



BARSTOW CITY COUNCIL/SUCCESSOR AGENCY/BFPD
 CITY COUNCIL CHAMBERS
 220 EAST MOUNTAIN VIEW STREET
 BARSTOW, CA 92311

MARCH 18, 2019
 7:00 PM
 (HANDICAPPED ACCESSIBLE)

MINUTES

JOINT SPECIAL MEETING

INVOCATION:

PASTOR MIKE SMITH from Bethany Christian Fellowship gave 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:

PAMELA NARANJO, a 4th Grade student from Lenwood Elementary School, led the Pledge of Allegiance.

ROLL CALL:

ALL PRESENT

Attendee Name	Title	Status	Arrived
James M. Noble	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:

- CERTIFICATE OF APPRECIATION FOR PLEDGE LEADER**
Recommended Action:
 Presentation item.

CERTIFICATE OF APPRECIATION was given to Pamela Maranjo, 4th grade, Lenwood Elementary, by the Mayor and City Council.

RESULT: PRESENTATION ONLY

PUBLIC HEARING:

2. PROTEST HEARING - DELINQUENT UNPAID SEWER / TRASH ACCOUNTS

Recommended Action:

1. Conduct a protest hearing and subject to testimony received, adopt the attached Resolution No. ____-2019 and waive further reading.
2. Where necessary and relevant, direct staff to resolve any conflicts with protest owners before the Final Lien List attached is filed with San Bernardino County.

ENVIRONMENTAL SERVICES ADMINISTRATOR BELINDA BARBOUR

- Presented information for the Protest hearing of Delinquent Unpaid Sewer / Trash Accounts.
- Provided information stating that on the current proposed lien list there are 407 accounts representing the amount of \$120,000.32.
- Note the exceptions eligible for removal from the lien list are Line No. 328 and Line No. 234. Payment has been received for these accounts.
- Added that Line No. 393 and Line No. 387 are to be place in a hold pending status and will be removed from the lien process upon presentation of adequate documentation to Burrtec.

PUBLIC HEARING OPENED AT 7:05 P.M.

COUNCILMEMBER HARPOLE

- inquired if there had been any communications for billings that may have been affected by the Government shutdown.

ENVIRONMENTAL SERVICES ADMINISTRATOR BELINDA BARBOUR

- Provided that she had not received any such requests.

MAYOR HACKBARTH-MCINTYRE

- Asked Belinda Barbour to research Line No. 310 as she has not seen this account on the list previously.

ENVIRONMENTAL SERVICES ADMINISTRATOR BELINDA BARBOUR

- Responded that she does not have additional information for this account but that the balance is relatively low.

MAYOR HACKBARTH-MCINTYRE

- Provided that the building is empty and would like staff to place in a pending status until the account can be confirmed.

SPEAKERS

DWIGHT KELLY - R & K INVESTMENTS

- Spoke of liens on vacant properties and the twelve month exception.
- Stated he has been in contact with Burrtec and is awaiting a response.

ENVIRONMENTAL SERVICES ADMINISTRATOR BELINDA BARBOUR

- Stated that this account is currently in pending status and upon presentation of proper documentation will be removed from the lien list.

JIMMY BROWN - BARSTOW, CA.

- Discussed issues he is incurring with this bills received from Burrtec.
- States he received a bill on the first of the month in the amount of \$117.00 and then again the following Friday received a bill with no service dates or explanation of charges in the amount of \$570.90.
- Stated that prior to this billing he had not received a bill for a six month period.
- Stated that he disagreed with the billing as he was double billed then had not received a bill for six months and now has a lien being placed on his home.
- Stated that the city sewer is on his private property and is in need of repair.
- Referred to pending litigation on the matter.

VIRGINIA BROWN - BARSTOW, CA.

- Shared her objections to how the lien process is conducted.
- Discussed wording in the proposed resolution.
- Talked about the lien process and her objections thereof.
- Provided a history of prior issues with city, land ownership and lien process.

PUBLIC HEARING CLOSED AT 7:13 P.M.

COUNCILMEMBER SILVA

- Clarified the accounts that are being held in pending status.

COUNCILMEMBER HARPOLE

- Inquired as to the billing in the amount of \$570 as reported by speaker Mr. Brown.

ENVIRONMENTAL SERVICES ADMINISTRATOR BELINDA BARBOUR

- Stated that currently Mr. Browns account is not on the lien list.
- Stated that she was not aware of the billing problem as was described.

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

REPORT OF CLOSED SESSION:

PUBLIC COMMENT:

SPEAKERS

VIRGINIA BROWN - BARSTOW, CALIFORNIA

- Acknowledged the new City Manager and hoped for change.
- Said when Mr. Noble was elected, she thought she would see change.
- She asked that the community would speak up and show up to the meetings.
- Stated her disappointed in the election of the new Planning Commissioner.

JOE CRUZ - BARSTOW, CALIFORNIA

- Thanked Mr. Noble for attending the Friday Night Lights.
- Thanked the community for the support of Friday Night Lights.
- Said it was good to have the involvement and presence of the Mayor and City Council members throughout the community.
- Said he felt it was important that we had a vision, and asked what our vision was individually and collectively.

PAT ALEMAN - BARSTOW, CALIFORNIA

- He shared his opposition about the sales tax that passed with Measure Q.

- He mentioned that a few other cities had set money aside if they go to court and suggested the City set money aside in case they have to pay the taxes back.
- He mentioned Howard Jarvis was going to do an initiative to change the law.
- He said that he had read they wanted to tax the water so that we would have safe drinking water, and they wanted to take the gas tax money and give it to the homeless.
- He felt the City Council would not like this, but felt the Council did a lot of things that the community did not like.

DR. PAUL COURTNEY - BARSTOW, CALIFORNIA

- He spoke about the unity of the community.
- Said he was impressed by the actions of Mr. Noble and of his support.
- He wished Mr. Mitchell well in his retirement and thanked him for all he had done.
- He said he appreciated the Assistant City Manager, Cindy Prothro, and her visits to his business.
- He thanked Chief Ramirez and said the community honored and respected him for his officers.
- Stated that he had four priorities for the vision of Barstow:
 - 1) Transparency.
 - 2) Public safety.
 - 3) Education connection.
 - 4) Economic development.
- Expressed his disappointment of the agenda.
- Thanked the Mayor for the opportunity to speak.

JOHN HILL - BARSTOW, CALIFORNIA

- Mentioned he was an artist and a researcher.
- Said he discovered something that had origins that were linked to Barstow.
- Invited the community to attend the meetings at the rock club to learn about the geology of Barstow.
 - Talked about the meteors and how he felt it affected the friction amongst each other.
- Said we were connected to the measure of the mile and would like to see a monument of the connection to the mile on Main Street.

NATHANIEL PICKET - BARSTOW, CALIFORNIA

- Said he felt we needed a vision and we should consider using Lawrence Dale's talent to help improve our community.
- Said we posted things in the newspaper, but nobody read the newspaper, but instead relied on the internet for their news.
- Said he paid approximately \$1900 for his sewer and trash from January to March.
- Said his electricity bill was over \$1000 and was too high and was having issues with the water company as well.
- He felt the general plan is outdated. Mentioned the bridge and said we should have updated the general plan at that time.
- Said the homeless was a problem and mentioned his property was broken in to three times in 35 days.

DIAMOND MUNDAY

- He was disappointed to hear that people were losing their homes over trash bills.
- Said we needed a youth center.
- Said he thought Harbor Freight property would be a good location for the center.
- Said he had a lot of ideas.
- He felt a 420 lounge & dispensary were needed in Barstow.
- Said Barstow was between Los Angeles and Las Vegas and this would generate a lot of money that would help with a youth center and more.

ELONA JONES

- Talked about similarities of Proposition 64 & Proposition 215.
- She felt Proposition 64 gave us some hope, but our City Council said no.
- She felt the Council had lost the trust of the community and hid things.
- She mentioned the City’s website and that said it stated the Council would put the citizens first.

FRANK DILLARD - BARSTOW, CALIFORNIA

- Said he enjoyed Friday Night Lights and thanked Joe Cruz for his entertainment.
- Felt if we put the event on channel 6, we would do better and would get more attendance.
- Talked about the bus drivers with Victor Valley Transit and felt some of the drivers were racist.
- Said we need to stop the disease called “racism”. He felt it was destroying our country.

BENNIE FEDRICK - BARSTOW, CALIFORNIA

- Said when he ran for City Council, his signs read “Same or Change” and he felt all he saw was the same things.
- Would like to see Dr. Courtney run for City Council.
- Said Barbara Rose planned to run for City Council and he would be support her.
- Said we need to get out and vote in 2020.
- Said he was hoping for a new City Council in 2020.

MIKE HERNANDEZ - BARSTOW, CALIFORNIA (read into record by City Clerk, JoAnne Cousino)

- He stated he was lucky to be one of the five that was selected to be on the panel of community members.
- He felt we were truly represented by the City Council members and by the different viewpoints of them.
- He felt we could not have asked for a more diverse representation of the community, as we were represented by a woman, a young businessman, a person of color, a Hispanic and long term former elected official.
- He felt they all had the love of the community in common.
- He stated he was very proud of our community panel because it proved we can put our difference aside to do what was best for Barstow.

REVIEW AND APPROVAL OF AGENDA:

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

STAFF REPORTS:

No Reports

POLICE CHIEF COMMENTS:

CHIEF ALBERT RAMIREZ

- Wanted to let the community know that the Barstow Police Department was teaming up with the Marine Corps Logistics Base Police Department for the Annual Law Enforcement Baker to Vegas Relay Race on Saturday March 23, 2019 through Sunday March 24th, 2019. It was a 20 person relay team that started in baker and went 120 miles to Las Vegas.
- Stated that there would be a BBQ fundraiser Thursday, March 21 from 11:00 A.M. to 2:00 P.M. it was held at 28664 Old Highway 58 and it would be an eight dollar donation per plate.

FIRE CHIEF COMMENTS:

- | | | | |
|------|-------|-------|----------|
| FIRE | CHIEF | JAMIE | WILLIAMS |
|------|-------|-------|----------|
- Reminded everyone to check their smoke detectors that still take a batteries and change the batteries and make sure that the ten year fire detectors were still working.
 - Warned the public that critical fire weather was about a month and a half to two months away. - Stated that a good way to prevent problems during this season was to trim the grass and weeds around homes

BUSINESS OF THE COUNCIL / SUCCESSOR AGENCY/BFPD:

COUNCILMEMBER SILVA

- Stated that he and Councilmember Noble attended a meeting at the MCLB where it was announced that the Marines, would be holding the 2019 Marine Corps Ball in Barstow at the Cora Harper Center.
- Stated that he wanted to ask the City, without objection from the Council, to waive the fees for the Cora Harper Center.
- Asked if the staff to bring back different ways to advertise for different committees, noted that he talked with STEAM and was waiting to hear back from them on their ideas to advertise.
- Reiterated that Council does not pre-decide what goes on the Public Hearing Agenda, and informed the public that if they could not make it to a meeting to call their Councilmember and they would help them get the information they needed.
- Stated that at the last meeting it was mentioned that he took a 4th term for retirement benefits. - Said as promised, he brought in the figures needed to address that statement.
- Stated that he was eligible for retirement benefits in his 2nd term, and that he did not need to run for a 4th term.
- Noted that if he were to retire, he would receive \$162 a month and that figure would go up by \$13.50 every year he stayed on Council.

COUNCILMEMBER

HARPOLE

- Stated that most resolutions that came before the Council followed a specific format and frequently had very similar language; but absolutely nothing on the Agenda held any weight until a vote was taken and the item was approved.
- Stated that in his time on the Council, every time someone from the public took a stand and asked for some leeway or a chance to work out a payment plan, the item was pulled in order to give staff direction to work with them and resolve the issue.
- Stated that during a public hearing they were only allowed to consider the items on the lien list, and they could not address issues that were not.
- Reiterated that items on the agenda did not mean anything until they were voted upon.
- Mentioned that if people did not come in and give additional information on agenda items, the Council had to go off of what was on the paper in front of them.
- Said that he found it convenient that people always forgot that the language of proposition 64 said that local jurisdictions had local authority to decide upon the issue.
- Mentioned that just because Proposition 64 passed did not mean it was a blanket for everywhere in the state.
- Noted that Barstow was not the only City in California that did not allow marijuana sales; but the proponents always forgot that the language of Proposition 64 that said that it was up to each local jurisdiction to decide and that decision was made in the past.
- Updated the public on the marijuana ordinance that he had been working, stating that it would hopefully be on the next agenda.
- Stated that “We do really try to take public comments to heart,” also stated that different items needed different requirements, the Council could not do everything; some things needed community involvement.
- Said “Be the Change you want to see in the world.”
- Asked the community to get involved in order to make the changes they wanted to see.

- Stated it was disingenuous of the public to say they wanted changes and then not be willing to roll up their sleeves to help make the changes happen.

MAYOR PRO TEM HERNANDEZ

- Stated that she had always been involved in the community.
- Spoke on behalf of Mike Hernandez, who couldn't make it to the Council meeting, but still wanted his concerns addressed.
- Stated that it was easy to sit back and criticize; but it was harder to try and make the change yourself.
- Stated she knew about the homeless coalition, and she knew the homeless were a problem in Barstow.
- Mentioned that in order to make changes within the community, the public and the Council would have to do it together.
- Stated that was why she loved the neighborhood Watch Meetings, noting that they were not called "Barstow Watch Meetings."
- Addressed the public, stating they were the eyes of their community; they made the changes.
- Mentioned that there were different ways of protecting each other, and one way was being aware of what was going on in the neighborhoods.
- Notified the public of the Chili Cook Off event, stating it was a free event that was taking place on April 6th from 9:00 a.m. to 6:00 p.m.
- Notified the public of Underground safety Awareness event taking place on Thursday April 11, 2019 at 7:00 a.m. noted that breakfast was included.
- stated everyone that was concerned about the gas company and their polices needed to attend.
- Stated those interested could register at www.digalert.orgusaeventreg.HTML <<http://www.digalert.orgusaeventreg.HTML>>.
- Mentioned Free Dump Day on May 18th, 2019 from 9:00 a.m. to 12:00 p.m. and stated that the Shred Fest would be held at the same date and time.
- Addressed the public's concerns with Cal-Recycle, stating recycling was not being bought by China as much as it was before, and neither were other countries that were once buying.
- Asked that the public look within themselves to see how changes could be made in the community.
- Noted that the speakers and Councilmembers could continue to debate, or instead could try and do something.
- Asked that the public support their community and the businesses in it.
- Stated that "we can create change we just need to know who to contact."

COUNCILMEMBER NOBLE

- Stated that when he ran for City Council he told himself to do what he could to help the City.
- Noted that he was not born and raised here, but his children were, his wife grew up here and he had been in Barstow since 1983.
- Stated that he has seen the changes throughout Barstow.
- Mentioned that the community needed to work as a team with the City Council.
- Stated that he knew a lot of changes needed to be made, but he and the Council could not do it on their own.
- Believed that if changes were going to be made, the public and Councilmembers would need to work together for a common goal and a vision for the community.
- Noted that Barstow had a new City Manager coming that had a great vision for the community.
- Asked that the public give the new City manager a chance to make that vision a reality.
- Stated he would do everything he could to make these changes happen, but he and the other Council Members needed the support of the community as well.
- Mentioned change was going to happen, but could not happen overnight.
- Asked that the public and Councilmembers work together to come up with the same course of action.

MAYOR HACKBARTH MCINTYRE

- Informed the public on how to volunteer for the warming and cooling center, noting that those interested in volunteering could visit www.justserve.org and sign up.
- Noted that meetings were held every Wednesday at 5:00 p.m., and Beth Simpson was coordinating meetings through the Dignity Station.
- Stated the warming and cooling center was in need of some umbrellas and asked the public to donate.
- Stated that she went and visited with the carnival and John Williams the other night, they talked about the set up and what percentage of revenue went to the football program.
- Stated that because the carnival company got rained out of their next stop, they stayed in Barstow an extra week, bringing about \$10,000 to the football program.

CITY MANAGER / EXECUTIVE DIRECTOR COMMENTS:

CITY MANAGER CURT MITCHELL

- The third Lights Fest was being held Saturday, March 23, 2019, at the Sports Park and entertainment and family activities were to take place around 3:00 p.m. or 4:00 p.m. and release of the lanterns would take place at nightfall.
- Noted that the release of the lanterns was entirely dependent upon the weather and the Fire Marshal and Fire Chief's approval.

CONSENT CALENDAR ITEMS:

CITY CLERK COUSINO READ THE FOLLOWING:

BFPD:

3. MINUTES JOINT SPECIAL COUNCIL/BFPD - FEB. 04, 2019 7:00 PM

Recommended Action:

Approve the minutes as presented.

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

4. BARSTOW FIRE DISTRICT - RATIFICATION OF ACCOUNTS PAYABLE EXPENDITURES

Recommended Action:

Approve and ratify expenses as audited for checks # 75649 - 76023 totaling \$222,790.68.

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

SUCCESSOR AGENCY:

CITY CLERK COUSINO READ THE FOLLOWING:

5. MINUTES JOINT SPECIAL COUNCIL/SUCCESSOR AGENCY - FEB. 19, 2019 7:00 PM

Recommended Action:

Approve the minutes as presented.

RESULT: APPROVED [UNANIMOUS]
MOVER: James M. Noble, Council Member
SECONDER: Richard Harpole, Council Member
AYES: Noble, Harpole, Hernandez, Silva, Hackbarth-McIntyre

6. RATIFICATION OF SUCCESSOR AGENCY FOR THE BARSTOW REDEVELOPMENT AGENCY ACCOUNTS PAYABLE EXPENDITURES

Recommended Action:

Approve and ratify expenses, as audited, for check # 75763 totaling \$8.00.

RESULT: APPROVED [UNANIMOUS]
MOVER: James M. Noble, Council Member
SECONDER: Richard Harpole, Council Member
AYES: Noble, Harpole, Hernandez, Silva, Hackbarth-McIntyre

CITY COUNCIL:

CITY CLERK COUSINO READ THE FOLLOWING:

7. MINUTES CLOSED SESSION - SPECIAL MEETING MARCH 1, 2019 7:00 AM

Recommended Action:

Approve the minutes as presented.

RESULT: APPROVED [UNANIMOUS]
MOVER: Carmen Hernandez, Mayor Pro Tem
SECONDER: James M. Noble, Council Member
AYES: Noble, Harpole, Hernandez, Silva, Hackbarth-McIntyre

8. MINUTES CLOSED SESSION - MARCH 4, 2019 6:30 PM

Recommended Action:

Approve minutes as presented.

RESULT: APPROVED [UNANIMOUS]
MOVER: Carmen Hernandez, Mayor Pro Tem
SECONDER: James M. Noble, Council Member
AYES: Noble, Harpole, Hernandez, Silva, Hackbarth-McIntyre

9. MINUTES REGULAR CITY COUNCIL MEETING - MARCH 4, 2019 7:00 PM

Recommended Action:

Approve the minutes as presented.

RESULT: APPROVED [UNANIMOUS]
MOVER: Carmen Hernandez, Mayor Pro Tem
SECONDER: James M. Noble, Council Member
AYES: Noble, Harpole, Hernandez, Silva, Hackbarth-McIntyre

10. RATIFICATION OF ACCOUNTS PAYABLE EXPENDITURES

Recommended Action:

Approve and ratify expenses, as audited, for checks # 75944 - 76029 and wires # 594 - 597

totaling \$769,097.07.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Carmen Hernandez, Mayor Pro Tem
SECONDER:	James M. Noble, Council Member
AYES:	Noble, Harpole, Hernandez, Silva, Hackbarth-McIntyre

BUSINESS ACTION ITEMS:

BFPD:

SUCCESSOR AGENCY:

11. A RESOLUTION TO APPROVE THE PURCHASE AND SALES AGREEMENT FOR THE SALE OF REAL PROPERTY (APN: 0427-062-39) TO LLOYD & KELLIE ROBINSON, IN ACCORDANCE WITH THE CALIFORNIA DEPARTMENT OF FINANCE APPROVED LONG RANGE PROPERTY MANAGEMENT PLAN

Recommended Action:

Staff recommends the following:

1. The City of Barstow's Successor Agency approve the Purchase and Sales Agreement;
2. The City of Barstow's Successor Agency adopt Resolution No. _____ - 2019 for the sale of RDA property in the Barstow Business Park to the Lloyd and Kellie Robinson, and waive the full reading.

COUNCILMEMBER SILVA recused himself from Item No. 11.

CONSULTING CITY ENGINEER BRAD MERRELL

- Discussed the proposed sale of the city property.
- Stated the sales agreement was in accordance with the California Department of Finance approved Long Range Property Management Plan.
- Provided information and explanation of the lot and acreage.
- Discussed the terms of the revised purchase sale agreement.
- Provided a map that defined information on the parcel and the amount of useable area.
- Defined particulars on the map such as utility and Southern California Edison transmission power line.
- Noted that the lot has restrictions for use, that include easements that are being removed.
- Stated the property has 33.38% of the lot that is not useable land.
- Provided a map that illustrated the parcel being sold that indicates the areas that are useable on the lot.
- Explained the appraisal was for the entire lot and we are taking out the area of the easement that is not useable which represents about 33.08% of the lot.
- Stated that the unusable considerations put the agreed purchase price equal to the appraised value.

ASSISTANT CITY MANAGER CINDY PROTHRO

- Explained the selling process and apologized for the error.

COUNCILMEMBER HARPOLE

- Inquired as to how the property was appraised and if the appraiser physically walked the property.

ASSISTANT CITY MANAGER CINDY PROTHRO

- Described the appraisal practice of value determinations which do not include consideration of areas on the property that are not usable.

- Stated the property is priced by square footage.

MAYOR PRO TEM HERNANDEZ

- Inquired as to if there have been any other offers presented for this property?

CONSULTING CITY ENGINEER BRAD MERRELL

- Provided that there had been no other offers made.

RESULT:	APPROVED [4 TO 0]
MOVER:	Richard Harpole, Council Member
SECONDER:	Carmen Hernandez, Mayor Pro Tem
AYES:	Noble, Harpole, Hernandez, Hackbarth-McIntyre
RECUSED:	Silva

CITY COUNCIL:

12. APPROVAL OF FIRST AMENDMENT TO EMPLOYMENT AGREEMENT FOR ASSISTANT CITY MANAGER CINDY PROTHRO

Recommended Action:

Approve the First Amendment to the Employment Agreement for Assistant City Manager Cindy Prothro, and authorize the City Manager, Assistant City Manager and City Clerk to sign.

CITY MANAGER CURT MITCHELL

- Provided an overview of the proposed Amendment to Employment Agreement for Assistant City Manager Cindy Prothro.
- Stated the Assistant City Managers contract was for a term of three years and will expire on May 9, 2019.
- Stated the proposed amendment extended the contract to July 26, 2019.
- Provided the benefits the extension would provide to the organization in continuity and support.
- The extension would allow recruitment time for a new Assistant City Manager.

COUNCILMEMBER HARPOLE

- Stated that the extension of the current City Manager Contract overlaps the start of the new city manager to provide a smooth transition.

COUNCILMEMBER NOBLE

- Questioned if the City Manager could also assume the duties of the Assistant City Manager.

CITY MANAGER CURT MITCHELL

- Stated that his extended contract will end on April 30, 2019.
- Explained that there are several months between April 30th (when he will be retiring) and July 26th (the proposed extension to the Assistant City Manager Contract).
- Explained that for the previous reasons given, support should be available to the new city manager.

COUNCILMEMBER NOBLE

- Expressed that the new city manager should make the decision of who she wished to be in the position of Assistant City Manager.
- Stated the new city manager can make the determination to extend the current Assistant City Managers contract if she wished to do so.

SPEAKERS

PAT ALEMAN - BARSTOW, CA.

- Noted that when the City Manager recently announced his retirement, the Assistant City

Manager did not want to assume the duties of Acting City Manager in the interim of filling the City Manager position.

- Stated that her decision was a factor on extending the current City Managers contract.
- Stated he disagreed with extending contracts for both the City Manager and Assistant City Manager.

PAUL COURTNEY - BARSTOW, CA.

- Noted that he wished to echo in agreement the statements made prior to him by Mr. Aleman regarding the extension of the Assistant City Manager.
- Stated that the Assistant City Manager has been working on unit negotiations since August.
- Stated that he has confidence in the new incoming City Manager and she should be able to create her own transition plan.
- Encouraged change and a vote of no on the extension of the contract.
- Encouraged the Council to listen to the community when they speak and to hear what they are saying.
- Stated that tonight he has heard some compassion which is not old fashioned.

BENNIE FEDRICK - BARSTOW, CA.

- Thanked Councilmember Noble for his courage to speak up and to ask questions.
- Stated that he is witnessing a practice of certain employees being taken care of.
- Stated those days must end.
- Stated that it is the community that needs to be taken care of.
- Stated that the microphone at the Council Chambers podium is a community concern and complaint microphone.

VIRGINIA BROWN - BARSTOW, CA.

- Discussed her concerns with the extension of contracts being extended to the City Manager and Assistant City Manager.
- Wondered at how many more extensions would be given?
- Questioned commitment of Assistant City Manager to fulfill duties as Acting City Manager in the event the new City Manager is unable to perform.

JIMMY BROWN - BARSTOW, CA.

- Stated he was shocked to see this item on the agenda.
- Said he did not see any problem with Cindy Prothro having her contract extended until July.
- Stated that he wanted the City Manager and the Council to do their job.

ITEM TABLED TO CITY COUNCIL MEETING OF APRIL 15, 2019.

ITEM TABLED TO ALLOW THE NEW CITY MANAGER TO ADVISE THE COUNCIL ON THE POSITION.

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

13. APPOINTMENT OF NIKKI SALAS, EDD. AS CITY MANAGER AND APPROVAL OF AT-WILL EMPLOYMENT AGREEMENT

Recommended Action:

It is recommended that the City Council formally appoint Ms. Salas as its City Manager by approving the attached Employment Agreement. Ms. Salas' start date will be April 8, 2019, which

is also the first day that salary and benefits will begin to accrue under the Employment Agreement.

CITY ATTORNEY TERESA HIGHSMITH

- Presented the report on the recruitment of the City Manager.
- Provided that the city received seventy three applicants for the City Manager position.
- The selected City Manager was received by a unanimous vote by both the City Council and the Community Selection Community.
- The formal employment agreement terms are as follows:

1. Contract term is three years.
2. Annual Salary of \$205,000.
3. \$500 per month car allowance.
4. Cafeteria Plan to mirror current plans available to current employees.
5. Vacation and Sick Leave accrual to be same as current City Manager.
6. Sick and Vacation account balances to begin with 40 hours each.
7. City will match deferred compensation contributions of two percent.
8. Relocation costs up to five thousand dollars.

COUNCILMEMBER HARPOLE

- Confirmed that relocation expenses are reimbursed up to five thousand dollars.

CITY ATTORNEY TERESA HIGHSMITH

- Provided that relocation costs are reimbursed upon receipt of cost expenditures up to five thousand dollars.

NIKKI SALAS - INCOMING CITY MANAGER

- Introduced herself to the council and to the community.
- Stated that she was happy to be here and looked forward to serving the Barstow community.
- Stated that she is looking forward to working with the community and the council to bring change to the community.

PAT ALEMAN - BARSTOW, CA

- Welcomed the new city manager to Barstow.

PAUL COURTNEY - BARSTOW, CA.

- Complimented the city council on their demeanor at the council meeting.
- Stated that history is no mystery and encouraged the incoming city manager to examine previous city council meetings that are on tape.
- Stated that the community and city employees are bruised and need to heal.
- Stated that he was looking forward to the new City Manager bringing in change.
- Addressed the City Council to allow the new City Manager to implore change.
- Shared his message of hope for unity in the community.

BENNIE FEDRICK - BARSTOW, CA.

- Welcomed the new City Manager to the community.
- Stated that the community is voiceful because we are searching for an empathetic ear.
- Encouraged the new City Manager to not forge friendships with the City Council but rather with the community.
- Continued that it will be the community that will keep you, not the council and if the relationships are not well they will get rid of you.
- Stated that in 2020, three of the people on the council right now you will no longer work with.
- Stated that the City Manager should just stick with the friendships on the community side.

VIRGINIA BROWN - BARSTOW, CA.

- Welcomed the new City Manager and thanked her for taking the position.

- Discussed changes that can be made in the community.
- Stated that she felt the current community leaders were not cohesive.
- Stated she did not want to allow for the continuance of the City Council to be complacent.
- Requested the new City Manager to do what is necessary to blend the community and the City.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Timothy Silva, Council Member
SECONDER:	James M. Noble, Council Member
AYES:	Noble, Harpole, Hernandez, Silva, Hackbarth-McIntyre

14. AWARD OF CONTRACT TO SEISMICALLY RETROFIT THE YUCCA AVENUE BRIDGE OVER BNSF RAILROAD TRACKS.

Recommended Action:

Staff Recommends that the City Council take the following actions:

1. Approve a contract with Kimley-Horn and Associated, Inc.
2. Authorize the City Manager or designated representative to sign the contract.

ENGINEERING SERVICES ADMINISTRATOR DOMINGO GONZALES

- Provided information on the award of contract to seismically retrofit the Yucca Avenue Bridge over BNSF Railroad Tracks.
- Stated an update to a fee correction was submitted and provided on the dais.
- Stated this project is being completed in coordination with Caltrans.

MAYOR PRO TEM HERNANDEZ

- Confirmed that there was only one Request for Proposal received for this project.

ENGINEERING SERVICES ADMINISTRATOR DOMINGO GONZALES

- Stated that all previous related bidders were contacted and invited to bid the project, but only received one bid.

MAYOR PRO TEM HERNANDEZ

- Inquired if the fee increase would be covered.

ENGINEERING SERVICES ADMINISTRATOR DOMINGO GONZALES

- Provided that the extra costs will be submitted and reimbursed by Caltrans or adjust the difference in the costs.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Richard Harpole, Council Member
SECONDER:	James M. Noble, Council Member
AYES:	Noble, Harpole, Hernandez, Silva, Hackbarth-McIntyre

15. APPOINTMENT OF PLANNING COMMISSIONER

Recommended Action:

The Selection Committee recommends the City Council appoint Merrell Gracey as a Planning Commissioner for remaining term, (to 12/31/2019).

CITY PLANNER MIKE MASSIMINI

- Provided the history of the vacancy and information on the selection process options in filling a vacancy.
- Presented the results of the Selection Committee in the appointment of a vacancy on the Planning Commission.
- Discussed the advertisement requirements and applications received.
- Reported that the advertising of the vacancy was re advertised to announce the availability of

the applications for the Planning Commission.

- Provided that the Selection Committee recommended the City Council appoint Merrell Gracey as a Planning Commissioner for remaining term to December 31, 2019.
- Stated that the advertisement of the position was additionally posted on the city website.

SPEAKERS

VIRGINIA BROWN - BARSTOW, CA.

- Stated that the voters wanted change.
- Stated the appointment of Merrell Gracey to the Planning Commission did not reflect change but rather just moving him from a Council seat to a Planning Commission seat.
- Stated that the city website is hard to maneuver and needs to be upgraded.
- Provided comparisons of advertisement efforts by the city on other issues.
- Stated that the same amount of effort should have been given to the advertising of the Planning Commission vacancy.

BENNY FEDRICK - BARSTOW, CA.

- Talked about his difficulty in obtaining an application for the Planning Commission vacancy.
- Questioned the city's efforts in the advertisement of the vacancy and application availability.
- Stated he will reveal on his talk radio show, his predictions of who the Council will choose to fill the Planning Commission vacancy.

PAUL COURTNEY - BARSTOW, CA.

- Talked about public perception regarding the proposed appointment of Merrell Gracey to the Planning Commission.
- Discussed his interpretation of public perception as it relates to City Clerk JoAnne Cousino inclusions and exclusions.
- Discussed disconnects in information with the city website and feels it needs to be updated.
- Welcomed the new City Manager to the community.

PAT ALEMAN - BARSTOW, CA.

- Stated that he was not able locate the Planning Commission Application on the city website.
- Said he disagreed with the recommendation to appoint Mr. Gracey to the Planning Commission.
- Stated that he and others want to recall the current City Council members.

JIMMY BROWN - BARSTOW, CA.

- Discussed advertisement procedures and outlets utilized by the City.
- Asked that the Council table this item regarding the appointment of Planning Commissioner.
- Suggested that more advertising be done on local radio.

JOE CRUZ - BARSTOW, CA.

- Discussed leadership, change and the community moving forward.
- Talked about Friday Night Lights and ideas for Downtown change and improvements.

COUNCILMEMBER SILVA

- Requested City Planner Mike Massimini provide the advertising dates and costs for the Planning Commission vacancy.

CITY PLANNER MIKE MASSIMINI

- Provided that newspaper advertisement costs are approximately two hundred dollars each ad.
- Stated that he had advertised a total of three times for a cost of six hundred dollars.

COUNCILMEMBER SILVA

- Inquired as to what other media sources were utilized to advertise for the vacancy.

CITY PLANNER MIKE MASSIMINI

- Stated that they are fulfilling a legal requirement to advertise legal ads with a local newspaper.
- Stated that the vacancy was announced at Planning Commission meeting prior to the application deadline.
- Added that the Planning Commission meetings are aired on channel 6.

COUNCILMEMBER HARPOLE

- Inquired if an application was made available to a member of the public in the referred to conversation with him.

CITY PLANNER MIKE MASSIMINI

- Reported that the customer told him that the forms were not available at the front desk.
- Stated that typically he would steer inquiries to the city website. If a customer is unable to access the form or website he will print it out and mail or email the document to them.

COUNCILMEMBER HARPOLE

- Inquired if the other candidates had an option to obtain an application at City Hall.

CITY PLANNER MIKE MASSIMINI

- Responded that he did not communicate with other applicants.
- Stated that the other candidates were in the audience and available for questions as to how they obtained applications.

COUNCILMEMBER HARPOLE

- Stated that he also has a hard time maneuvering through the city website.
- Discussed advertising practices of the city.
- Stated that he did not feel that every candidate had an equal opportunity to obtain the application to apply for the vacancy.
- Suggested that we advertise once again.

COUNCILMEMBER NOBLE

- Briefly discussed the selection process to the Planning Commission.
- Expressed concerns that enough applicants will come forward to apply for the vacancy in the event it is extended and re advertised.
- Appealed to members of the audience to apply to the position of Planning Commissioner.

COUNCILMEMBER SILVA

- Inquired as to the time frame for re advertisement of the vacancy.

COUNCILMEMBER HARPOLE

- Suggested the Public Information Officer provide that information.

PUBLIC INFORMATION OFFICER ANTHONY RILEY

- Provided that the process is dependent on how long the Council would like to open the application deadline for.
- Stated the approval of the extension would enable him to begin the process tomorrow.

COUNCILMEMBER HARPOLE

- Inquired if there was a budget to advertise on the radio.

PUBLIC INFORMATION OFFICER ANTHONY RILEY

- Reported that there is Five Hundred Dollars per month available for radio advertisement.
- Provided that currently the city advertises with the Highway Radio Station.

COUNCILMEMBER HARPOLE

- Inquired if the Public Information Officer was proficient with Facebook.

PUBLIC INFORMATION OFFICER ANTHONY RILEY

- Responded that he was and offered that the city additionally has an Instagram account.

COUNCILMEMBER HARPOLE

- Stated he would like to cancel this process, begin a new process and direct the Public Information Officer to re advertise with all media that is available.

MAYOR PRO TEM HERNANDEZ

- Stated that KDUC should be included in the advertisement efforts.
- Announced to prospective applicants, encouragement to become educated and prepared for what the Planning Commission does.

COUNCILMEMBER HARPOLE

- Stated to ensure that there are applications available at the front counter.
- Added, if an applicant is not able to obtain the application, to direct staff to print it out and not just direct the applicant to the website.

MAYOR HACKBARTH-MCINTYRE

- Stated that she did see the advertisement for the Planning Commission vacancy on Channel 6.
- Directed the Public Information Officer to additionally renew advertisement efforts for the Measure Q Oversight Committee.
- Provided that the last day to apply for the Oversight Committee is April 1st, 2019.

MOTION MADE BY COUNCILMEMBER HARPOLE AND SECONDED BY MAYOR PRO TEM HERNANDEZ TO READVERTISE THE OPPORTUNITIES OF THE PLANNING COMMISSION VACANCY AND THE OVERSIGHT COMMITTEE. ADVERTISEMENT OF ALL VENUES TO BE UTILIZED.

ITEM TABLED. ITEM TO BE BROUGHT BACK TO APRIL 15, 2019 CITY COUNCIL MEETING.

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

DEFERRED ITEMS:

NONE

COUNCIL COMMITTEE REPORTS:

COUNCILMEMBER SILVA

- Reported that Tuesday, March 19, 2019 at 8:00 a.m., is the Barstow Area Chamber of Commerce Breakfast at Los Domingo's Restaurant.
- Stated that he has a schedule conflict and will be unable to attend. Inquired if other councilmember would attend in his stead.

COUNCILMEMBER HARPOLE

- Reported that the VVTA Committee was dark for today's regularly scheduled meeting as there were no action items for the board to address.

- Stated the Rules and Policies Committee will meet on March 25th, 2019 at 9:00 am in the City Hall Conference Room.

MAYOR PRO TEM HERNANDEZ

- Reported that the Mojave Air Quality Board Meeting will meet on March 25, 2019.

COUNCILMEMBER NOBLE

Nothing to report.

ADJOURNMENT:

By the consensus of the Council Members without objection, the meeting adjourned at 9:43 P.M.

Respectfully Submitted:

Approved:



JoAnne Cousino, CITY CLERK/SECRETARY

Julie Hackbarth-McIntyre, Mayor/BFPD Chair

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