINISTRATOR DOMINGO GONZALES gave the staff report.

- Noted over several years, citizens have been concerned with traffic issues during the arrival and departure of students at Montara School. During these times, there were vehicles double parking, blocking thru traffic, and students crossing between traffic on Montara Road (Attachment A). During a meeting with the Barstow Unified School District (BUSD), a solution to construct a parking lot and a student arrival/retrieval system that was accessed by Aurora Street was developed. Subsequently, BUSD constructed the facility (Attachment B), as part of this construction. It was necessary to reconfigure Aurora Street with one westbound lane and two eastbound lanes. Due to utilizing the full width of the street for lanes, it was necessary to designate the area between Montara Road and Sunset Street as no parking/no stopping.

COUNCIL MEMBER SILVA

- Asked if there were any residences on Aurora.
- Asked if we had to serve notice to those residents about those changes.

ENGINEERING SERVICES ADMINISTRATOR DOMINGO GONZALES

- Replied most of the residences were on Sunset, only a couple were facing Aurora on the west side.

- Noted he did not see that in our Municipal Code.

MAYOR HACKBARTH-MCINTYRE

- Noted that this would stop them from crossing clear across Montara Rd when they park at the mobile home Park, Noted Mr. Schnittger would be proud!

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Richard Harpole, Council Member
SECONDER:	Timothy Silva, Council Member
AYES:	Gracey, Harpole, Hernandez, Silva, Hackbarth-McIntyre

DEFERRED ITEMS:

NONE

COUNCIL COMMITTEE REPORTS:

COUNCIL MEMEBR HARPOLE

- Attended VVTA meeting and mentioned there was only one item that had an impact in Barstow and that was that they were creating new VVAT public route 501 - 504 which were for the Barstow Light Festival, which was going to be held on November 3rd. The cost would be paid by the people holding the event. There would be no public dollars involved in providing this service for this event.
- Mentioned they were finishing the bidding process for the new facility that was going in at the CNG Plant.

MAYOR PRO TEM HERNANDEZ

- Stated they had the Street Committee Meeting on the 3rd and the representative from Southwest Gas attended the meeting and he would be attending next meeting on November 7th at 5pm.
- Noted they discussed the bridge and funding.
- Noted they opened the Borrego clinic here, which will be a great asset to our community.
- Mentioned it was time in Barstow that we had available health care for low income in our community.
- Noted she will be attending (SWAT) SOLID WASTE ADVISORY TASKFORCE Meeting on October 17th and Mojave Air Quality Meeting on the 22nd.

COUNCIL MEMBER GRACEY

- Stated Rules and Policy Meeting would be October 29th at 9:00 am in the Large Conference Room at City Hall.
- Reminded everyone about the Mardi Grass Parade.
- Reminded everyone to go out and vote on November 6th.

MAYOR HACKBARH-MCINTRE

- Stated Nichole Gutierrez and group met with her (safer Coalition) and stated at our parks we have no alcohol but we don't have no smoking or drugs in the current language of the signage or in the ordinance and requested Mr. Gracey look at this and see if we can put this together to have safer parks for our kids.

ADJOURNMENT:

BY THE CONSENSUS OF THE MEMBERS WITHOUT OBJECTION, THE MEETING ADJOURNED
IN MEMORY OF CAROL LEWIS AND JENNY WILLINGER AT 10:40 PM.

Respectfully Submitted:

Approved:

JoAnne V. Cousino,

Julie Hackbarth-McIntyre, Mayor

Notice: Signed Minutes are filed with the City Clerk's office