



**City Council**

**Redevelopment Agency**

**Financing Authority**

**AGENDA**

**Wednesday**

**Closed Session 5:30 PM  
Regular Session 6:00 PM**

**August 18, 2010**

**City Hall  
100 West California Avenue  
Ridgecrest CA 93555**

**(760) 499-5000**

**Steven P. Morgan, Mayor  
Ronald H. Carter, Mayor Pro Tempore  
Thomas R. Wiknich, Vice Mayor  
Marshall G. Holloway, Council Member  
Jerry D. Taylor, Council Member**

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**CITY OF RIDGECREST**

**CITY COUNCIL  
RIDGECREST REDEVELOPMENT AGENCY  
FINANCING AUTHORITY**

**AGENDA**

Regular Council/Agency/Authority Meeting

Wednesday, August 18, 2010

**CITY COUNCIL CHAMBERS CITY HALL**

100 West California Avenue  
Ridgecrest, CA 93555

**Closed Session – 5:30 p.m.**

**Regular Session – 6:00 p.m.**

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

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

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

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF AGENDA**

**AGENDA - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR**

**August 18, 2010**

**Page 3**

**CLOSED SESSION – 5:30 p.m.**

GC54956.9 (b) Conference with Legal Counsel - Potential Litigation - Benz Sanitation, Inc.

GC54956.8 Redevelopment Agency Real Property Negotiations. 1259 N. El Prado, APN 453-083-10. Globe Protect USA, Inc. Agency Negotiators, Kurt Wilson and James McRea

**REGULAR SESSION – 6:00 p.m.**

- Invocation
- Pledge Of Allegiance

**CITY ATTORNEY REPORT**

- Closed Session
- Other

**PUBLIC COMMENT**

**PRESENTATIONS**

1. Rachel's Challenge – Presented By Leanna Yap, 8<sup>th</sup> Grade ASB President Of Monroe Middle School & Robin Cambell, Murray Middle School Teacher  
Ponek

**PUBLIC HEARINGS**

2. Conduct Public Hearing And Receive Comments Concerning The Estimated Employer Cost Of A Golden Handshake For A City Employee  
A. Taylor

**ORDINANCES AND RESOLUTIONS**

3. Adopt Ordinance No. 10-05, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Subsection (b) Of Section 2-1.105 - Agenda - Of The Ridgecrest Municipal Code  
Ford

Second Reading

**Recommended Motions - 2 motions**

- a) Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance No. 10-05, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Subsection (B) Of Section 2-1.105 - Agenda - Of The Ridgecrest Municipal Code

**Requires A Second**

AGENDA - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

August 18, 2010

Page 4

- b) Motion To Adopt, By Title Only, Ordinance No. 10-05, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Subsection (B) Of Section 2-1.105 - Agenda - Of The Ridgecrest Municipal Code

Requires A Second

4. Adoption Of A Resolution In Support Of The League Of California Cities In Opposition To Proposition 19 "The Regulate, Control And Tax Cannabis Act Of 2010" Wilson

DISCUSSION AND OTHER ACTION ITEMS

5. Authorization For The City Manager To Notify Southern California Edison That The City Intends To Terminate The Existing Street Light Agreement And Renegotiate A New Agreement Speer
6. Adoption Of A Resolution Amending The Service Rates Charged For Curbside Trash And Recycling Services And Self Haul Drop Off Area County Of Kern And Benz Agreements McRea
7. Adoption Of A Resolution To Approve The Professional Services Agreement With The Engineering Firm Of Hall And Foreman To Provide Construction Management Services For The City Of Ridgecrest On The Traffic Signal At The Intersection Of Radar Ave And China Lake Blvd. Speer

STUDY SESSION

8. Discussion Of Proposed Resolutions By The League Of California Cities Revenue And Taxation Policy Committee And The League Of California Cities Opposition To Proposition 26, "Constitutional Amendment: State and Local Fees and Charges: Requirements and Limitations" Holloway

CONSENT CALENDAR

9. Adoption Of A Resolution Authorizing Application For And Acceptance Of The State Of California, Office Of Traffic Safety Step Grant Strand
10. Approval Of Minutes Of The Regular City Council/Redevelopment Agency Meeting Of June 16, 2010 Ford
11. Approval Of Minutes Of The Regular City Council/Redevelopment Agency Meeting Of July 21, 2010 Ford
12. Approval Of Minutes Of The Special City Council/Redevelopment Agency Meeting Of July 29, 2010 Ford
13. Approval Of Minutes Of The Regular City Council/Redevelopment Agency Meeting Of August 4, 2010 Ford

**AGENDA - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR**

**August 18, 2010**

**Page 5**

14. Approval Of Council Expenditure List (DWR) Dated July 30, 2010 In The Amount Of \$252,166.70 Staheli
15. Approval Of Council Expenditure List (DWR) Dated July 30, 2010 In The Amount Of \$249,750.48 Staheli
16. Approval Of Agency Expenditure List (DWR) Dated July 30, 2010 In The Amount Of \$14,860.69 Staheli
17. Approval Of Agency Expenditure List (DWR) Dated July 30, 2010 In The Amount Of \$3,000.00 Staheli
18. Approval Of Agency Expenditure List (DWR) Dated August 5, 2010 In The Amount Of \$15,000.00 Staheli

**CITY MANAGER/EXECUTIVE DIRECTOR REPORTS**

**COMMITTEES, BOARDS AND COMMISSIONS**

**Infrastructure Committee**

Members: Tom Wiknich, Jerry Taylor, Lois Beres, Craig Porter  
Meetings: 2nd Wednesday of the month at 5:00 p.m., Council Conference Room  
Next meeting September 8, 2010

**City Organization and Services Committee**

Members: Jerry Taylor, Tom Wiknich, Nellavan Jeglum, Lois Beres  
Meetings: 2nd Monday of the month at 5:00 p.m.; Council Conference Room  
Next meeting September 13, 2010

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

Members: Co-Chairs Ron Carter, Chip Holloway, Ron Strand  
Meetings: 2nd Monday of odd numbered months at 6:00 p.m., Kerr-McGee Center  
Next meeting September 13, 2010

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

**PUBLIC COMMENT**

**MAYOR AND COUNCIL COMMENTS**

**ADJOURNMENT**



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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

**SUBJECT:**

Golden Handshake Estimated Employer Cost

**PRESENTED BY:** Ann Taylor

**SUMMARY:**

Government Code Section 7507 requires that the costs to provide this benefit be made at a public meeting at least two weeks prior to the adoption of the resolution.

This is an estimate of the present value of additional employer contributions which will be required in the future for providing the two years service credit.

Currently the City pays annually \$12,853.47 to PERS for the employee.

The City will pay approximately \$ 8,440.16 annually for two years for the service credit for the employee. The savings of approximately \$4,413.31 per year to PERS.

The “additional employer contributions” are paid by the agency through an increase in the employer contribution rate starting two fiscal years after the end of the designated period. The increase in the employer contribution rate is amortized over 20 years.

**FISCAL IMPACT:**

Reviewed by Finance Director

**ACTION REQUESTED:**

Approve as recommended

**CITY MANAGER /EXECUTIVE DIRECTOR RECOMMENDATION**

Action as requested:

Submitted by: Ann Taylor

Action Date: 08/18/10

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM/FINANCING AUTHORITY**

**SUBJECT:**

Ordinance No. 10-05, An Ordinance Of The Ridgecrest City Council Amending Subsection (b) Of Section 2-1.105 – Agenda – Of The Ridgecrest Municipal Code

**PRESENTED BY:**

Rachel J. Ford – City Clerk

**SUMMARY:**

At the regular council meeting of July 21, 2010, council discussed and amended the format of the council agenda. At that time it was suggested that the language in the municipal code be amended by ordinance to allow council to establish time limits for public comment speakers by resolution.

The Ordinance was brought before Council at the regular meeting of August 4, 2010 for first reading and introduction by title only. Public comment was heard and council passed two motions *Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending Subsection (b) Of Section 2-1.105 - Agenda - Of The Ridgecrest Municipal Code* **AND** *Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Subsection (b) Of Section 2-1.105 - Agenda - Of The Ridgecrest Municipal Code.*

This ordinance is brought back to council for second reading and adoption by the following two motions:

- Motion to waive reading in full and to adopt by title only, ordinance no. 10-05, An Ordinance Of The Ridgecrest City Council Amending Subsection (b) Of Section 2-1.105 – Agenda – Of The Ridgecrest Municipal Code
- Motion to adopt, by title only, ordinance no. 10-05, An Ordinance Of The Ridgecrest City Council Amending Subsection (b) Of Section 2-1.105 – Agenda – Of The Ridgecrest Municipal Code

Both motions requires a second.

**FISCAL IMPACT:**

Reviewed by Finance Director

**ACTION REQUESTED:**

None

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: Rachel J. Ford

Action Date: August 4, 2010

(Rev. 6/12/09)

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**ORDINANCE NO. 10-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST  
AMENDING SUBSECTION (b) OF SECTION 2-1.105 – AGENDA – OF THE  
RIDGECREST MUNICIPAL CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST** as follows:

**Section 1. Amendment**

Subsection (b) of Section 2-1.105 – Agenda – of the Ridgecrest Municipal Code is hereby amended and reenacted to read as follows:

“(b) The agenda for all meetings shall include the opportunity for the public to address the Council prior to taking action on any matter. The agenda for regular and adjourned regular meetings shall include the opportunity for the public to address the Council on matters within the jurisdiction of the City but not on the agenda. From time to time the City Council may fix by resolution the time limit for individual speakers, and the total time for public comments.”

**Section 2. Other**

Except as provided herein, the Ridgecrest Municipal Code is hereby reaffirmed and readopted.

**APPROVED AND ADOPTED** by the City Council of the City of Ridgecrest, County of Kern, State of California this 18<sup>TH</sup> day of August, 2010, by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

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Steven P. Morgan, Mayor

ATTEST:

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Rachel J. Ford, CMC, City Clerk

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM/FINANCING AUTHORITY**

**SUBJECT:**

A Resolution Of The Ridgecrest City Council Supporting The League Of California Cities In Opposition Of Proposition 19 "The Regulate, Control And Tax Cannabis Act Of 2010"

**PRESENTED BY:**

Kurt Wilson – City Manager

**SUMMARY:**

Marijuana is prohibited by the federal government and the Federal Controlled Substances Abuse Act provides criminal sanctions for various activities related to marijuana. Law Enforcement obligation to uphold Federal Law would be restricted with the enactment of Proposition 19. Furthermore, the implementation of the statewide legalization of medicinal marijuana use has serious flaws and should be reexamined.

City officials are concerned about the about the potential increase in crime, the unsatisfactory experience with medical marijuana implementation, and the measure's breadth and poor drafting. These policy concerns far outweighed the potential for additional local revenue.

Staff recommendation is to approve Resolution supporting the League of California Cities decision to oppose Proposition 19.

**FISCAL IMPACT:**

Reviewed by Finance Director

**ACTION REQUESTED:**

Approve Resolution supporting the League of California Cities in opposition of Proposition 19.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: Kurt Wilson – City Manager

Action Date: August 18, 2010

(Rev. 6/12/09)

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**RESOLUTION NO. 10-XX**

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL SUPPORTING THE LEAGUE OF CALIFORNIA CITIES IN OPPOSITION OF PROPOSITION 19 “THE REGULATE, CONTROL AND TAX CANNABIS ACT OF 2010”**

**WHEREAS**, local autonomy and authority is paramount to a cities’ ability to effectively serve its residents; and

**WHEREAS**, public safety is a core value and central purpose of city government; and

**WHEREAS**, marijuana is prohibited by the federal government and the Federal Controlled Substances Abuse Act provides criminal sanctions for various activities related to marijuana; and

**WHEREAS**, the implementation of the statewide legalization of medicinal marijuana use has serious flaws and should be reexamined for its value; and

**WHEREAS**, Proposition 19, also known as the “Regulate, Control and Tax Cannabis Act of 2010” on the November 2, 2010, California state ballot would expand legal marijuana possession for persons age 21 and over and also permit the cultivation, transportation, and consumption of marijuana on a statewide basis; and

**WHEREAS**, cities and counties would be authorized under Proposition 19 to tax the sale of marijuana based on locally adopted ordinances; and

**WHEREAS**, changes to land use policies allowing for marijuana cultivation under Prop 19 could infringe on local governments zoning and regulatory authority; and

**WHEREAS**, the language of Proposition 19 is broad and uses vague terminology, which makes the poorly drafted sections subject to additional litigation and conflict over interpretation; and

**WHEREAS**, one such provision of Proposition 19 could prevent private and public employers from complying with federal drug-free workplace rules, jeopardizing federal funding eligibility for California-based employers; and

**WHEREAS**, the public safety risks associated with the proliferation of marijuana cultivation, possession, and consumption far outweigh any revenue generating benefit that local governments could realize through taxing the sale of marijuana; now, therefore, be it

**NOW THEREFORE BE IT RESOLVED**, that the City of Ridgecrest on the 18<sup>th</sup> of August, 2010, opposes Proposition 19 on the November 2, 2010, California state ballot.

**APPROVED AND ADOPTED** by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT

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Steven P. Morgan, Mayor

ATTEST:

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Rachel J. Ford, CMC  
City Clerk

## Proposition 19

**League Position: Oppose.** The League of California Cities is **OPPOSED** to Proposition 19, *The Regulate, Control and Tax Cannabis Act of 2010*. This opposition position was taken following review by both the League’s Public Safety and Revenue and Taxation Committees, and the League Board of Directors.

**Reasons for Opposition:** City officials are concerned about the about the potential increase in crime, the unsatisfactory experience with medical marijuana implementation, and the measure’s breadth and poor drafting. These policy concerns far outweighed the potential for additional local revenue.

**Text of Measure:** [http://ag.ca.gov/cms\\_attachments/initiatives/pdfs/i821\\_initiative\\_09-0024\\_amdt\\_1-s.pdf](http://ag.ca.gov/cms_attachments/initiatives/pdfs/i821_initiative_09-0024_amdt_1-s.pdf)

### Initiative Summary:

The initiative would:

- 1) Permit people age 21 or older to personally consume marijuana. The personal consumption would be confined to a “non-public place,” defined as including a residence or a public establishment licensed for on-site (onsite?) marijuana consumption.
- 2) Allow a person to (a) possess, process, or transport up to one ounce of marijuana for personal consumption; (b) cultivate marijuana on private property in an area up to 25 sq. feet; (c) possess harvested and living marijuana plants cultivated in such an area; (d) possess any items or equipment associated with these activities.
- 3) Permit the state or a local government to authorize the possession and cultivation, including commercial production, of larger amounts of marijuana.
- 4) Allow local governments to adopt ordinances and regulations regarding the cultivation, processing, distribution, transportation, sale or possession for sale of marijuana by such establishments. Local governments would be able to license businesses that could sell up to one ounce of marijuana (per transaction) to a person 21 years or older, including regulation of the location, size, hours of operation, and signs and displays of the business.
- 5) Permit local governments to impose general, excise, or transfer taxes, as well as benefit assessments and fees, on authorized marijuana-related activities in order to raise revenue or offset any costs associated with marijuana regulation. Requires that licensed marijuana establishments pay all applicable federal, state, and local taxes and fees currently imposed on other similar businesses.
- 6) Allow sales of marijuana in public establishments licensed for marijuana consumption.
- 7) Permit the transport of marijuana from a licensed marijuana establishment in one locality to a licensed establishment in another locality. Does not permit interstate or international transportation of marijuana.
- 8) Prohibit local law enforcement agencies from seizing or destroying marijuana that was possessed, used, or sold in accordance with this measure.
- 9) Prohibit the smoking of marijuana in the presence of minors or the consumption of marijuana while driving.
- 10) Ban any individual licensed to engage in authorized marijuana activity who negligently gives or sells (or offers to do so) marijuana to a person under 21 from owning, operating,

- or being employed by a licensed marijuana establishment for a period of one year. Any person age 21 or older who knowingly gives (or offers) marijuana to a person between the ages of 18 and 21 could be sent to county jail for up to 6 months and fined up to \$1,000 per offense. Does not change the penalties associated with giving, or offering, marijuana to minors under the age of 18. Local governments could impose additional penalties or civil fines on activities that were inconsistent with the terms of the measure.
- 11) State that no person could be punished, fined, or discriminated against for engaging in any conduct permitted by the measure.
  - 12) Maintain employers' existing rights to address on-the-job consumption of marijuana that affects an employee's job performance.

**Background:**

California is considered a pioneer in the regulation of marijuana. In 1913, California first prohibited the sale and possession of marijuana. The possession, use, transportation or cultivation of marijuana is still generally illegal. Penalties for marijuana-related activities vary depending on the offense, but may result in a fine, probation, jail, or a prison term.

In 1996, California voters passed Proposition 215 which authorized the limited use of marijuana for medicinal purposes. The proposition was intended to ensure that "seriously ill" residents have access to marijuana for medical purposes, and to encourage state and federal governments to take steps towards ensuring the safe and affordable distribution of the drug to patients in need. The proposition created an exemption from prosecution for physicians, as well as for patients and primary caregivers who possess or cultivate marijuana for medicinal purposes with the recommendation of a physician.

Marijuana is prohibited by the federal government. The Federal Controlled Substances Abuse Act provides criminal sanctions for various activities related to marijuana that are imposed by federal law enforcement agencies that may act independently or in conjunction with state and local law enforcement agencies. Although the federal government announced in March 2009 that it would no longer prosecute medical marijuana patients and providers whose actions are consistent with Prop 215, it has continued to enforce its prohibitions on non-medical marijuana activities.

While it is nearly impossible to know how much marijuana is grown and sold in California, some estimates suggest that the total marijuana crop in California may be valued at \$14 billion dollars annually<sup>1</sup>.

**Committee Recommendations:**

**Public Safety:** Oppose. After hearing from both proponents and opponents, the committee voted to oppose the measure with only 1 person dissenting. Beyond one member stating that they were not concerned with the initiative interfering with the ability of a city, or any other workplace, to implement policies prohibiting marijuana use in the workplace, there was very little discussion of the initiative.

**Fiscal Impact: While specific dollar amounts are not available, the potential savings and costs are as follows:**

- Potential savings of tens of millions of dollars annually by reducing the number of marijuana offenders incarcerated in state prisons, in county jails and on probation and parole.

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<sup>1</sup> Jon Gettman, Ph.D. "Marijuana Production in the United States." *Bulletin of Cannabis Reform* (December 2006).

- Potential increased costs for publicly-funded drug treatment programs.
- Potential costs and savings from the state’s Medical Marijuana Program, a patient registry that identifies individuals eligible to purchase/consume marijuana for medical purposes.
- Potential major revenues from local governments from transfer and transaction taxes, other taxes, benefit assessments, and fees on marijuana. The amount of these revenues would depend on the rate of such levies, level of consumption, and price of marijuana.
- Potential increased revenues for the state from income taxes.
- Potential reductions in revenues from fines for marijuana criminal offenders. Also potential increased revenues from new civil and criminal fines established by the initiative.
- Loss of significant federal funding due to lack of compliance with the Federal Drug-Free Workplace Act of 1988.

The Board of Equalization analyzed a previous proposal to legalize marijuana and impose a \$50 per ounce levy (AB 390, Ammiano, 2009). They estimated that total revenues raised would be about \$1.38 billion<sup>2</sup>. Specific revenue estimates were (in millions):

<b>Net Excise Revenue Gain</b>	<b>\$ 990</b>
State (6.00%)	\$ 263
Fiscal Recovery Fund (0.25%)	11
Local (2.00%)	88
Special District (0.75%)	<u>31</u>
<b>Total Sales and Use Tax:</b>	<b>\$ 392</b>
<b>Total Revenue:</b>	<b>\$1,382</b>

*(This information is given as a reference point only, as the initiative does not provide for a sales tax.)*

California NORML (National Organization for the Reform of Marijuana Laws) estimates that if cannabis were taxed similar to cigarettes or alcohol, total revenues of \$1.5 to \$2.5 billion may be realized.

Note: All revenue projections assume that the federal government does not enforce existing federal law.

**Existing League Policy:**

The League does not have existing policy specific to the legalization or taxation of marijuana.

**Comments:**

Local Powers and Authority

*Local governments have broad regulatory authority.* The initiative would give local governments broad authority to regulate, which contradicts current law on all other controlled substances. This could result in different regulations in each jurisdiction, and could prove to be difficult to

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<sup>2</sup> The Board of Equalization assumed the following:

- Legalization of marijuana would cause its street price to decline by 50 percent.
- This 50 percent decline would lead to additional consumption of 40 percent.
- The imposition of the \$50/ounce tax would then lead to reduced consumption of 11 percent.

enforce/regulate while opening the door for “jurisdiction shopping” for the least restrictive local ordinances.

*First Amendment issues.* Local governments are given the authority to regulate advertising of commercial marijuana. Advertising is generally covered by the First Amendment and cannot be regulated. There are some instances of advertising regulation – cigarettes and adult entertainment – that have survived First Amendment scrutiny.

*Property owner approval may (or may not) be required.* The initiative states that “Cultivation on leased or rented property *may* be subject to approval from the owner of the property” (emphasis added). This could be read in at least two ways. It could be read to say that the owner could prohibit cultivation on his/her property. Or it could be read that it is up to the local government to decide if owner approval is required. This raises an interesting question about public lands. If a public agency has an employee residing on public land, or a temporary residence is constructed on public lands, is the cultivation of marijuana allowed?

### Taxation and Revenue

*State taxes limited.* While local governments would be allowed to impose fees and taxes on activities related to marijuana, the state government would be precluded from doing so. The state could only benefit from general taxes imposed regardless of type of business or product (example: income taxes).

*No sales tax.* The initiative allows a “transfer or transaction” tax, which, under some circumstances, might be considered a sales tax. However, the local sales tax is preempted by the Bradley-Burns law, and the initiative does not amend Bradley-Burns. Therefore, the tax allowed by this initiative cannot be a sales or use tax. The legislature would have the authority to amend the law to further the purposes of the act, so they could amend the Bradley-Burns law. The likelihood that the legislature would do this is open to question.

*Does not change current requirements to raise revenues.* This is a statutory initiative; therefore, any current constitutional requirements related to a local government’s authorization to raise revenues (i.e., majority voter approval for a general tax, supermajority voter approval for a special tax) still apply.

### Controlled Substance Regulation

*DUI/Possession on school grounds unchanged.* Does not amend current law that prohibits driving under the influence or possessing marijuana on school grounds.

*Alcohol regulation versus marijuana regulation.* While the initiative states that the purpose is to “regulate cannabis like alcohol,” the only way it does so is to restrict usage to persons age 21 and older. Alcohol consumption and manufacturing is controlled by the state constitution and by the Alcohol Beverage and Control Act, under which the state has “the exclusive right and power to license and regulate” alcohol. Unlike other marijuana legalization proposals, there is no single regulator of marijuana identified in the initiative.

*No provisions similar to the open container law.* The initiative specifically does not permit marijuana use by the operator of any vehicle, boat or aircraft while it is being operated, or that impairs the operator. However, it is silent (and therefore permits) use by passengers in a vehicle.

*Possession v. Cultivation and Harvest.* In the initiative, §11300(a)(1) allows a person to possess, process, share, or transport one ounce of marijuana as long as it is for personal consumption. However, §11300(a)(3) allows the cultivation *and harvest* of marijuana plants in a twenty-five square foot area, which would result in considerably more than one ounce. The committee may want to discuss if these two sections conflict.

*While amount possessed is limited, amount purchased is not.* As mentioned above, the initiative allows a person to possess, etc. one ounce of marijuana. The initiative also limits the sale of marijuana to one ounce per transaction. However, there is no limit on the number of transactions one person can make.

### Public Safety Impact

*Impact on prison/jail capacity.* While there is the potential for significant savings due to the reduction in marijuana offenders, the California Legislative Analyst's Office has stated that freed jail/prison beds would quickly be filled with other offenders currently being released due to limited space.

*Shrinks the black market.* Supporters argue that the prohibition of marijuana artificially creates crime and black-market traffic in the same way as alcohol prohibition did in the past and deprives our economy of legal business and revenues.

*Impact on parole/probation conditions.* §11304(c) provides that “[n]o person shall be punished, fined, discriminated against, or be denied any right or privilege for lawfully engaging in any conduct permitted by this Act...” It is not uncommon for parole/probation conditions to forbid an individual from consuming alcohol or other drugs. Presumably, this initiative could exclude marijuana use from such conditions.

### Potential Legal Challenges & Areas of Contest

*Some provisions lack clarity and invite challenges.* There are various sections of the initiative that are unclear and will invite a legal challenge. For example, §11300 (a)(ii) states the any person 21 years of age or older could “[c]ultivate, on private property by the owner, lawful occupant, or other lawful resident or guest of the private property owner or lawful occupant, cannabis plants for personal consumption only, in an area of not more than twenty-five square feet per residence or, in the absence of any residence, the parcel.” In preparing this analysis, staff contacted several attorneys to ask if this meant that a person could cultivate an entire parcel if there was no residence. Staff received differing legal opinions and no final conclusion on the affect of this language.

*Unknown and confusing terms.* There are several terms used in the initiative that are unknown or unclear. Some examples are “transaction and transfer tax” and “benefit assessments,” both of which would impact the ability of a city to raise revenues.

### Other Points for Consideration

*Federal Safe and Drug-Free Workplaces.* While the initiative states that an employer's right to address consumption that actually impairs job performance by an employee shall not be affected, there may be some additional impacts that employers should be aware of. According to initiative opponents, California employers will no longer be able to:

- Screen job applicants for marijuana use;

- Regulate any employee conduct related to use, transportation, or cultivation of marijuana, unless the employer can prove job impairment;
- Choose to maintain a drug-free workplace as required by federal law.

As the Federal Drug-Free Workplace Act of 1988 requires that all employers who receive government grants and contracts over \$100,000 maintain a drug-free workplace, there may be a significant loss of federal funding to California, potentially billions. In addition, the U.S. Department of Transportation requires operators of airplanes, locomotives, trucks and buses be removed if they test positive for narcotics, including marijuana.

Other attorneys who have reviewed the initiative have found that the initiative would not necessarily have these impacts because 1) federal law will continue to preempt state law, and 2) a workplace could be considered a “public place” in which consumption is prohibited without a specific license.

*Amendments can be made by the Legislature under certain conditions.* Amendments to the initiative would be allowed to be made by a future initiative or by the Legislature if the law is to establish a statewide regulatory system for commercial cannabis or adopts less restrictive provisions regarding personal possession and use. It also allows the state to impose taxes and fees in place of local governments.

**Support-Opposition:** *(as of May 28, 2010)*

Support:

City of Oakland

*The campaign in support of the initiative was unable (not authorized) to provide a list of supporters. However, similar legislative proposals have received support from the following organizations:*

A New PATH  
 AFL-CIO  
 American Civil Liberties Union  
 American Federation of State, County and Municipal Employees (AFSCME)  
 California Communities United Institute  
 California NORML  
 California Public Defenders Association  
 California Tax Reform Association  
 Courage Campaign  
 Drug Policy Alliance  
 Interfaith Drug Policy Initiative  
 Legal Services for Prisoners with Children  
 Los Angeles Community Action Network  
 Northern California Chapters of Pink Pistols  
 Taxpayers for Improving Public Safety

Opposition:

California Association of Code Enforcement Officers  
 California Bus Association  
 California Correctional Supervisors Organization  
 California District Attorney Investigators' Association  
 California District Attorneys Association  
 California Narcotic Officers Association

California Peace Officer's Association (John Standish, President)  
California Police Chiefs Association  
California State Sheriffs' Association  
CALM  
CoachAmerica  
International Faith Based Coalition  
Mothers Against Drunk Driving  
North Coastal Prevention Coalition  
PRIDE-Omaha, Inc.  
Save Our Society from Drugs



# LAW OFFICES OF JAMES WHEATON

CALIFORNIA BUILDING  
1736 FRANKLIN STREET, 9TH FLOOR  
OAKLAND, CALIFORNIA 94612

TEL: 510/208-4554  
FAX: 510/208-4562  
WHEATON@WELL.COM

27 July 2009

09-0024

Amdt. #/S

The Honorable Jerry Brown  
Attorney General of California  
ATTN: Mr. Neil Amos  
Initiative Coordinator  
Office of the Attorney General  
1300 I Street, 17<sup>th</sup> floor  
Sacramento, CA 95814  
916/445-4752

**RECEIVED**

AUG 04 2009

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

By Overnight courier

Re: Initiative Measure 09-0024: "Regulate, Control, Tax Cannabis"

Dear Mr. Amos:

Please find enclosed an amendment package for this proposed initiative measure.

The amendments are technical and nonsubstantive. They do not change the chief purposes or points of the measure.

For your convenience, a redlined copy showing the amendments is attached as Exhibit A. They are limited to pages 2, 3 and 5.

In addition, the complete text of the initiative as amended is attached as Exhibit B to this letter.

Last, I attach original signatures of the proponents approving and explaining the precise amendments. as Exhibit C.

Cordially,

James Wheaton

Enclosures: as noted

**The Regulate, Control and Tax Cannabis Act of 2010**

0 9 - 0 0 2 4

Section 1: Name

This Act shall be known as the "Regulate, Control and Tax Cannabis Act of 2010."

Amdt. #1 S

Section 2: Findings, Intent and Purposes

This Act, adopted by the People of the State of California, makes the following Findings and Statement of Intent and Purpose:

A. Findings

1. California's laws criminalizing cannabis (marijuana) have failed and need to be reformed. Despite spending decades arresting millions of non-violent cannabis consumers, we have failed to control cannabis or reduce its availability.
2. According to surveys, roughly 100 million Americans (around 1/3 of the country's population) acknowledge that they have used cannabis, 15 million of those Americans having consumed cannabis in the last month. Cannabis consumption is simply a fact of life for a large percentage of Americans.
3. Despite having some of the strictest cannabis laws in the world, the United States has the largest number of cannabis consumers. The percentage of our citizens who consume cannabis is double that of the percentage of people who consume cannabis in the Netherlands, a country where the selling and adult possession of cannabis is allowed.
4. According to The National Research Council's recent study of the 11 U.S. states where cannabis is currently decriminalized, there is little apparent relationship between severity of sanctions and the rate of consumption.
5. Cannabis has fewer harmful effects than either alcohol or cigarettes, which are both legal for adult consumption. Cannabis is not physically addictive, does not have long term toxic effects on the body, and does not cause its consumers to become violent.
6. There is an estimated \$15 billion in illegal cannabis transactions in California each year. Taxing and regulating cannabis, like we do with alcohol and cigarettes, will generate

billions of dollars in annual revenues for California to fund what matters most to Californians: jobs, health care, schools and libraries, roads, and more.

7. California wastes millions of dollars a year targeting, arresting, trying, convicting, and imprisoning non-violent citizens for cannabis related offenses. This money would be better used to combat violent crimes and gangs.
8. The illegality of cannabis enables for the continuation of an out-of-control criminal market, which in turn spawns other illegal and often violent activities. Establishing legal, regulated sales outlets would put dangerous street dealers out of business.

B. Purposes

1. Reform California's cannabis laws in a way that will benefit our state.
2. Regulate cannabis like we do alcohol: Allow adults to possess and consume small amounts of cannabis.
3. Implement a legal regulatory framework to give California more control over the cultivation, processing, transportation, distribution, and sales of cannabis.
4. Implement a legal regulatory framework to better police and prevent access to and consumption of cannabis by minors in California.
5. Put dangerous, underground street dealers out of business, so their influence in our communities will fade.
6. Provide easier, safer access for patients who need cannabis for medical purposes.
7. Ensure that if a city decides not to tax and regulate the sale of cannabis, that buying and selling cannabis within that city's limits remain illegal, but that the city's citizens still have the right to possess and consume small amounts, except as permitted under Health and Safety Sections 11362.5 and 11362.7 through 11362.9.
8. Ensure that if a city decides it does want to tax and regulate the buying and selling of cannabis (to and from adults only), that a strictly controlled legal system is implemented to oversee and regulate cultivation, distribution, and sales, and that the city will have control over how and how much cannabis can be bought and sold, except as permitted

under Health and Safety Sections 11362.5 and 11362.7 through 11362.9.

9. Tax and regulate cannabis to generate billions of dollars for our state and local governments to fund what matters most: jobs, healthcare, schools and libraries, parks, roads, transportation, and more.
10. Stop arresting thousands of non-violent cannabis consumers, freeing up police resources and saving millions of dollars each year, which could be used for apprehending truly dangerous criminals and keeping them locked up, and for other essential state needs that lack funding.
11. Allow the Legislature to adopt a statewide regulatory system for a commercial cannabis industry.
12. Make cannabis available for scientific, medical, industrial, and research purposes.
13. Permit California to fulfill the state's obligations under the United States Constitution to enact laws concerning health, morals, public welfare and safety within the State.
14. Permit the cultivation of small amounts of cannabis for personal consumption.

C. Intent

1. This Act is intended to limit the application and enforcement of state and local laws relating to possession, transportation, cultivation, consumption and sale of cannabis, including but not limited to the following, whether now existing or adopted in the future: Health and Safety Code sections 11014.5 and 11364.5 [relating to drug paraphernalia]; 11054 [relating to cannabis or tetrahydrocannabinols]; 11357 [relating to possession]; 11358 [relating to cultivation]; 11359 [possession for sale]; 11360 [relating to transportation and sales]; 11366 [relating to maintenance of places]; 11366.5 [relating to use of property]; 11370 [relating to punishment]; 11470 [relating to forfeiture]; 11479 [relating to seizure and destruction]; 11703 [relating to definitions regarding illegal substances]; 11705 [actions for use of illegal controlled substance]; Vehicle Code sections 23222 and 40000.15 [relating to possession].
2. This Act is not intended to affect the application or enforcement of the following state

laws relating to public health and safety or protection of children and others: Health and Safety Code sections 11357 [relating to possession on school grounds]; 11361 [relating to minors as amended herein]; 11379.6 [relating to chemical production]; 11532 [relating to loitering to commit a crime or acts not authorized by law]; Vehicle Code section 23152 [relating to driving while under the influence]; Penal Code section 272 [relating to contributing to the delinquency of a minor]; nor any law prohibiting use of controlled substances in the workplace or by specific persons whose jobs involve public safety.

### Section 3: Lawful Activities

Article 5 of Chapter 5 of Division 10 of the Health and Safety Code, commencing with section 11300 is added to read:

#### Section 11300: Personal Regulation and Controls

- (a) Notwithstanding any other provision of law, it is lawful and shall not be a public offense under California law for any person 21 years of age or older to:
- (i) Personally possess, process, share, or transport not more than one ounce of cannabis, solely for that individual's personal consumption, and not for sale.
  - (ii) Cultivate, on private property by the owner, lawful occupant, or other lawful resident or guest of the private property owner or lawful occupant, cannabis plants for personal consumption only, in an area of not more than twenty-five square feet per private residence or, in the absence of any residence, the parcel. Cultivation on leased or rented property may be subject to approval from the owner of the property. Provided that, nothing in this section shall permit unlawful or unlicensed cultivation of cannabis on any public lands.
  - (iii) Possess on the premises where grown the living and harvested plants and results of any harvest and processing of plants lawfully cultivated pursuant to section 11300(a)(ii), for personal consumption.
  - (iv) Possess objects, items, tools, equipment, products and materials associated with

activities permitted under this subsection.

- (b) "Personal consumption" shall include but is not limited to possession and consumption, in any form, of cannabis in a residence or other non-public place, and shall include licensed premises open to the public authorized to permit on-premises consumption of cannabis by a local government pursuant to section 11301.
- (c) "Personal consumption" shall not include, and nothing in this Act shall permit cannabis:
  - (i) possession for sale regardless of amount, except by a person who is licensed or permitted to do so under the terms of an ordinance adopted pursuant to section 11301;
  - (ii) consumption in public or in a public place;
  - (iii) consumption by the operator of any vehicle, boat or aircraft while it is being operated, or that impairs the operator;
  - (iv) smoking cannabis in any space while minors are present.

#### Section 11301: Commercial Regulations and Controls

Notwithstanding any other provision of state or local law, a local government may adopt ordinances, regulations, or other acts having the force of law to control, license, regulate, permit or otherwise authorize, with conditions, the following:

- (a) cultivation, processing, distribution, the safe and secure transportation, sale and possession for sale of cannabis, but only by persons and in amounts lawfully authorized;
- (b) retail sale of not more than one ounce per transaction, in licensed premises, to persons 21 years or older, for personal consumption and not for resale;
- (c) appropriate controls on cultivation, transportation, sales, and consumption of cannabis to strictly prohibit access to cannabis by persons under the age of 21;
- (d) age limits and controls to ensure that all persons present in, employed by, or in any way involved in the operation of, any such licensed premises are 21 or older;
- (e) consumption of cannabis within licensed premises;

- (f) safe and secure transportation of cannabis from a licensed premises for cultivation or processing, to a licensed premises for sale or on-premises consumption of cannabis;
- (g) prohibit and punish through civil fines or other remedies the possession, sale, possession for sale, cultivation, processing, or transportation of cannabis that was not obtained lawfully from a person pursuant to this section or section 11300;
- (h) appropriate controls on licensed premises for sale, cultivation, processing, or sale and on-premises consumption, of cannabis, including limits on zoning and land use, locations, size, hours of operation, occupancy, protection of adjoining and nearby properties and persons from unwanted exposure, advertising, signs and displays, and other controls necessary for protection of the public health and welfare;
- (i) appropriate environmental and public health controls to ensure that any licensed premises minimizes any harm to the environment, adjoining and nearby landowners, and persons passing by;
- (j) appropriate controls to restrict public displays, or public consumption of cannabis;
- (k) appropriate taxes or fees pursuant to section 11302;
- (l) such larger amounts as the local authority deems appropriate and proper under local circumstances, than those established under section 11300(a) for personal possession and cultivation, or under this section for commercial cultivation, processing, transportation and sale by persons authorized to do so under this section;
- (m) any other appropriate controls necessary for protection of the public health and welfare.

**Section 11302: Imposition and Collection of Taxes and Fees**

- (a) Any ordinance, regulation or other act adopted pursuant to section 11301 may include imposition of appropriate general, special or excise, transfer or transaction taxes, benefit assessments, or fees, on any activity authorized pursuant to such enactment, in order to permit the local government to raise revenue, or to recoup any direct or indirect costs associated with the authorized activity, or the permitting or licensing scheme, including

without limitation: administration; applications and issuance of licenses or permits; inspection of licensed premises and other enforcement of ordinances adopted under section 11301, including enforcement against unauthorized activities.

- (b) Any licensed premises shall be responsible for paying all federal, state and local taxes, fees, fines, penalties or other financial responsibility imposed on all or similarly situated businesses, facilities or premises, including without limitation income taxes, business taxes, license fees, and property taxes, without regard to or identification of the business or items or services sold.

#### Section 11303: Seizure

- (a) Notwithstanding sections 11470 and 11479 of the Health and Safety Code or any other provision of law, no state or local law enforcement agency or official shall attempt to, threaten to, or in fact seize or destroy any cannabis plant, cannabis seeds or cannabis that is lawfully cultivated, processed, transported, possessed, possessed for sale, sold or used in compliance with this Act or any local government ordinance, law or regulation adopted pursuant to this Act.

#### Section 11304: Effect of Act and Definitions

- (a) This Act shall not be construed to affect, limit or amend any statute that forbids impairment while engaging in dangerous activities such as driving, or that penalizes bringing cannabis to a school enrolling pupils in any grade from kindergarten through 12, inclusive.
- (b) Nothing in this Act shall be construed or interpreted to permit interstate or international transportation of cannabis. This Act shall be construed to permit a person to transport cannabis in a safe and secure manner from a licensed premises in one city or county to a licensed premises in another city or county pursuant to any ordinances adopted in such cities or counties, notwithstanding any other state law or the lack of any such ordinance

in the intervening cities or counties.

- (c) No person shall be punished, fined, discriminated against, or be denied any right or privilege for lawfully engaging in any conduct permitted by this Act or authorized pursuant to Section 11301 of this Act. Provided however, that the existing right of an employer to address consumption that actually impairs job performance by an employee shall not be affected.

(d) Definitions

For purposes of this Act:

- (i) "Marijuana" and "cannabis" are interchangeable terms that mean all parts of the plant Genus Cannabis, whether growing or not; the resin extracted from any part of the plant; concentrated cannabis; edible products containing same; and every active compound, manufacture, derivative, or preparation of the plant, or resin.
- (ii) "One ounce" means 28.5 grams.
- (iii) For purposes of section 11300(a)(ii) "cannabis plant" means all parts of a living Cannabis plant.
- (iv) In determining whether an amount of cannabis is or is not in excess of the amounts permitted by this Act, the following shall apply:
  - (a) only the active amount of the cannabis in an edible cannabis product shall be included;
  - (b) living and harvested cannabis plants shall be assessed by square footage, not by weight in determining the amounts set forth in section 11300(a);
  - (c) in a criminal proceeding a person accused of violating a limitation in this Act shall have the right to an affirmative defense that the cannabis was reasonably related to his or her personal consumption.
- (v) "residence" means a dwelling or structure, whether permanent or temporary, on private or public property, intended for occupation by a person or persons for residential purposes, and includes that portion of any structure intended for both

commercial and residential purposes.

- (vi) “local government” means a city, county, or city and county.
- (vii) “licensed premises” is any commercial business, facility, building, land or area that has a license, permit or is otherwise authorized to cultivate, process, transport, sell, or permit on-premises consumption, of cannabis pursuant to any ordinance or regulation adopted by a local government pursuant to section 11301, or any subsequently enacted state statute or regulation.

#### Section 4: Prohibition on Furnishing Marijuana to Minors

Section 11361 of the Health and Safety Code is amended to read:

##### Prohibition on Furnishing Marijuana to Minors

(a) Every person 18 years of age or over who hires, employs, or uses a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling any marijuana, who unlawfully sells, or offers to sell, any marijuana to a minor, or who furnishes, administers, or gives, or offers to furnish, administer, or give any marijuana to a minor under 14 years of age, or who induces a minor to use marijuana in violation of law shall be punished by imprisonment in the state prison for a period of three, five, or seven years.

(b) Every person 18 years of age or over who furnishes, administers, or gives, or offers to furnish, administer, or give, any marijuana to a minor 14 years of age or older shall be punished by imprisonment in the state prison for a period of three, four, or five years.

(c) Every person 21 years of age or over who knowingly furnishes, administers, or gives, or offers to furnish, administer or give, any marijuana to a person aged 18 years or older, but younger than 21 years of age, shall be punished by imprisonment in the county jail for a period of up to six months and be fined up to \$1,000 for each offense.

(d) In addition to the penalties above, any person who is licensed, permitted or authorized to perform any act pursuant to Section 11301, who while so licensed, permitted or authorized, negligently furnishes, administers, gives or sells, or offers to furnish, administer, give or sell, any

marijuana to any person younger than 21 years of age shall not be permitted to own, operate, be employed by, assist or enter any licensed premises authorized under Section 11301 for a period of one year.

#### Section 5: Amendment

Pursuant to Article 2, section 10(c) of the California Constitution, this Act may be amended either by a subsequent measure submitted to a vote of the People at a statewide election; or by statute validly passed by the Legislature and signed by the Governor, but only to further the purposes of the Act. Such permitted amendments include but are not limited to:

- (a) Amendments to the limitations in section 11300, which limitations are minimum thresholds and the Legislature may adopt less restrictive limitations.
- (b) Statutes and authorize regulations to further the purposes of the Act to establish a statewide regulatory system for a commercial cannabis industry that addresses some or all of the items referenced in Sections 11301 and 11302.
- (c) Laws to authorize the production of hemp or non-active cannabis for horticultural and industrial purposes.

#### Section 6: Severability

If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the measure that can be given effect without the invalid provision or application, and to this end the provisions of this measure are severable.

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT:</b> Termination and renegotiation of Street Lighting Service Agreement with Southern California Edison (SCE).
<b>PRESENTED BY:</b> Dennis Speer
<b>SUMMARY:</b>  The City of Ridgecrest has an existing agreement for Street Lighting Service with Southern California Edison. The agreement has existed since 2002. It stipulates the rates, conditions, and provisions for the service. This agreement automatically renews on October 22nd of each calendar year unless either party notifies the other party of its intent to terminate the agreement, in writing, 60 days prior to the renewal date.  Because the current fiscal budget was approved anticipating cost savings from a reduction in street lights, the City must commence discussions with SCE for the purpose determining a process of eliminating certain street lights and related services to realize any available savings. The results of these discussions will be the basis of negotiating a new agreement which will lower service costs. Time is of the essence.  Staff recommends that the City Council authorize the City Manager to notify SCE that the City intends to terminate the existing street light agreement and renegotiate a new agreement.
<b>FISCAL IMPACT:</b> Indeterminable at this time..
Reviewed by Administrative Services Director
<b>ACTION REQUESTED:</b> Authorize the City Manager to notify SCE that the City intends to terminate the existing street light agreement and renegotiate a new agreement.
<b>CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:</b>  Action as requested:

Submitted by: Dennis Speer

Action Date: August 10, 2010

(Rev. 2-14-07)

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**RESOLUTION NO. 10-**

**REQUEST FOR AUTHORIZATION FOR THE CITY MANAGER TO NOTIFY SOUTHERN CALIFORNIA EDISON THAT THE CITY INTENDS TO TERMINATE THE EXISTING STREET LIGHT AGREEMENT AND RENEGOTIATE A NEW AGREEMENT**

**WHEREAS**, the City of Ridgecrest has an existing agreement for Street Lighting Service with Southern California Edison; and

**WHEREAS**, this agreement stipulates the rates, conditions, and provisions for the service; and

**WHEREAS**, this agreement automatically renews on October 22nd of each calendar year unless there is a termination notification 60 days prior to that date; and

**WHEREAS**, the City of Ridgecrest, in approving the Fiscal Year 2010-11 Budget, anticipated savings by reducing street lighting costs ; and

**WHEREAS**, the City must commence discussions with SCE for the purpose determining a process of eliminating certain street lights and related services to realize any available savings; and

**WHEREAS**, the results of these discussions will be the basis of negotiating a new agreement which will lower service costs.

**NOW THEREFORE BE IT RESOLVED THAT**, the City Council of the City of Ridgecrest Authorize the City Manager to notify Southern California Edison that the City intends to terminate the existing street light agreement and renegotiate a new agreement.

**APPROVED AND ADOPTED** this 18th day of August 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven P. Morgan, Mayor

ATTEST

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Rachel J. Ford, CMC, City Clerk

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## CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY AGENDA ITEM

### SUBJECT

Resolution No. 10- , a Resolution of the Ridgecrest City Council amending the Service Rates charged for Curbside Solid Waste and Recycling Services. Discussion and possible action on a Kern County Sanitary Landfill Recycling Diversion and Drop-off area proposed agreement and operation by the City of Ridgecrest with an agreement with Benz Sanitation, Inc.

### PRESENTED BY:

James McRea

### SUMMARY

The City Council is implementing a rate adjustment by Resolution 10- . The temporary amendment will be in conjunction with the Opt out Self-haul notification and amending the rates charged for residential service of five or more units by the Franchise. Commercial accounts are not included. This is an interim amendment while the City and Benz conducts a rate analysis. The Self- haul program will not begin prior to September 01, 2010. It is anticipated that a new resolution will be forthcoming in the next few months after the rate analysis is completed. . . :

The City of Ridgecrest is further proposing the establishment of a Kern County Sanitary Landfill Recycling, Diversion, and Drop-off area to support the self haul residents of the City. Ordinance 10-04; Section 13-2.3 which was recent adopted provides that;

13-2.3 Collection for Residential Premises.

(a) Every owner of occupied residential premises within the City, who is not a self-hauler as described in paragraph (b), shall subscribe for and pay the Franchisee for solid waste, yard waste, and/or recyclable materials handling services at such rate as may be set by Franchisee and approved by resolution of the City Council. For purposes of this section, property is "occupied" each month in which it is inhabited for more twenty-one (21) days of that calendar month. The Owner of property may designate an agent to fulfill the Owner's obligations under this subsection.

(b) **The Owner of any occupied residential premises will be exempt from the requirements of subpart (a) upon the completion of an notification to self-haul and submission of the application to the City manager or his designee.** The notification shall be on a form approved by the City. Parties who submit a notification to self-haul, and who are currently receiving service from the Franchisee, shall return to the Franchisee any containers obtained from the Franchisee. The notification to self-haul shall specify whether the applicant is electing to self-haul solid waste without recyclable materials, recyclable materials only, or both solid waste and recyclable materials. **Applicants who elect to self-haul recyclable materials must indicate in the notification that they will only deposit the recyclable materials at a location approved for recycling.**

(c) Each October, the City council shall review; the effectiveness of the City's recycling diversion. If the City determines the programs described herein are not meeting state requirements for diversion of recyclable materials, the City council shall provide for additional programs needed to meet the state requirements.

Subject to the approval of the County of Kern, Benz Sanitation, and the City of Ridgecrest, the recycling, diversion, and drop off area would be a public private partnership to limit the recycleable and diversion materials from being buried within the landfill while facilitating self haul. Non-residential commercial use is limited based on the mandatory On-site Commercial Recycling requirement. The agreement is under review by the City Attorney and may be modified slightly. The draft agreement of the County of Kern has been reviewed by both City and County staff and Benz Sanitation and has the support of CalRecycle. The program is unfunded at this point and has several conditions of approval and operation by the Kern County. Benz has not agreed to provide the containers and bins, and require advanced payment for any pick and hauling to the Tehachapi MRF and assurance that the agreement will remain in full force and effect. Negotiations are going at this point. A copy of the Self-haul Notification is attached and available at City Hall

or on line at the City's Web site.

The City has requested an extension from CalRecycle and the Self Haul notification forms will not be available before August 15, 2010. The agreements must be approved by the County of Kern Supervisors prior to any facility placement, development, or operational uisage.

**FISCAL IMPACT:**

Capital cost, maintenance, and staffing of the recycling, diversion, and drop off area **FUNDING REQUIRED**  
**Reviewed by Finance Director**

**ACTION REQUESTED:**

Motion to adoption Resolution 10- . Authorize the City Manager to execute agreements with the County of Kern and Benz Sanitation to initiate the program when fully negotiated.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested :

Submitted by: James McRea  
(Rev 6-12-09)

Action Date: 8-16-10



City of Ridgecrest, 100 W. California Ave, Ridgecrest, CA 93555

# Self-Haul Notification for Residential Premises Exemption

for  
Solid Waste, Yard Waste and/or Recyclable Material Services

## NOTIFICATION OF EXEMPTION FROM MANDATORY RESIDENTIAL CURBSIDE SOLID WASTE AND/OR RECYCLING SERVICE FOR RESIDENTIAL PREMISES

Please Print Clearly and return to:

**City of Ridgecrest – Waste Management**  
**100 W. California Ave, Ridgecrest, CA 93555**  
**www.ci.ridgecrest.ca.us**

Phone: 760-499-5069  
Fax: 760-499-1580

### Eligibility:

1. Person submitting form must be the property owner or designated agent
2. Property must be residential premises with less than five household units on the premises
3. Property must be currently receiving service at the property address
4. Person submitting form certifies that recyclable material will only be deposited at a City-authorized location
5. Person submitting form agrees to properly dispose of all solid waste within a two week period to the Ridgecrest Landfill, after recycling all recyclable materials at a City-authorized recycling location
6. The City Council shall review the effectiveness of the City's recycling/diversion programs at least annually and may provide for additional programs needed to meet regulatory requirements
7. Discontinued receptacles must be made available for recovery by Benz

**Property Owner or Agent:** \_\_\_\_\_ **Contact:** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Phone:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### Property Address Notification for Self-Haul:

Address \_\_\_\_\_ N/S/E/W Street Name \_\_\_\_\_ Ave/St/Ct/Blvd \_\_\_\_\_ **Benz Account #** (on Benz bill) \_\_\_\_\_

### Self-Haul Service Level Requested:

Solid Waste With-out Recyclables Self-Haul  Recyclables Self-Haul  Both Solid Waste and Recyclables Self-Haul

I hereby certify that all information contained in this application is, to the best of my knowledge and belief, true and correctly presented. Additionally, I understand that I am responsible for my personal recycling diversion of all recyclables. Additionally, I understand that the effective date of this notification is subject to a brief processing period.

\_\_\_\_\_  
**Signature of Property Owner or Authorized Agent**

\_\_\_\_\_  
**Date**

<b>For Official Use Only</b>	<b>Date Received:</b> _____	<b>By:</b> <input type="checkbox"/> Person <input type="checkbox"/> Mail <input type="checkbox"/> Fax <input type="checkbox"/> Other _____
<b>To Benz:</b> _____	<b>To: Finance:</b> _____	
<b>Action Taken by Benz</b> <input type="checkbox"/> Billing Adjustment _____		<input type="checkbox"/> Trash cart removed: _____
<b>Comments:</b> _____		
<b>Returned to City:</b> <input type="checkbox"/> _____		<b>Zip +4</b> _____

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT:</b> A Resolution To Approve the Professional Services Agreement With The Engineering Firm Of Hall and Forman To Provide Construction Management For The City of Ridgecrest On the Traffic Signal At The Intersection of Radar Ave and China Lake Blvd.
<b>PRESENTED BY:</b> Dennis Speer, Public Works Director
<b>SUMMARY:</b>  The City of Ridgecrest requires the services of an engineering consulting firm to provide construction management for the new traffic signal at the intersection of Radar Ave and China Lake Blvd. The proposed services are on a time and materials basis.  Funds for this expenditure will be taken from 018-4760-430-2106 TS0907.  Staff recommends that the City Council approves the professional services agreement and authorize the City Manager, Kurt Wilson, to execute the agreement with the engineering firm of Hall and Foreman.
<b>FISCAL IMPACT:</b> 45,000.00 Reviewed by Finance Director
<b>ACTION REQUESTED:</b> Adopt The Resolution That Approves the Professional Services Agreement With The Consulting Firm Hall and Forman and Authorizes the City Manager To Execute This Agreement.
<b>CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:</b>  Action as requested:

Submitted by: Dennis Speer

Action Date: August 18, 2010

(Rev. 6/12/09)

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**RESOLUTION NO. 10-**

**A RESOLUTION TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH THE ENGINEERING FIRM OF HALL AND FOREMAN TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR THE CITY OF RIDGECREST ON THE TRAFFIC SIGNAL AT THE INTERSECTION OF RADAR AVE AND CHINA LAKE BLVD.**

**WHEREAS**, The City of Ridgecrest requires the services of an engineering consulting firm to provide construction management for the City; and

**WHEREAS**, the proposed services are on an time and materials basis; and

**WHEREAS**, the services are for the construction of the traffic signal at Radar Ave and China Lake Blvd; and

**WHEREAS**, the funds will be expended from account 018-4760-430-2106 TS0907.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Ridgecrest hereby approves the Professional Services Agreement with the Consulting Firm Hall and Forman and Authorizes the City Manager to Execute This Agreement.

**APPROVED AND ADOPTED** this 18<sup>th</sup> day of August 2010 by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Steven P. Morgan, Mayor

ATTEST:

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Rachel J. Ford, CMC  
City Clerk

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August 9, 2010

Job No. VV.090044.0003

Mr. Dennis Speer, PE  
**City of Ridgecrest**  
100 West California Avenue  
Ridgecrest, CA 93555  
(760) 499-5000

**Re: Traffic Engineering/Construction Management Services - China Lake Boulevard & Rader Avenue -- Additional Services Authorization**

Dear Mr. Speer:

As requested, Hall & Foreman, Inc. is pleased to present this updated Additional Services Authorization form for your review and approval. Upon your favorable consideration, please sign where indicated and fax the authorization to Hall & Foreman, Inc. for final execution. We will return a copy of the fully executed authorization to you for your files.

Thank you for the opportunity to be of continued service on your project. Should you have any questions, please call me.

Sincerely,

**HALL & FOREMAN, INC.**



Robert A. Kilpatrick, PE, TE  
Project Director/Associate

Enclosures

HALL & FOREMAN, INC.  
14297 Cajon Avenue, Suite 101  
Victorville, CA 92392  
(760) 524-9100  
(760) 524-9101 Fax

**ADDITIONAL SERVICES AUTHORIZATION**

To: **City of Ridgecrest**  
100 West California Avenue  
Ridgecrest, CA 93555

Project Code: VV.090044.0003  
Job Description: Traffic Engineering Services

Project: China Lake Blvd and Rader Ave.  
Date: August 9, 2010

Attn: Mr. Dennis Speer

Upon your written authorization (below), Hall & Foreman, Inc. will provide the following specified "Additional Services":

Please see **Exhibit "A"**, attached, for outlined **Scope of Services**.

Client agrees to compensate Hall & Foreman, Inc. for the above services for a fee in the amount of **\$45,000.00**, with the following breakdown:

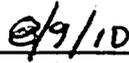
1. Construction Management Services \$45,000.00 (T&M estimate)

The above services will be invoiced under Hall & Foreman, Inc.'s Job Number VV.090044.0003, the signifying mark being the 4-digit .0003 sub-code.

The original Agreement terms are made a part hereof.

CONSULTANT: **Hall & Foreman, Inc.**

By:   
\_\_\_\_\_  
Robert A. Kilpatrick, PE/TE

  
\_\_\_\_\_  
Date

**AUTHORIZATION:**

The above specified Additional Services and related Fee are satisfactory and hereby accepted and authorized.

CLIENT: **City of Ridgecrest**

By: \_\_\_\_\_  
Name:

\_\_\_\_\_  
Date

## EXHIBIT "A"

### SCOPE OF SERVICES

Consultant agrees to perform and furnish the following **Traffic Engineering/Construction Management Services**:

#### 1. Construction Management Services

HFI will assist the City of Ridgecrest staff in the processing of the bid and construction process. This includes the attendance to the pre-bid conference and to assist the city in the reviewing of the bids and the construction inspection/observation. Including the preparation of any necessary bid addendums and processing of change order requests. The fee presented for this task is for budgeting purposes. HFI will work and bill this task on a time and materials basis.

HFI will provide project management services, construction inspection, landscape inspection, construction surveying services, and coordination with the City of Ridgecrest staff, property owners and residences and other agencies. Work will include the following elements.

#### A – Prepare Bid Documents

- Prepare Bid Documents, including the General and Special Provisions.
- Prepare Bid Summary and Engineer's Estimate.
- Attend meetings with City PM and local Utility Companies to discuss project activities, review progress, schedule, and budget.

#### B – Bid Process

- Prepare Bid Packages, including printing.
- Coordinate bid process with City Clerk's office.
- Attend Pre-Bid Meeting at City.
- Respond to Contractor Comments and prepare any necessary Bid Addendums.
- Attend Bid Opening Meeting at City.
- Review bids and verify recommendation for Bid Award.
- Attend City Council Meeting for Bid Award.

#### C - Construction Inspection

- Review contractors' schedule and identify responsibility for tasks including inspection, meetings, shop drawing reviews, permits, field meetings, survey, and other activities for compliance with contract documents.
- Monitor construction schedules and budgets and administer the construction contract between the Contractor and the City.
- Provide shop drawing reviews and notification log book.
- Coordinate all required construction permits.
- Hold kickoff meeting with City and Contractor to discuss scope of work, project documents, and control of the work.

- Attend meetings, as necessary, with City to discuss project activities, review progress, schedule, and budget.
- Coordinate with City and public utility agencies during construction.
- Provide weekly written status reports.
- Review and provide responses to contractor Requests for Information.
- Review material submittals.
- Clarify construction changes and irregularities.
- Negotiate, prepare and process change orders and extra work orders.
- Review progress payments.
- Update construction schedule.
- Review project Federal documentation and prepare documents as required for funding requests and labor compliance.
- Complete project close out including acceptance of work, release of retention, completion of final revisions, release of bonds, etc.
- Resolve residence complaints during construction.
- Assist City staff in responding to City "Hot Line" issues.
- Provide onsite inspection services as needed for project to observe construction progress and conformance with specified contract documents. Inspection services are estimated at 4-hours per working day.
- Furnish daily inspection reports providing work completed, equipment and laborers onsite.
- Assist in quality assurance to achieve conformance with contract documents.
- Provide photographs of daily work and maintain project logs for daily progress of construction work.
- Monitor compliance with General NPDES permits and construction erosion control requirements.
- Monitor contractor compliance with public / traffic safety controls.

#### **D - Construction Survey**

- Locate existing project bench marks and traverse site to provide elevation control within project work area.
- Establish temporary bench marks for use in grade check and verification of as-built field improvements.
- Locate existing survey monuments, and verify centerline ties at intersections where construction is proposed.
- Provide survey grade control stakes for the proposed curb returns, and curb and gutter improvements.
- Field mark pavement removal limits based on City issued construction plans.
- Mark removal limits of concrete improvements including sidewalk, driveways, gutters and curbs.

Upon completion of all construction work, HFI surveyors will reinstall centerline ties and survey monuments disturbed by construction. They will prepare new centerline tie sheets in accordance with City of Ridgecrest format, and file corner records with County of Kern Surveyor.



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## Proposition 26

**League Position: Oppose.** The League of California Cities is **OPPOSED** to Proposition 26, *Proposed Constitutional Amendment: State and Local Fees and Charges: Vote Requirements and Limitations*. This opposition position was taken following review by the League’s Revenue and Taxation Committee and the League Board of Directors.

**Reasons for Opposition:** City officials are concerned about the many potential negative effects of this measure on local revenue raising authority.

**Text of Measure:** [http://ag.ca.gov/cms\\_attachments/initiatives/pdfs/i891\\_initiative\\_09-0093.pdf](http://ag.ca.gov/cms_attachments/initiatives/pdfs/i891_initiative_09-0093.pdf)

**Initiative Summary:** Restricts in various ways the ability of the state and local governments to adopt fees. More specifically, this initiative:

- 1) States via findings that: (A) Since the enactment of Proposition 13 in 1978, increases in state taxes require a two-thirds vote in each house of the Legislature; (B) Since the enactment of Proposition 218 in 1996, local tax increases must be approved by voters; (C) Despite these limitations rates for state income tax, sales and use tax, and state and local business taxes continue to escalate; (D) Recently, the Legislature added another \$12 billion in taxes; (E) This escalation in taxation does not account for the recent phenomenon whereby the Legislature and local governments have disguised new taxes as “fees” without having to abide by (Prop 13 and Prop. 218) voting requirements; (F) Fees that are couched as “regulatory” which exceed the reasonable costs of actual regulation, or are simply imposed to raise revenue for a new program and are not part of any licensing or permitting program, are actually taxes and should be subject to the limitations applicable to the imposition of taxes; and (G) the measure states that it defines a “tax” for state and local purposes so that neither the Legislature nor local governments can circumvent these restrictions by simply defining new or expanded taxes as “fees.”
- 2) Changes applicable to the **STATE**:
  - Amends Section 3 of Article XIII A to delete language that requires a two-thirds vote of both houses of the Legislature for “*any change to state taxes enacted for the purpose of increasing revenues collected thereto, whether by increased rates or changes in computation*” and instead substitutes a new standard which requires a two-thirds vote of both houses of the Legislature for “**Any change in state statute which results in any taxpayer paying a higher tax.**” *This changed standard appears designed to eliminate recent legislative interpretations of the existing phrase “purpose of increasing revenues” that allow, via majority vote, one tax to be increased if another tax is lowered by an equivalent amount.*
  - Creates a definition of a “tax” to include any levy, charge or exaction of any kind imposed by the state except for:
    - a. A charge imposed for a specific benefit conferred or privilege granted directly to the payor that: (1) is not provided to those not charged, and (2) does not exceed

the reasonable costs to the state of conferring the benefit or granting the privilege.

- b. A charge imposed for a specific governmental service or product provided directly to the payor that: (1) is not provided to those not charged, and (2) does not exceed the reasonable costs to the state of providing the product or service.
  - c. A charge imposed for the reasonable regulatory costs to the state “*incident to*” issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.
  - d. A charge imposed for entrance or use of state property, or its purchase rental or lease, except for Article XI, Section 15 (The Constitutional reference to Vehicle License Fees VLF). *While this reference to the VLF is awkwardly located in this measure, in a clause that otherwise relates to state property, it presumably reflects that VLF charges are already considered taxes at the state level).*
  - e. A fine, penalty, or other monetary charge imposed by the judicial branch or the State as the result of a violation of law.
- Applies the above changes to any state statute tax adopted after January 1, 2010. Declares any tax adopted prior to the effective date of the Act that is not in compliance with the above requirements and definitions is void 12 months after the effective date, unless the tax is reenacted by the Legislature and signed by the Governor in conformance with its provisions.

3) Changes applicable to **Local Governments:**

- Amends Section 1 of Article XIII C to add to definitions applicable to local taxation authority a definition of “tax” that is virtually identical to the definition applicable to the state outlined above (See Paragraph #2), with the following “additions” (added to the local definition) and “exceptions” (included in the state definition, but missing from the local definition):
  - a. Additions: There are two additional items-- that are only applicable to local governments -- that are added to the list of exceptions from the definition of “tax,” described in paragraph #2, they are: (1) a charge imposed as a condition of property development, and (2) assessments and property-related fees imposed in accordance with the provisions of Article XIII D, adopted by Proposition 218 in 1996.
  - b. Exceptions: While language used in the definition of “tax” applicable to state and local government is very similar, in several instances the wording in the local government section is slightly different. The reason to point this out is that these differences may lead to future different legal interpretations: (1) the term “*to the payor*” is dropped from the end of two provisions describing an exception to a tax applicable to (A) benefits conferred or a privilege granted, and (B) a specific governmental service or product provided; (2) the term “*for*” is used in the language related to licenses and permits applicable to local government, as opposed to the potentially broader “*incident to*” in language applicable to the state; and (3) the exception related to Vehicle License Fees included in the state definition is missing from the local definition. *This omission may or may not be designed to reflect that in some instances local governments have levied a local “fee” on VLF registrations, such as in San Mateo which imposes a local vehicle registration fee (a regulatory fee) for various congestion management relief and storm water cleanup programs. That said, other provisions of this measure may capture the San Mateo type “fee” as a “tax.”*

- 4) Changes applicable to both **State and Local Governments**:
  - Requires both the state and local governments to bear the burden of proof by a “preponderance of the evidence” that a levy, charge or exaction is: (1) not a tax; (2) that the amount is no more than necessary to cover reasonable costs of the governmental activity; and (3) that the manner in which those costs are allocated to a payor bear a fair and reasonable relationship to the payor’s burdens on, or benefits received from, the governmental activity. (*This is currently the standard recognized by the California Supreme Court.*)
- 5) Includes a “conflicting measures” provision stating that should another measure appear on the same ballot relating to the legislative or local votes required to enact taxes or fees that the provision of this measure shall prevail in its entirety should it receive a greater number of affirmative votes, and the conflicting measure be deemed null and void. The measure also contains a “severability clause” which permits any provisions that are not held to be invalid or unconstitutional to remain in effect.

**Background:**

This initiative is fueled, in part, by recent legislative budgetary battles where the business community has become concerned with proposals put forth by Legislative Democrats which include the following:

- A budget package sent to the Governor in December of 2008 which proposed to repeal all taxes on gasoline and replace it with an equivalent fee.
- A legal interpretation proffered by Legislative Democrats, and supported by Legislative Counsel, that the Prop 13 two-thirds legislative vote requirements do not apply to a measure which decreases a state tax then enacts a replacement tax by an equivalent amount because it is not a “*change to state taxes enacted for the purpose of increasing revenues.*” The recent “gas tax swap” is an example of this concept. Earlier versions of the gas tax swap, which were not adopted, also included a proposal to allow regions to levy their own “fees” on gas to pay for transit and other services.
- A concern that legislators are seeking to save General Fund dollars whenever possible by enacting new fees.

Other features of this initiative (*through the narrow and precise exceptions to the new definition of “tax”*) seek to address longstanding concerns in the business community with the decision in *Sinclair Paint v. State Board of Equalization (1997)*. In the *Sinclair Paint* case, the Court upheld a fee imposed exclusively on paint manufacturers that had used lead in the production of paint to mitigate health effects of lead on children. The fee supported a program that provided evaluation, screening, and medically necessary follow-up services for children who were potential victims of lead poisoning. In upholding the fee, the Court found that the fee was a mechanism to require manufacturers and other persons whose products have exposed children to lead contamination to bear a fair share of the cost of mitigating the adverse health effects their products created in the community.<sup>[2]</sup>

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<sup>[2]</sup> The Court referred to the following valid regulatory fees: regulatory fee imposed on A.B.C. licensees to support pilot project to abate nuisances associated with sale of alcoholic beverages; landfill fee based on land use to reduce illegal waste disposal; waste disposal surcharge imposed on waste haulers; fee to support emissions-based formula for recovering direct and indirect costs of pollution emission permit programs.

Under current law, a “regulatory fee,” may not exceed the reasonable cost of providing services necessary to the activity for which the fee is charged and may not be levied for unrelated revenue purposes. To demonstrate that a regulatory fee is not a special tax, the government must prove (1) the estimated costs of the service or regulatory activity; and (2) the basis for determining the manner in which the costs are apportioned, so that charges allocated to a payor bear a fair or reasonable relationship to the payor’s burdens on or benefits from the regulatory activity. Whether the fees collected exceed the cost of the regulatory program need not be proved on an individual basis. Rather, the agency is allowed to employ a flexible assessment of proportionality within a broad range of reasonableness in setting fees.

Recently another regulatory fee was upheld in a case called *California Building Industry Association v. San Joaquin Valley Air District* (2009) 178 Cal.App.4<sup>th</sup> 120. The CBIA challenged the District’s indirect source review (ISR) rules which are intended to encourage developers to reduce indirect pollution (mobile source emissions, caused by new development projects). Under the ISR, the developer can reduce emissions by incorporating pollution-reducing features in the project, or paying a fee to fund off-site projects that will reduce emissions, or a combination of the two. The Court upheld the ISR (fee) as a valid regulatory fee which may be charged to cover the reasonable cost of a service or program connected to a particular activity; which may not exceed the amount required to carry out the purposes and provisions of the regulation; and which bear a reasonable relationship to the fee payor’s burdens on or benefits from the regulatory system.

**Fiscal**

**Impact:**

The analysis by the Legislative Analyst and Director of Finance finds “Potentially major decrease in state and local revenues and spending, depending upon future actions of the Legislature, local governing bodies, and local voters.”

**Existing League Policy:**

As an initial reference point, the League adopted an Oppose position to both Proposition 13 in 1978, and Proposition 218 in 1996, due to their significant limitations on local revenue raising authority. Based upon the stated findings, this initiative measure is designed to “*ensure the effectiveness of these constitutional limitations.*”

The League also opposed a similar measure, Proposition 37 of 2000. Prop. 37 required a two-thirds vote of State Legislature, or either majority or two-thirds of local electorate, to impose on any activity fees used to pay for monitoring, studying, or mitigating the environmental, societal or economic effects of that activity when the fees impose no regulatory obligation upon the payor. The measure also sought to redefine various fees as taxes, and contained exclusions for certain real property related fees, assessments and development fees, and damages, penalties, or expenses recoverable from a specific event. It also contained a provision that stated it did not apply to fees enacted before July 1, 1999, or increased fees due to inflation or greater workload, as specified. Prop. 37 failed with a narrow 48% Yes, and 52% “No” vote at the November, 2000, election.

While there are no adopted League policies that encompass all aspects of this measure, here are three related policy reference points:

- League’s 2010 Strategic Goals. One of the three strategic priorities adopted by the League Board and leadership for 2010 is to: “**Protect Local Control and Funding for Vital Local Services.** Use statewide ballot measure and legislative and legal advocacy to achieve reforms that protect local control and abolish the power of the state to borrow,

divert or impose restrictions on the use of all local revenue sources, including locally imposed or levied taxes, the local shares of all transportation tax revenues (including public transit funding), the redevelopment tax increment, and any other local revenue source used to fund vital local services.”

- The most applicable League’ Revenue and Taxation policy is under the subject of “Additional Revenue” and reads: "Additional revenue is required in the state/local revenue structure. There is not enough money generated by the current system or allocated to the local level by the current system to meet the requirements of a growing population and deteriorating services and facilities. (Note: the underlined wording above was added to League policy at the Committee’s previous meeting)
- League policy from the Housing, Community and Economic Development Committee reads: “The League supports providing local discretion in the assessment, collection and usage of development fees. The state should provide infrastructure funding to help local communities meet California’s growth demands and to increase housing affordability. The League opposes limiting the ability of cities to levy fees to provide for infrastructure or services.”

#### **Comments:**

1) **Sponsor’s Intent:** The “Stop Hidden Taxes” initiative is sponsored by the California Chamber of Commerce and California Taxpayers’ Association, with coalition of taxpayers, employers and small businesses. In their view, passing this measure would restrict what they describe as “loopholes in the law,” which allow taxes to be raised on products and services because they are called “fees.” Another objective of this coalition is to oppose initiative #09-0057, the “On Time Budget Act of 2010,” an initiative proposal which would allow legislative budgets to be adopted with a majority vote, and is a potential target of the “conflicting measures” clause included in this initiative.

2) **Definition of “Tax”:** The word “tax” is not now defined either in the Constitution or in the state statutes.<sup>[1]</sup> This initiative defines a tax to include “any levy, charge, or exaction of any kind” with certain enumerated exceptions. Included within the list of exceptions for local government are:

- User fees or charges for a specific government service or product.
- Charge for entrance to or use of government property (e.g. park).
- A fine, penalty or other charge imposed for violating the law.
- Charge imposed for a specific benefit conferred or privilege granted.
- Charge imposed for reasonable regulatory costs incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders
- A charge imposed as a condition of property development.
- Assessments and property–related fees imposed in accordance with Proposition 218.

If this measure is approved by the voters, the true interpretation of how it will apply will likely take years of litigation. Local agencies will need to individually examine local fees charged to

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<sup>[1]</sup> The Courts have said that “tax” has “no fixed meaning;” that it is a legal issue for the courts to decide based upon an independent review of the facts. Government Code section 50076 defines what is not a tax (“a fee that exceeds the reasonable costs of providing a service”) but does not define what a tax is.

determine how the specific definitions used in this measure may affect an existing fee. As an example, the following are examples of fees that appear to be excluded from the list of exceptions and, therefore, would be “taxes” under the new definition:

- A fee imposed to mitigate the significant environmental impacts of a project.
- An assessment to abate a nuisance.
- A charge for a specific government service or product which is not paid by all persons receiving the service or product (e.g. could not give a senior or low-income exception).
- A charge imposed for a regulatory program designed to mitigate the social or economic burdens created by the operations of the fee payers. This means that, for example, the following two fees would be taxes: the ARB’s fee imposed on sources of greenhouse gas emissions to pay for implementation of the AB 32 program; and the proposed “transportation fee” that was originally included in the Democrats’ gas tax swap proposal.
- A charge imposed by Fish & Game to review Environmental Impact Reports.

**3) Burden of Proof:** Under existing law, the government has the burden of proving that a fee or charge is not a tax; that the amount is no more than is necessary to cover the reasonable costs of the governmental activity; and that the manner in which the costs are allocated to a payor are proportional to the payor’s burdens on, or benefits received from the governmental activity. The initiative incorporates this rule into the Constitution. City attorney’s report that there are three basic legal tests of the burden of proof: preponderance of evidence (lowest); clear and convincing evidence (mid-range); and beyond reasonable doubt (highest).

**4) Application to Existing Fees:** It is unclear how this measure will be construed to apply to existing fees that have been adopted by state or local governments. The section that applies to the state would void non conforming statutes enacted between January 1, 2010, and before the effective date of the Act. No specific date is mentioned for the provisions that apply to local government. Both state and local existing fees could become subject to challenge that they are “unconstitutional.”

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**NOTE:** The “Stop Hidden Taxes” coalition produced a list of the following (*verbatim*) examples of fees that presumably could be viewed as “taxes” if the measure passes. While this list does not represent a legal conclusion on any of these “fees,” it provides some context for the types of fees the sponsors desire to capture. Also, depending on the specific circumstances, changes could be made to narrow the scope, use or application of a fee to fit the exceptions provided in the measure.

### ***SPECIFIC INDUSTRY EXAMPLES***

#### ***Restaurants***

- *Fees on alcohol to litigate public nuisance associated with sale or consumption*
- *Fees on canned beverages to mitigate waste/recycling*
- *Fees on soda to mitigate obesity and other negative health effects*
- *Fees on unhealthy foods, fats, sugar to mitigate negative health effects*
- *Health inspection/monitoring fees*
- *Traffic impact fees*

- *Parking impact fees*
- *Air quality impact fees*
- *Water quality impact fees*
- *Fees on waste production*
- *Energy use surcharges and fees*
- *Fees on snack food*
- *Fees on food packaging for takeout orders*
- *Public safety cost mitigation fees*

### **Public Utilities**

- *Trenching fees for diminution in durability or longevity of roads, traffic congestion mitigation, mitigate potential damage to existing infrastructure*
- *Alternative energy fees*
- *Fossil fuel consumption fees*
- *Eco-impairment fees for hydro-facilities*

### **Alcohol**

- *Mitigation fees to address public nuisances associated with sale or consumption*
- *Mitigation fees to pay for health services provided by government (mental and physical) for alcoholics or those injured or otherwise affected by alcoholics*
- *Fees to fund public programs to prevent illegal consumption by minors or discourage abuse by adults through education, research into causes and possible cures for alcoholism*

### **Oil**

- *Carbon consumption fees for pollution mitigation (injuries related to effects of pollution)*
- *Eco-Impairment fees (effects of drilling, storage, or consumption on habitat or parks and recreation areas)*
- *Carbon consumption fees to discourage consumption and encourage use of alternative fuel sources. Additionally, fuel consumption as a means for measuring "road damage fees"*
- *Oil severance fee to mitigate oil spill clean-up, and build larger response and enforcement capabilities*
- *Hazardous waste fees to support general hazardous waste/substances programs.*
- *An Air District might impose a refinery gate fee to mitigate harm from diesel exhaust emissions. A city or county might impose pipeline fee to enhance public safety to respond to pipeline accidents*
- *A state or local agency may impose gasoline fee at the pump for clean-up and mitigation of MTBE contamination at service stations or in lakes and groundwater.*
- *A local or regional agency might impose a gasoline fee at the pump for mass transit. (Note: fees could still be assessed if connected to a specific regulation, problem or liability identifiable to the fee payer.)*

### **Tobacco**

- *Mitigation fees: Fees for mitigating the adverse health effects of tobacco products (including evaluation, screening, and necessary follow-up services who are deemed potential victims of tobacco related injuries)*
- *Deterrence fees: Fees to discourage consumption (by increasing cost of product) and/or to educate the general public on the consequences of tobacco consumption. Fees to prevent illegal consumption by minors*

### **Telecommunications**

- *Cellular: Fees to reduce the impacts of DWTs (Driving While Talking), burdens on the 911 system, potential future effects of close proximity radio frequency exposure*
- *Trenching fees for diminution in durability of roads, traffic congestion mitigation mitigate potential damage to existing infrastructure*

### **Technology Companies**

- *Fees to mitigate the Digital Divide*
- *Ergonomic and repetitive motion injury mitigation*
- *Site location fees for traffic mitigation and growth impacts*
- *Youth and video game violence prevention fee*
- *Hardware disposal fees*
- *Toxic/Waste fees*

### **Agriculture**

- *Chemical/gene/hormone and other "altered food" products fees (a perceived threat for "altered food" could result in fees being levied for research, screening, testing and treatment should adverse consequences materialize or simply as a means of discouraging their use out of perceived negative externalities)*
- *Spoiled/infected food mitigation fees*
- *Insecticide abatement fees*

### **Food (Retailers/Grocers/Malls)**

- *Traffic impact fees (malls and Big Box retailers)*
- *Public safety impact fees (added security necessary because of increase concentration of people)*

### **Fast Food**

- *Traffic impact fees (where traffic backs-up at the drive-through)*
- *Litter abatement fees*
- *Fees to fund education, outreach, screening and treatment for obesity (fast foods having high concentrations of fat) or similar programs to discover, measure and treat the adverse health consequences of high cholesterol or caffeine*

## **TAXES**

### **Entertainment**

- *Arenas/promoters/sports teams: Traffic impact fees. Public safety cost mitigation fees*
- *Television/movies: Location mitigation fees (relating to traffic impacts, clean-up, public safety and emergency services). Fees on television and movie programming to mitigate effects of violence on youth or similar anti-social consequences linked to programming*

### **Non-Indian Gaming**

- *Public safety mitigation fees (for expenses associated with a perceived increase in a criminal element associated with activity-including increase police presence, specialized investigation units)*
- *Fees to mitigate effects on compulsive gamblers or other associated addictive consequences including screening, education, and treatment*

### **Pharmaceuticals**

- *Mitigation for subsequently discovered health risks potentially associated with a particular drug product*
- *Fees to fund drug education*
- *Fees related to health research*
- *Fees to fund health treatment*
- *Emergency care fees*
- *Fees covering the cost of the uninsured or underinsured*
- *Pharmaceutical cost fees to cover the poor and/or elderly*
- *Fees related to covering immunizations for children*

### **Railroads**

*Generally protected by the federal "4-R Act" enacted by Congress to protect railroads from discriminatory local taxes. However, the 4-R Act applies to "taxes" and not fees or assessments. So long as the exaction does not contribute to the general fund of the government, it may not be considered a "tax" under the 4-R Act. See *Wheeling & Lake Erie Railway Co. v. Public Utility Commission, et. al.*, Nos. 96-3703, 3704 (1998)*

- *Consequently, fees to mitigate railroad-crossing accidents are potential*
- *Eco-impairment fees for effects of train traffic on ecosystems or potential effects of rail accidents*
- *Pollution abatement fees (whether for emissions or sound)*
- *Carbon consumption fees*

### **Airlines**

- *Pollution abatement fees*
- *Noise abatement fees (also affected by any carbon consumption fees)*
- *Crash mitigation fees (reimbursing local governments for costs of search and rescue, recovery or salvage and investigation)*
- *Runway maintenance fees*
- *Ground traffic congestion/mitigation fees*

### **Truckers**

- *Road damage fees to mitigate damage to streets and highways caused by heavy truck traffic/spills*
- *Fees to mitigate the adverse effects of long haul trucking and or fund programs to research evaluate and reduce potential of trucking accidents. Fees to mitigate health costs related to injuries of truck drivers or increased risk of traffic fatalities due to size of trucks used (SUV plus mitigation fee). Could be affected by carbon fuel consumption fees or pollution mitigation fees*

### **Auto Manufacturing**

- *Carbon fuel consumption fees. Road damage fees based on size of vehicle*
- *Accident fees (for costs of responding to and treating victims) based on size/safety rating of vehicle.*
- *A deterrence fee based on fuel efficiency to fund mass transit*
- *Tire disposal fees to mitigate costs and hazards of tire disposal*
- *Off-road mitigation fee on 4-wheel drive and all-terrain vehicles to offset eco-damage of off-*

*road automobile use*

**Chemicals**

- *Most closely related to Sinclair paint circumstance where a product is deemed hazardous, its use discontinued, and then after the fact businesses are pursued for mitigation fees*
- *Mitigation fees to offset adverse health effects of a chemical or chemical by-product*
- *Accident/hazard mitigation fees (educating public on proper usage, storage and disposal of household chemicals; offset health costs in responding to accidents relating to household chemical accidents)*

**General Business**

- *Fees on businesses to fund indoor air quality maintenance and investigation programs*
- *Hazardous waste fees to support general hazardous waste/substances programs*

**Insurance**

- *Fees on property casualty insurers for firefighting, earthquake and flood mitigation/preparation, uninsured drivers and auto case court costs, among many others*
- *Fees on health insurers for such things as premium assistance for lower income consumers and those who lack coverage, cover costs of certain medical procedures and tests and fees for consumer protection/intervention services against insurers”*

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**Support:**

“Stop Hidden Taxes” is a coalition of taxpayers, employers and small businesses and is sponsored by the California Chamber of Commerce and California Taxpayers’ Association

American Rental Association

Americans for Prosperity

Americans for Tax Reform

Anaheim Chamber of Commerce

Association of California Life and Health Insurance Companies

California Automotive Wholesalers’ Association

California Beer & Beverage Distributors

California Black Chamber of Commerce

California Business Alliance

California Business Properties Association

California Cotton Ginners and Growers Association

California Distributors Association

California Forestry Association

California Grocers Association

California Hispanic Chambers of Commerce

California Hotel & Lodging Association

California Landscape Contractors Association

California League of Food Processors

California Manufacturers & Technology Association

California Metals Coalition

California Retailers Association

California Small Brewers Association  
California Taxpayer Protection Committee  
Chemical Industry Council of California  
Chino Valley Chamber of Commerce  
Citizens for California Reform  
Coalition of Labor, Agriculture & Business of Santa Barbara County  
Contra Costa Taxpayers Association  
Dana Point Chamber of Commerce  
Family Winemakers of California  
Howard Jarvis Taxpayers Association  
Industrial Environmental Association  
Latin Business Association  
Milpitas Chamber of Commerce  
National Federation of Independent Business – California  
National Taxpayers Union  
Newport Beach Chamber of Commerce  
Nisei Farmers League  
North Valley Hispanic Chamber of Commerce  
Orange County Taxpayers Association  
Oxnard Chamber of Commerce  
Pleasant Hill Taxpayers Association  
Pomona Chamber of Commerce  
Redlands Chamber of Commerce  
Sacramento Hispanic Chamber of Commerce  
San Diego Tax Fighters  
Small Business Action Committee  
Temecula Valley Winegrowers Association  
The Wine Group  
Valley Industry & Commerce Association  
Valley Taxpayer's Coalition  
Ventura County Taxpayers Association  
Western Agricultural Processors Association  
Western Home Furnishings Association  
All Star Rents  
Ampelos Cellars  
Anders-Lane Artisan Wines, LP  
A-V Equipment Rentals, Inc.  
Award Painting Co.  
Barney's Beanery  
Bart Enterprises, Inc.  
BMP Consulting Services, LLC  
Bray Vineyards  
Brochelle Vineyards  
Bryant Family Vineyard  
Cal-West Rentals  
Cantara Cellars  
Cedar Mountain Winery  
Cedar Roof Care  
Celebrations Party Rentals & Tents  
Chandelle of Sonoma  
Chase Family Cellars

Cheer EDU  
Clos Saron  
Cloverdale Saw & Mower Center  
Consilience Wines  
Cooper-Garrod Estate Vineyards  
Cottonwood Canyon Vineyard  
Diageo  
Drew Family Cellars  
Duckhorn Wine Company  
Duralast Construction, Inc.  
E-Marc Engineering, Inc.  
Fallbrook Winery  
Fong Enterprise  
Foster's Wine Estates Americas  
Four Brix Winery  
Gandrud Financial Services Corporation  
Heidrun Meadery  
Heringer Estates, LLC  
Honig Vineyard & Winery  
Hopper Creek Winery  
ISU Insurance Services – ARMAC Agency  
Jada Vineyard & Winery  
Joe's Buggy Haus, Inc.  
John Christopher Cellars  
Korbel  
Lafond Winery and Vineyard  
La Honda Winery  
Lamborn Family Wine  
Lancaster Estate  
Liquid Bamboo, Inc.  
Lost Coast Vineyards, Inc.  
M.A.C. Wines, LLC dba Three Wine Company  
Marine Mechanical Repair, Inc.  
McGrail Vineyards & Winery  
Midsummer Cellars  
Mokelumne Glen Vineyards  
Napa Barrel Care  
The Nipomo Wine Group – Phantom Rivers Winery  
Paraiso Vineyards  
PBG Capital, Inc.  
Pedrizzetti Winery  
Per Bacco Cellars  
Performance Design & Landscape  
Pilot Peak Vineyard and Winery  
Pleasant Valley Vineyards, Inc.  
Pleasanton Rentals, Inc.  
ProTravel International  
Rhodes Landscape Design, Inc.  
Rocca Family Vineyards  
Rochioli Winery  
Rodney Strong Vineyards

Sausal Winery  
Sawyer Cellars  
Scheid Vineyards  
Schmidt Family Properties  
Schug Carneros Estate Winery  
Scott Valley Chiropractic  
Seghesio Family Vineyard  
Shadow Mountain Vineyards & Winery, Inc.  
Silver Mountain  
SkyDance Skydiving  
Solune Winegrowers  
Steltzner Vineyards  
Stiles Truck Body & Equipment, Inc.  
Still Waters Vineyards  
Summit Lake Vineyards & Winery L.L.C.  
Terravant Wine Company  
Terry Hoage Vineyards  
Tolosa Winery  
Tre Anelli  
Trincherro Family Estates  
V.Santoni & Co.  
Vie-Del Company  
Weibel Family Vineyards and Winery  
Westbrook Wine Farm  
William Knuttel Winery  
Windsor Oaks Vineyards & Winery

**Opposition:**

California Tax Reform Association

(A coalition is forming to oppose this measure titled “Taxpayers Against Protecting Polluters.” While opponents have yet to officially register, the opposition is expected to mirror the opponents of Prop. 37, which included environmentalists, labor, health issue groups and others.)

November 23, 2009

09 - 0093

**VIA PERSONAL DELIVERY**

The Honorable Edmund G. Brown, Jr.  
Attorney General  
1300 I Street  
Sacramento, CA 95814

**RECEIVED**

NOV 23 2009

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Attention: Krystal Paris, Initiative Coordinator

Re: Request for Title and Summary- Initiative Constitutional Amendment

Dear Mr. Brown:

Pursuant to Article II, Section 10(d) of the California Constitution and Section 9002 of the Elections Code, I hereby request that a title and summary be prepared for the attached initiative constitutional amendment. Enclosed is a check for \$200.00. My residence address is attached.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Mueller & Naylor, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814, (916) 446-6752, Attention: Steve Lucas (telephone: 415/389-6800).

Thank you for your assistance.

Sincerely,

Allan Zarembeg, Proponent

Enclosure: Proposed Initiative

**SECTION 1 - FINDINGS AND DECLARATIONS OF PURPOSE.**

The People of the State of California find and declare that:

(a) Since the people overwhelmingly approved Proposition 13 in 1978, the Constitution of the State of California has required that increases in state taxes be adopted by not less than two-thirds of the members elected to each house of the Legislature.

(b) Since the enactment of Proposition 218 in 1996, the Constitution of the State of California has required that increases in local taxes be approved by the voters.

(c) Despite these limitations, California taxes have continued to escalate. Rates for state personal income taxes, state and local sales and use taxes, and a myriad of state and local business taxes are at all-time highs. Californians are taxed at one of the highest levels of any state in the nation.

(d) Recently, the Legislature added another \$12 billion in new taxes to be paid by drivers, shoppers, and anyone who earns an income.

(e) This escalation in taxation does not account for the recent phenomenon whereby the Legislature and local governments have disguised new taxes as "fees" in order to extract even more revenue from California taxpayers without having to abide by these constitutional voting requirements. Fees couched as "regulatory" but which exceed the reasonable costs of actual regulation or are simply imposed to raise revenue for a new program and are not part of any licensing or permitting program are actually taxes and should be subject to the limitations applicable to the imposition of taxes.

(f) In order to ensure the effectiveness of these constitutional limitations, this measure also defines a "tax" for state and local purposes so that neither the Legislature nor local governments can circumvent these restrictions on increasing taxes by simply defining new or expanded taxes as "fees."

**SECTION 2 - SECTION 3 OF ARTICLE XIII A OF THE CALIFORNIA CONSTITUTION IS AMENDED TO READ:**

SEC. 3. *(a) From and after the effective date of this article, any changes in state taxes enacted for the purpose of increasing revenues collected pursuant thereto Any change in state statute which results in any taxpayer paying a higher tax whether by increased rates or changes in methods of computation must be imposed by an Act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property may be imposed.*

*(b) As used in this section, "tax" means any levy, charge, or exaction of any kind imposed by the State, except the following:*

*(1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.*

*(2) A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of providing the service or product to the payor.*

*(3) A charge imposed for the reasonable regulatory costs to the State incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.*

*(4) A charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.*

*(5) A fine, penalty, or other monetary charge imposed by the judicial branch of government or the State, as a result of a violation of law.*

*(c) Any tax adopted after January 1, 2010, but prior to the effective date of this Act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this Act unless the tax is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.*

*(d) The State bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.*

**SECTION 3 - SECTION 1 OF ARTICLE XIII C OF THE CALIFORNIA CONSTITUTION IS AMENDED TO READ:**

SECTION 1. Definitions. As used in this article:

(a) "General tax" means any tax imposed for general governmental purposes.

(b) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity.

(c) "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with

limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

(d) "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

(e) *As used in this article, "tax" means any levy, charge, or exaction of any kind imposed by a local government, except the following:*

*(1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.*

*(2) A charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.*

*(3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.*

*(4) A charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.*

*(5) A fine, penalty, or other monetary charge imposed by the judicial branch of government or a local government, as a result of a violation of law.*

*(6) A charge imposed as a condition of property development.*

*(7) Assessments and property-related fees imposed in accordance with the provisions of Article XIII D.*

*The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.*

#### **SECTION 4 - CONFLICTING MEASURES.**

In the event that this measure and another measure or measures relating to the legislative or local votes required to enact taxes or fees shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure shall receive a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the

provisions of the other measure or measures relating to the legislative or local votes required to enact taxes or fees shall be null and void.

**SECTION 5 - SEVERABILITY.**

If any provision of this Act, or any part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this Act are severable.



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## CITY COUNCIL/AGENCY/AUTHORITY AGENDA ITEM

**SUBJECT:**

Grant Application for State of California, Office of Traffic Safety STEP Grant  
**REIMBURSEMENT GRANT- NO MATCH REQUIRED**

**PRESENTED BY:**

Ron Strand, Chief of Police

**SUMMARY:**

The State of California, Office of Traffic Safety is offering local law enforcement agencies overtime grants to conduct Selective Traffic Enforcement Programs (STEP) within the City of Ridgecrest during fiscal year 2011. The period begins October 1<sup>st</sup>, 2010 and ends September 30<sup>th</sup>, 2011. This is a reimbursement grant that requires no matching funds.

The STEP program provides funding on an overtime basis to employ enforcement and innovative strategies to reduce the number of persons killed and injured in traffic collisions. The funded strategies include:

- DUI/driver's license checkpoints
- DUI roving patrols
- A "hot sheet" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with suspended or revoked licenses as a result of DUI convictions
- Court "sting" operations which focus on DUI offenders with suspended or revoked driver's licenses who get behind the wheel after leaving court
- Special enforcement operations which target red light runners
- Traffic enforcement operations at intersections with disproportionate numbers of traffic crashes

This grant also provides funds purchase of the following equipment to assist in achieving the goals of this grant:

- 1- DUI trailer
- 1- Changeable message sign trailer with radar
- 2- Radar speed detection devices for motorcycles
- 1- In-car video recording system
- 3- Portable light systems
- DUI checkpoint equipment (cones, signs, lights, flares, etc.)

**FISCAL IMPACT:**

Approximate revenue to the city in the amount of \$ 135,782.00

**ACTION REQUESTED:**

Approval of Resolution

**CITY MANAGER'S RECOMMENDATION:**

Submitted by: Ron Strand

Action date: August 18th, 2010

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF THE STATE OF CALIFORNIA, OFFICE OF TRAFFIC SAFETY STEP GRANT.**

**WHEREAS**, the Office of Traffic Safety, State of California, is offering Selective Traffic Enforcement Program (STEP) grants to employ enforcement and innovative strategies to reduce the number of persons injured and killed in traffic collisions, and;

**WHEREAS**, this grant does not require city matching funds, and;

**WHEREAS**, this grant will reimburse the City for actual overtime expenditures and the purchase of equipment relating to traffic enforcement, and;

**WHEREAS**, approximately \$ 135,782.00 revenue will be received by the city, and;

**WHEREAS**, this additional funding is to be used for DUI enforcement, red light enforcement, speed enforcement, seat belt compliance enforcement, driver's license enforcement, and the police department will administer said grant.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Ridgecrest authorizes the City Manager, or his designee, to apply for this reimbursement grant with the State of California, and to approve, sign and execute any and all documents relating to the grant award, including amendments, and;

**BE IT FURTHER RESOLVED**, that the City Council authorizes the Finance Director to increase the FY11 budget revenue and expenditures in the amount of this grant, and;

**BE IT FURTHER RESOLVED**, that this resolution shall remain in full force and effect until a resolution of the City Council is adopted amending or rescinding this resolution.

**APPROVED AND ADOPTED THIS** 18th day of August, 2010, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

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Steven Morgan, Mayor

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Rachel J. Ford, CMC, City Clerk

**10**

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

**SUBJECT:**

Minutes of the Regular City Council/Redevelopment Agency Meeting of June 16, 2010

**PRESENTED BY:**

Rachel J. Ford, City Clerk

**SUMMARY:**

Draft minutes of the Regular Council/Redevelopment Agency Meeting of June 16, 2010

**FISCAL IMPACT:**

None

Reviewed by Finance Director:

**ACTION REQUESTED:**

Approve minutes

**CITY MANAGER 'S RECOMMENDATION:**

Action as requested:

Submitted by: Rachel J. Ford  
(Rev. 6-12-09)

Action Date: August 18, 2010

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

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

**June 16, 2010  
6:00 p.m.**

**CALL TO ORDER 6:03 p.m.**

**ROLL CALL**

**PRESENT** Mayor Steven Morgan, Mayor Pro Tem Ron Carter, Vice Mayor Thomas Wiknich, and Council Members Jerry Taylor.

**ABSENT** Councilmember Holloway is traveling to Sacramento for a League of California Cities meeting.

**APPROVAL OF AGENDA:** Approved by Mayor Pro Tem Carter and second by Council member Jerry Taylor. All approved.

**CLOSED SESSION – 6:00 p.m.**

Closed session 6:05 p.m.

**REGULAR SESSION – 6:30 p.m.**

Regular session 6:41p.m.

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**CITY ATTORNEY REPORTS**

- GC54956.9(B)Conference With Legal Counsel – Potential Litigation – Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest

No Action Taken

- GC54956.9(A) Conference With Legal Counsel –Litigation – Will C. Robertson v. Steven P. Morgan et. Al

Lemieux's Office will represent in the above case. No further action taken.

- Added: Ridgecrest vs. Matrix Motors

No Action Taken

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

June 16, 2010

Page 2

### COMMITTEES, BOARDS AND COMMISSIONS

#### Second Council Meeting (3rd Wednesday of the month)

##### **Infrastructure Committee**

Member: Tom Wiknich, Jerry Taylor, Lois Beres, Craig Porter

Meetings: 2<sup>nd</sup> Wednesday of the month at 5:00 p.m.; Council Conference Room

Next meeting July 14, 2009

- Vice Mayor Wiknich stated this committee met on June 9<sup>th</sup>. They discussed traffic control on LaMirage and French also on Peg/Argus/Coso and information was provided.
- New engineering firm hired. Helt Engineering (current engineering firm) will finish their project. Discussed water district cutting city streets. Touched on budget discussions. By-pass projects are going ahead, extension has been given. Monday, June 14, 2010 there was an open house on Ridgecrest Blvd. Good discussion/input over at the USO Building; information was passed on to Mr. Speer, Public Works Director. Currently we are at 60% design. Vice Mayor Wiknich encouraged the public to go on-line and review the plan and make comments now so that the committee can possibly incorporate suggestions provided.

##### **City Organization and Services Committee**

Members: Jerry Taylor, Tom Wiknich, Nellavan Jeglum, Lois Beres

Meetings: 2<sup>nd</sup> Monday of the month at 5:00 p.m.; Council Conference Room

No meeting to report; next meeting July 12, 2010

##### **Activate Community Talents sand Interventions For Optimal Neighborhoods Task Force (ACTION)**

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

Meetings: 2<sup>nd</sup> Monday of odd numbered months at 6:00 p.m., Kerr-McGeeCenter

Next meeting July 12, 2010

No meeting to report; next meeting July 12, 2010

##### **OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

- Mayor Pro Tem Carter stated that the Community Development Committee met and discussed the sign ordinance; they will take the topic to City Council. There is a discrepancy between the Indian Wells Valley water ordinance and the City of Ridgecrest's water ordinance. The committee would like to form a water sub-committee to include Councilmember Taylor, Planning Commissioners Patin and Kauffman to work on having just one ordinance. Next meeting at the water district's office will take place on July 15, 2010. Mayor Morgan – will ask Councilmember Holloway if he would like to participate.
- Vice Mayor Wiknich will be participating in Kern Cog's meeting tomorrow night.

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

June 16, 2010

Page 3

### CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- City Manager Rose stated that the “Tax Allocation Bond” team and staff participated in a conference call with Moody and Standard and Poor’s. Moody agreed to keep us at our current A- rating while Standard and Poor has raised our rating to Baa1.

### ORDINANCES AND RESOLUTIONS

1. **Ordinance No. 10- An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Curbside Service** **Rose**

This ordinance was heard for first reading and introductions by title only at the regular council meeting of April 21, 2010. The Ordinance has been amended and is brought back to council at this time for first reading.

- Mayor Morgan announced that due to the number of people in the audience, he would hold Public Comment to 3 minutes per person. He explained to the audience how the system works. He added that comments may be provided to the City Council via written documentation and e-mail.
- Attorney Keith Lemieux began by stating the he was pleased to bring forward this ordinance. It represents a lot of work by staff, along with comments by Benz and CalRecycle. Contained within the document, parties can elect to stay with Benz or self-haul. He has received comments on self-haul for consideration. Mr. Lemieux explained that the process is not meant to be ownerous – the City and Benz “need to know who you are.” Benz needs the information in order to stop billing and the City needs the information for diversion purposes. This ordinance allows for dropping Benz service and to do your own self-haul. Conditions – must actually haul – hauling actually occurring. There is unspecified fee to cover the City’s cost for processing the application or cost at the landfill. The fee is not punitive and not a money making venture for the City. The ordinance has been streamlined and hopefully cleared up; easier to understand. Regarding “Owner (or property manager)” – this type of change can be made before the 2<sup>nd</sup> reading. This concludes the report.
- Mayor Morgan asked if there are any questions?
- Councilmember Taylor commented that he agreed with the general change of designee. He stated he is not at the meeting to fight a battle with the public – he is not in support of a fee. He stated Council needs to get through this (ordinance) and he appreciates those that have provided an opinion.
- Mayor Morgan remarked that he would be against a fee as well but would be open to a re-opener in the future for discussion.

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

June 16, 2010

Page 4

### 7:00 p.m. Mayor Morgan Opened the Floor to the Public

- Christina Witt – Regarding Section 12.2.3 on non-refundable fee, Ms. Witt asked if this is the same fee or separate fee? Mayor Morgan answered that the City Council is not discussing fees. Ms. Witt continued by saying she is already paying a fee yet according to Kern County, residential trash is free. She stated that she did not vote for the City to contract with Benz. She has concerns with collections, where it's guaranteeing Benz a profit margin. She has researched this topic and various other cities rates did not go up. She asks City Council not to pass this ordinance.
- Councilmember Taylor commented that this is paying for a diversion program that the county does not want to take on.
- Keith Lemieux pointed out that there is a version of the ordinance (on the table) that has some slight changes; polishing type of changes.
- Rich Wagner – 408 S Lincoln – appreciates the Council for their support of no fees. Keith Lemieux's self-hauling verbiage bothers him (i.e. senior citizens). When he saw fees, collections, liens – he saw it as threats and he was angry. He agrees with mandatory trash and recycling – he does not agree with the cost. He feels we need to get out of the contract with Benz and find another franchisee; he commented we should bite the bullet and pay Benz off.
- Michael Hogan stated that he came to this valley in February 1991 and was involved with landfill management. He explained the "reverter clause" meaning that land could be given back to federal government, but Kern County kept the land. Kern County accepts garbage from Trona, (he named other places) and the diversion belongs to Kern County. He feels the state is placing responsibility on Ridgecrest for a landfill that is being managed on a regional basis. He commented that they (the state) is saying that the landfill is being filled up and Ridgecrest needs to do something about it and yet everyone should be doing something about it. He commented that it's an extraordinary measure to charge him an additional fee.
- Vice Mayor Wiknich announced that we are not going to charge a fee in this ordinance for self-hauling and Mayor Pro Tem Carter agreed.
- David Knight noted section 13.3.3 subsection C page 7. Mr. Knight asked that up until the refuse is actually collected and becomes property of franchisee that the trash is property of the resident, correct? He will assume that the City Council, City Manager and City Attorney recognize that private property is an amenable right. He discussed fundamental rights quoting the 1937 Ohio/Bell courts opposition to acquiescence of fundamental rights (adding that this is in direct violation of the constitution). Mayor Morgan asked him for a copy of his speech.

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

June 16, 2010

Page 5

- Bud Klampt (reading note written by Penelope LaComb) asked, aren't there laws on the books with regards to sanitation? He felt this ordinance was to protect the city, not the public. He added that the trash ordinance was revenge on the public. "Issuing a permit", was this at discretion of the City Manager or his designee? He stated we do not have to apply for our rights. He asked the City Council to vote against this proposal.
- Councilmember Taylor asked for suggestions relative to the ordinance.
- Dennis Rawl asked if Council can consider people who use commercial units – (they pay for commercial and residential). Also, can Council consider him opting out of the recycling program since he takes his recyclables to Pearsons? He doesn't know if the Pearson recyclable items are counted toward the diversion. Mr. Rawls added that he pays for trash service in other municipalities and in one town it's \$39.03 for three months service and the other town it's \$55.15 for two months. Mayor Morgan asked if we could get copies of his bills.
- Robert Eierman – remarked that Council is wasting their time since they already amended the ordinance. He stated that the citizens voted on election code 92-22 and added that no code adopted by voters can be repealed. He recommended that Council strike the word mandatory and it's a done deal and by law Council cannot change it. He added, Council gave up their authority and "if our vote doesn't mean anything and you can violate election law then I don't know where we are." Mr. Eierman claimed that the City attorney is into talking technicalities and into quashing a lawsuit. He cited Supreme Court decision called "K" – where the Mayor cannot ask people not to clap.
- Gwendalyn Harris stated that the dump yard is not cleaned up and it can cause disease. She added that she has done recyclables for years and some recycling centers will not take non-CRV items. That all built up through the years and now it has to be cleaned up. She feels the initial cost is not from us or Council – the main problem is from recycling centers. She stated she has had threats against her with an iron skillet. People have been irate with her for going to the dump yet they are dumping on "God's good land".
- Carole Vaughn explained that the last time she appeared at Council she was not clear with her communications. Franchisee dealing with owner or owner's designee is still not in writing and she would like to see in writing. On page 4 – item 4D, this action shall not waive requirement..... "– Ms. Vaughn commented that this statement still needs to be clear enough so it's not subject to mis-presentation. She was unclear on picking up cans off of private property - - she felt that sentence needed fixing. On page 5 regarding multi-family it reads, "4 or more dwelling units." She feels that in the residential/commercial industry this language is inconsistent with vocabulary used. Ms. Vaughn added, "there was nothing in the ordinance that discusses (addresses) vacant units".
- Jim Rachels – remarked that he didn't have a lot of positive things to say about the ordinance; he feels it's a flawed document. He stated that if there are no fees

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

June 16, 2010

Page 6

why is it mentioned in the document. He added that the City Manager told him that the City doesn't like citations because they do not want to be heavy handed – yet language written in the ordinance speaks of liens, etc. Also, if the property shall become the property of Benz and the City then why should he have to pay? "Cannot haul for others," is stated yet the City Council said it was OK in a prior council meeting. This appears to be a diversion (in his opinion). To divert attention that the ordinance is flawed and the City is at risk and that law has been passed by citizens. He felt what the Council was really doing was stalling.

- Timothy Jacobs – commented that he does property management and by not allowing property management to handle, it has become a nightmare. He stated the lawyer talked about changing that but it (ordinance) doesn't say anything about changing that.
- Ronald Porter – felt there were so many disappointments on this (ordinance). People are saying City Council should be run out of town and this is a socialist document. Nuisances incurred by city 13.6.2D. This violates due process and separation of powers. This body is going to be making and enforcing the law. This is a declaration of war against the citizens. This is written as you will obey me or else.
- Mayor Morgan stated that he has asked for no applause for a purpose. He is asking in order to keep Council meeting moving. He stated he is asking respectfully.
- Mary Frost – vote last Tuesday about measure A and B went down in flames. If mandatory trash has gone away I don't understand what is going on. The vote was not for approval for something else – I don't understand how we got to this point. If law says we have to have mandatory trash every week, then on holiday we don't get pick-up.
- Dave Matthews – commented he has stood at the podium many times saying that he would like Benz to take his garbage and he would like to take his recyclable material to the recycling center in town. He has been skimming through the document and he still doesn't see what he has requested. He remarked that he is losing his patience.
- Stan Rajtora – stated he has provided written comments to all Council members. He commented that he understands the fundamental issue - the need for recycling - and he understand that some mandatory recycling may be justified. One former ordinance took out mandatory trash and this document has it back. He stated, "I don't know, is someone going to be hoarding trash". He doesn't see the reason for mandatory pick-up. In his opinion the problem with this new ordinance, is that we are not looking at franchise - not looking at cost scenario. He doesn't know if this ordinance is going to cost him more money. He stated that cost is an issue. He feels it's important and we will not get around it if we don't address it. He mentioned that the last time he was at Council, he suggested good use of \$200,000; "that we hire an attorney". He pointed out that

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

June 16, 2010

Page 7

he sees Benz's fingerprints all over this. He added that we need to start involving the public – "we are going in circles until cost issue is solved".

- Alex Unknown Last Name - stated he is unclear on what's going on. It seems to him that for many years we had one trash can and took cans and bottles to the center. He doesn't understand why we have to opt-out or opt-in. He doesn't understand why we can't have one can for garbage.
- Brian Waterman – stated that there a lot of definitions at the beginning of the ordinance. If you have the word "collection...." in section 13.2-3 he asked what is your definition of subscribe? If it's mandatory, why are you telling us we have to subscribe? Section 13.2-C applicant shall only haul solid waste... Section 13.2-1C it says you can delegate; there appears to be a conflict there. "I would like to ask the public to please raise hand if you agree with the ordinance". (noted that most hands in this audience were not raised).
- Dave Hill – asked what the definition of voluntary is? He stated that he either has to do it one way or he has to do it another way. In his mind that is not voluntary. He does not believe the intent is to recycle or divert. Neither proposal will achieve success. He believes this is a way to control.
- Ronda Gilt stated that this may require an application fee and Mayor Morgan said that it may require a fee in the future. Every year she would potentially have to come down to City Hall to fill out form. She would have to prove this via receipts – this doesn't sound like voluntary to her. We are forcing people to act one way or another. Comply with Benz or the City. This is not what people voted for on June 8<sup>th</sup> – not what people have been telling you (Council) meeting after meeting. "This tells me you are not listening and I ask you vote against this ordinance".
- Walter Maurer – "how long will it take this Council to understand what this community is asking for? Why not put it on the ballot and then fight to represent our point of view? Gentlemen – do the right thing".
- Ron Buyer – if we the residents can comprise only 7% of the landfill required than why do we have such mandates? If it's business and commercial that commits - how do we citizens know that commercial is being complied with. We know that we are being threatened. It seems so unfair. We want to do recycling and trash – we have not gotten level of service. This is not right – it's not fair. He understands Benz wanting their money, but he feels Benz needs to be bought out.
- Unknown Speaker – when you go to county dump, they will not give you a weight certificate. This is almost impossible. For those not complying, write a ticket and leave the rest of us alone.
- Benny Aman – (Florence St.) – received two trash buckets. The City has an ordinance, that's good – stay with ordinance. Those that want apply and those

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

June 16, 2010

Page 8

that don't want don't apply. He liked it before ordinance came up – should go back to old ordinance and every one will be happy.

- Unknown Speaker (women speaker would not provide name) “I feel like I'm in the Roman Empire, where you pay taxes and someone demands that you pay it or you get thrown into the arena to the lions.” She felt good with measure when they came back and thought we were through with these things. She hopes no ones signs this – it doesn't say anything. Looks like we are being spanked. She has been here (Ridgecrest) since 1965 and for the first time feels like the people we elected – feels like you have been threaten. She added, since when can't we use the freedom of speech – can't clap. You don't demand something from someone, you ask. I will put the rest in a letter.
- Timothy Byer – stated he received a notice from County of Kern notifying him of a fee increase from county as well. He thinks this whole thing should be re-thought. There is no freedom in mandatory.

**8:13 p.m. Mayor Morgan Closed Public Comment. He thanked everyone for their comments.**

- City Attorney Keith Lemieux wants to get opinion from City Council regarding owner/designee. Noted to strike fees. Commercial subscription using for residential trash.
- Councilmember Taylor added that under section 13.2.3, he believes that exemption (commercial subscription) is covered.
- Keith Lemieux asks, that would be you methodology. Multi-family dwelling units 4 or more or 5 or more – all members agreed 5 or more OK.
- Vacant units – Mayor Morgan stated that per discussion in past, that if property is vacant, there should be no charge. Councilmember Taylor stated that is not obvious enough (in section 13.2.3D). City Attorney Keith Lemieux stated we could add language. Councilmember Taylor added that his personal biggest annoyance if property is vacant, there is nothing to divert. He would personally like to see a sub-section. Billing would get ugly – this is not clear enough.
- City Attorney Keith Lemieux asked how vacant is vacant, (section 13.2.3D). We need to have people opt out if people are out or on vacation. Mayor Morgan asked does Council want to say at least a month? We need to have you understand that you know it is more than CRV.
- City Attorney Keith Lemieux asks any points raised by Section 13.2.3B? Councilmember Taylor suggests two paragraphs – one for solid waste and one for recyclables. City Attorney Keith Lemieux stated requirements are set by the state on refuse. Point is a sanitary requirement which is set by state unless act of god, union strikes, etc.

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

June 16, 2010

Page 9

- City Attorney Keith Lemieux – let's talk about effect of initiative. The initiative did not propose an ordinance, it was just a question. It was advisory – the correct interpretation was the effect; it was not legally binding – not an ordinance. Some people believe that by not passing the ordinance tonight that the clock will turn back. If this does not pass, the mandatory system stays in place and there will be no self-haul provision.
- Mayor Morgan added if someone cannot haul their own trash.....no one is suppose to haul trash except owner; self-haul if done on voluntary basis. This ordinance is not intended for not starting service (business). If you elect to drive your trash to dump, it gives you the right to do that.
- Mayor Morgan added that putting this on the property tax roll (which is what Bakersfield does) they can provide that function at a loss; but they don't care since they have universal collection in Bakersfield. CalCity is currently under advisement from CalRecycle that they need to go to a two can system. Why do we have you come in and have you fill out paperwork – it is for state of California. There is a percentage of folks who will have service and percentage of self-haulers and hopefully we can coordinate those numbers. We have to try for all of our benefit. We have to try and see who is doing what at all levels so we can protect you on what state wants us to do. The intent is not to punish you. We want to give you the best opportunity to present to the state yet there are a few individuals here that want you to believe otherwise. We are trying to take your comments as well and make it work.
- Vice Mayor Wiknich commented that he does respect the vote of the people. He understands that we have to account for numbers for the state and 13.2.3 was our intent to make it voluntary for residents. If we do nothing it is mandatory for residents. He agrees with a lot of comments from the people; a) why don't we have it that any one can self haul – just do it once. Don't need paragraph B-E. We just need to be notified that person is going to self-haul and make it simple, but we (the city) do need to know. (noted that many people in this audience favored the Vice Mayor's recommendation)
- Mayor Pro Tem Carter is fine with that recommendation. He stated that some of the wording is based on negotiations with the state and some with negotiations with Benz. "However, to still come up (to the podium) and call us names is ridiculous. You can threaten me and recall me – that is part of our process." I do not want to bankrupt this city. We are forced to follow state guidelines. I'm proud with our elected officials, staff, and we have gotten movement from state. With complex issues everybody has to compromise." He wants to find a way the public can self-haul. Need to find something Benz and state will agree to. It takes comprise by everyone.
- City Attorney Keith Lemieux asked if everyone is in favor of Vice Mayor Wiknich's approach?

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

June 16, 2010

Page 10

- Councilmember Taylor commented if approved, owner occupied until changes. Not all about receipts, but simply making a phone call (not part of education process). How do we make sure residents opting out – how do we educate?
- City Attorney Keith Lemieux – the owner/designee may apply for exemption. Mr. Lemieux asks the City Council what are the ramifications if they are not self-hauling? Councilmember Taylor answered that can be dealt with that through nuisance. He added that his previous earlier impressions were that we had not much flexibility with CalRecycle.
- Vice Mayor Wiknich reiterated that any owner may notify the city (one time) that they want to opt out. City Attorney Keith Lemieux stated that there has to be some kind of written notification in order to inform Benz so they can pick up the can. Mayor Pro Tem Carter added that there has to be a paper trail. Mayor Morgan agreed that we need to provide education information. Councilmember Taylor added that he would ask that we can reference an external document as an education on what can be put in the blue can. Under section 13-2-4A – collection of fees, for occupied properties.
- Robert Eierman stated he thinks Council could take the sting out if they could call it a self-haul notification form vs. an application form.
- Audience question, “can the form be rejected”? Vice Mayor Wiknich answered, no.
- City Attorney Keith Lemieux asked, if you catch a self-hauler, not self-hauling, what happens? What are the ramifications? Councilmember Taylor commented that with that scenario (stock pile on property), it’s a nuisance. City Attorney Keith Lemieux then asked, should they (homeowner) then be required to subscribe to the service? Councilmember Taylor answered that in the spirit of what we got, “this Councilmember vows to bring the ordinance back.”

### **8:51 p.m. Mayor Morgan Re-opened the Floor to the Public**

- Jim Rachels offered suggestion that since the Council is gutting the ordinance as written - take out the punitive language. Take out language with liens, property taxes, etc. He added, “our business with Benz is private as well.”
- Vice Mayor Wiknich cited an example of what if someone has x15 pick-up trucks full of trash and they leave town. The neighbors are complaining and flies are coming in their homes. This provides us a means to clean it up. Or what if there is hazardous waste that needs to be cleaned up – we need to recover. Jim Rachels commented that Councilmember Taylor pointed out that there is a public nuisance ordinance that covers that. This ordinance covers whether someone needs to haul or not.
- Ron Porter suggested having people sign form and have a list of what the City expects people to divert. Nuisance is already covered in government code – that

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

June 16, 2010

Page 11

is where you can attach people's property if the city has to clean up a nuisance. The City can charge – it's already covered.

- Alex Unknown Last Name recommended that people can give their driver's license. (noted that he was booed by audience participants regarding that suggestion)
- Brian Waterman brought up that the city attorney mentioned section 13.2.3D – Mayor Morgan commented, "that clause has been eliminated."
- Bud Clampt requested that when Council places their notice of what can be placed in recycle bin, that they be very specific.
- Von Myer – section 13.3.B reads collect once a week. He asked City Attorney Keith Lemieux that the state requires you remove trash once a week, however, if no trash exists then what? Councilmember Taylor answered that if you don't generate trash, you don't need to remove anything. For clarification, the service needs to be provided once a week. He added that for folks that want to pause their service; we need to work on that one. Mr. Von Myer stated that if he were to have a vacancy for 21 days that would be appropriate for me. He wouldn't want to go over a month and he would submit a paper.
- City Attorney Keith Lemieux recommends that 13.2.3 – the owner (designee) may submit an application for self-haul. Sections CDEFG are gone. Section H becomes Section C. He added that is a substantive change that he would like that change voted on. The commercial subs that use the dumpster – the vacant unit issue – the multi-family – comments from public will be incorporated in; that are appropriate.
- Ron Porter brought up unauthorized container. He requested that any container can be used as long as you close it. Mayor Morgan responded that, "we'll look at that."
- Vice Mayor Wiknich announced that he volunteered to drive the city – every city street, and he would like to submit that report to the Finance department. He added that we now have a completed list. He wanted to thank the P.A.C.T. volunteers.

### **Recommended Motions – 2 Motions**

#### **Motion to Waive Reading in Full Of An Ordinance Of The City Council Of The City of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Curbside Service**

- Motion to waive this reading in full. Motion made by Jerry Taylor, second by Ron Carter. All approved.

**Requires A Second**

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR**

**June 16, 2010**

**Page 12**

**Motion to Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates to Curbside Service**

- Motion to pass the ordinance as amended. Motion made by Ron Carter, second by Tom Wiknich. All approved.

**Requires A Second**

**2. Joint Resolution of So. California/TRANE on Photovoltaic Field**

**Staheli and Bradley**

- 5/3/2010 special meeting for resolution of photo-voltaic field. Approved. Staff report detailed funding and further resolutions. Security systems and project development fees previously allocated on RDA funds. Commercial construction 10% contingency. \$112,000 for partial payment on security system. Staff options recommends: RDA funding thru utility funds at \$3M at \$1.5M and then reimburse funds the development cost with interest. Not to exceed 5 year term.

**9:29 p.m. Mayor Morgan Opened the Floor to the Public**

**9:29 p.m. Mayor Morgan Closed the Floor to the Public**

- Mayor Morgan asked for a vote of approval for Resolution. Mayor Pro Tem Carter made a motion and Councilmember Taylor second the motion. All approved.

**DISCUSSION AND OTHER ACTION ITEMS**

**3. America Recovery and Reinvestment Act Repayment Risks**

**Speer**

- Dennis Speer discussed the advertising of the ARRA road rehabilitation projects and repayment risks. He stated that authorization to proceed has been received and the next step is to advertise. However, he brought up an example of how another city complied and oversights done properly and how negative impact findings (per audit) and audit team asked how was management prepared that they did not do engineering in-house. How did you bring on consultant engineering firm and they replied RFP process. They were asked for documentation and audit team said because the original design team not brought in and RFP process not done correctly - \$2M dollars was requested back.
- Upon hearing this story, Dennis Speer called Cal-Trans and they concluded that the City of Ridgecrest is not in same position; however they would stand behind the city. Mr. Speer asked District 9 for letter of support and they stated they

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

June 16, 2010

Page 13

would need to check and get back to Mr. Speer. The ARRA oversight team and Sacramento stated that they would not give a letter of assurance but calls and e-mails to Cal-Trans were assured and confirmed that the City of Ridgecrest would have to make repayment of ARRA funds. There could be a re-payment of \$5,200. Staff felt compelled to advise the Council and consider if these projects should go forward.

- Councilmember Taylor stated he is confident in moving forward. He added that he contacted Congressman Kevin McCarthy's staff and tried to engage the congressman on this issue.
- Mayor Morgan stated he has no concern but thanked Mr. Speer for bringing the issue forward.

### **9:38 p.m. Mayor Morgan Opened the Floor to the Public**

- Joe Conway asked if we are on the hook for \$4M for street repairs on Norma and Mr. Speer answered that Norma was CDBG money, not ARRA.

### **9:38 p.m. Mayor Morgan Closed the Floor to the Public**

- Mayor Morgan made a motion that the resolution attached be voted on and Mayor Morgan voted aye, Councilmember Taylor second the motion. All approved.

## CONSENT CALENDAR

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

4. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council To Grant A Designated Period For Two Years Additional Service Credit (Golden Handshake) For The Eligible Local Miscellaneous Members** A. Taylor
5. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council Approving A Budget Amendment To Provide Funds For Construction Management Services For The South Norma Street (Upjohn to Church) CDBG Reconstruction Project From The Traffic Impact Fee Account** Speer
6. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council Calling And Giving Notice Of The Holding Of A General Municipal Election To Be Held On Tuesday November 2, 2010 For The Election Of Certain Officers As Required By The Laws Of The State Of California Relating To General Law Cities** Ford

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR**

June 16, 2010

Page 14

7. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Requesting Consolidation With Kern County board Of Supervisors For Election Services For The General Municipal Election To Be Held On November 2, 2010 Ford
8. Council Expenditure Approval List (DWR) Dated June 4, 2010 In The Amount Of \$646,476.20 Staheli
9. Council Expenditure Approval List (DWR) Dated June 4, 2010 In The Amount of \$ 8,335.12

Motion to pass consent calendar in full. Motion made by Jerry Taylor, second by Vice Mayor Wiknich. All approved.

**PUBLIC COMMENT**

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

**9:41 p.m. Mayor Morgan Opened the Floor to the Public for Public Comment**

- Bud Klampt – if driven south on China Lake, the left turn on new light signal is behind the light pole. Councilmember Taylor stated it is being taken care of.
- Dennis Wiley – Leroy Jackson Park complex, new addition of over \$500,000. Mr. Wiley stated he has run 22 softball tournaments – 2 day tournaments. People rent motels, buy gas and groceries. About 8-10 years ago, the county had funds for another two fields. Now we have a bad complex and other teams do not want to come here. Money on the vacant land south of office should have been put towards fields. If there is a way to come up with funds to put in more fields and bathrooms to complete that project, he feels it would be beneficial to the city. Mayor Morgan stated that budget discussions are coming up July 28, 29 and 30<sup>th</sup>.
- Dave Matthews apologized for losing his temper earlier but he stated he got a little frustrated. Budget suggestion to reduce street lighting but friend suggested new LED lighting be used and some are solar operated. Look at these as an option.

## **MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR**

**June 16, 2010**

**Page 15**

- Bill Conway asked when is the meeting with CalRecycle? Councilmember Taylor stated he is driving to Sacramento tonight for Policy Committee meeting. Mr. Conway asked if his suggestion of what was done in Berkley been looked into and Councilmember Taylor stated he will bring it up.
- Stan Rajtora commented that there was a lot of progress tonight but are missing levels of service and trying to get cost down and a lot of people would like to get the cost down and maybe have pick-up twice a month vs. once a week. Movement in that area would be appreciated.
- Gwendalyn Harris stated that by the courthouse and post office there needs to be a crosswalk there. She added that regarding the transportation system – she never had driver’s license and neither do her children. There are no buses running to Bakersfield from Ridgecrest. Since there is no greyhound bus service into this city, there is no way for daughter to get to Lancaster to court and to see her children. Councilmember Taylor stated that there is there is a bus system. Dennis Speer added that those buses run on Monday, Wednesday and Friday. Mayor Morgan commented that “this is all we have. Greyhound left us”.
- Howard Auld complimented Council members on conduct this evening. Summation on Armed Forces Day, read note from Assistant Secretary of the Navy Juan Garcia. Barbara Auld was pleased with way things went tonight. Howard Auld thinking of ways to help city get funds. He stated we can’t go on losing services in the city. We welcome people to come and thinking of future generations. We want to maintain quality of life and thanked the Council for what they do. Howard Auld is working on what he has termed the “Ridgecrest Financial Recovery Program”.
- Mr. Wiley stated that he ad his wife support the Council 100% and appreciate how hard they work and the hours they put in.

### **MAYOR AND COUNCIL COMMENTS**

- Councilmember Taylor – Ms. Harris, ask city staff for a simple letter to the courts to educate them on our transportation system. He thanked everyone tonight.
- Vice Mayor Wiknich noted that while verifying addresses, he found a lot of things out there (in the community). He encouraged people to place addresses on their home. He stated it’s important for emergency services such as police or ambulance. Vice Mayor Wiknich stated that one gentleman tonight stated he didn’t think there was a lot of problem with trash, but he saw plenty of places with pick-up trucks filled with trash, and front yards with old refrigerators and side yards with trash piling up. It was amazing what he saw. He hopes his list helps our Finance dept. He added that he is giving away free 3x5 flags at Guns4Us.

## **MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR**

**June 16, 2010**

**Page 16**

- Mayor ProTem Carter thanked citizens for the comments they made. He is proud of the Council and proud of resolution passed. Way to slow but getting there. He added that this was for you (the community) to opt out and it amazed him how many people didn't want Council to move forward. "Let's start working together – solve problems together – let's continue".
- Mayor Morgan hopes that Councilmember Holloway and are considering going to upcoming July League meeting. Voting delegates for Annual League Conference, please let Interim City Manager know. Once again you will be hearing the words – RECALL. The message from this Council is that we are trying desperately to do what you want us to do, but to hear accusations is getting real old – it's not true. Certain comments about my behavior and yet those folks, how do they address me and this Council? I have made a promise to myself to use the rules that I am allowed to use in order to take care of business – not to be disrespectful to anyone.

### **ADJOURNMENT**

#### **10:52 p.m. Mayor Morgan Adjourned the City Council Meeting**

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded for the purpose of preparation of minutes.

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Eva Peterson, Recording Secretary



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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT:</b> Minutes of the Regular City Council/Redevelopment Agency Meeting of July 21, 2010
<b>PRESENTED BY:</b> Rachel J. Ford, City Clerk
<b>SUMMARY:</b>  Draft minutes of the Regular Council/Redevelopment Agency Meeting of July 21, 2010
<b>FISCAL IMPACT:</b> None Reviewed by Finance Director:
<b>ACTION REQUESTED:</b> Approve minutes
<b>CITY MANAGER 'S RECOMMENDATION:</b>  Action as requested:

Submitted by: Rachel J. Ford  
(Rev. 6-12-09)

Action Date: August 18, 2010

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

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

**July 21, 2010  
6:00 p.m.**

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded for the purpose of preparation of minutes.

**CALL TO ORDER at 6:00pm**

**ROLL CALL**

Council Members Present: Mayor Morgan, Council Member Ron Carter, Tom Wiknich

Council Members Absent: Chip Holloway, and Jerry Taylor

Staff Present: Interim City Manager Harvey M. Harvey Rose; City Clerk Rachel J. Ford; Other Staff

**APPROVAL OF AGENDA**

Add presentation by Turlock fire department regarding Owens peak complex fire update.

Amend item no. 5 to a discussion item only.

Motion To Approve Agenda (As Amended) Made By Wiknich, Second By Carter.  
Motion Carried By Voice Vote Of 3 Ayes, 0 Nays, 0 Abstain, And 2 Absent.

**CLOSED SESSION 6:02PM**

**Public Comment for closed session – none**

**REGULAR SESSION – 6:35pm**

**PLEDGE OF ALLEGIANCE led by Aaron McCain of Boy Scout troop 412**

**INVOCATION led by Pastor Westin**

**CITY ATTORNEY REPORTS**

- ❖ Closed Session
  - Michael Silander gave attorney report
  - Council discussed potential litigation no action taken
  - Direction by council given, no action

- No action taken on item 3
- ❖ Other

## **PRESENTATIONS**

### **1. Added presentation regarding fire incident in our region.**

- Captain Raj Singh Of South Central Sierra Interagency Incident Management Team Gave Power Point Update Of The Owens Peak Complex Fire Incident.
- Sand fire started by lightening.
- Indian Fire cause under investigation.
- Management objectives were outlined and Incident Command Post location is at the Fairgrounds.
- Closures include Pacific Crest National Scenic Trail, Owens Peak Wilderness area and Indian Wells Canyon.
- Information Phone Number 760-384-4279
- Jack of Kern County Fire gave update on their involvement in incident. 55 committed troops including engines and a helicopter. Fixed wing, fuel tender and mechanics also assigned.
- Costs are fully reimbursed by federal, no cost to county.
- Mayor Morgan – thanked fire departments for their work.
- Dave Matthews – asked if structures were involved.
- Captain Singh – no structures have been involved, some threatened but have been controlled.
- Wiknich – air resources on these fires
- Captain Singh – helicopters have been used for drops and are currently based at Inyokern airport.
- Morgan – appreciate everything in the air and on the ground being done.

### **2. Quad-State Local Governments Authority briefing to the Ridgecrest City Council**

Quad-State Local Governments Authority will give their annual report to Council

- Gerald Hillier - thanked Mayor and council for invite. Welcome opportunity to share with council. New member added – LaPaz County in Arizona. In discussions with Inyo county and meeting next month. Wish could report revised desert tortoise plan, but still in regional office of fish and wildlife service in Sacramento. Successful in meeting with director in February to discuss major problems with draft recovery plan. First issue, draft seen in 2008 did not carry specifics in trying to deal with diseases affecting the tortoise. Second issue is predation; coyotes and ravens have increased and are destroying the tortoise population. Third issue, lack of assessment effectiveness. Long before tortoise was listed as protected, BLM was issuing preservations. No assessment of effectiveness of these measures had been done. Now a three year study of what has been done and how effective it has been is underway in Nevada. Not against

conservation on public lands, but against these things if not effective and no study of the effectiveness has been done. We have opportunity to get our concerns expressed as a partner. Have secured membership on the desert tortoise four state groups and county managers group. Views of local government are being presented to the groups. Currently have membership in Mojave initiative, and coming up expect to get the organization of Recovery Implementation Teams. Quad-state is going to try to provide cities and counties the ability to relate to management groups. Have not been able to listen in past to the issues of disease. We provide our members with professional expertise to help engage them in the full issues. Recently involved in public policy issues, two resolutions adopted and presented to NACO. Mitigation should be things other than procuring land. Tax bases affected. Agencies collect money; build fences etc but stop buying private land and taking it off the tax rolls. Second is to consider multiple use factors including recreation use. Reduces of trespass on private land. Gave example of off-highway development in the middle of protected land with no avenue to get to it. Continued public use of public land and not just energy projects. Two issues upcoming, fish and wildlife organizing landscape cooperatives; and program by president called Americas Great Outdoors which is looking at a new round of potential designations and restrictions of public lands. November 15 is key date and urges public to go onto America's Great Outdoors website and view proposed projects that can be voted on. These will set the pace for future land issues and land use restrictions. Listening sessions being held thru august and report due out in November. Will continue watching these issues.

- Mayor Morgan – supervisor McQuiston suggest Ridgecrest become involved in group. Eight counties in California, Arizona, Utah, and Nevada. Sitting in these meetings and discussing these issues with federal officials on the outdoors is invaluable to our community. Unfortunate this group has not been able to access more local governments to participate. Everything heard here tonight cost Ridgecrest \$900 and is going to \$700 next year. Keep this group alive and keeps our comments of keeping open areas open should continue.
- Gerald Hillier – budget crunch across region, summary of organization presented. Important that at last board meeting had unanimous support by members to maintain.

## **2. Presentation to Council from Chamber of Commerce**

Jan Bennett of the Ridgecrest Chamber of Commerce will make a presentation of funds to City Council

- Jan Bennett – Thank you presentation to Harvey Rose. Photo plaque given to Mr. Rose. Second presentation is Jerry Harridan is incoming CEO at Chamber of Commerce. Ridgecrest NEXUS foundation funds on

## **MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL**

**Xx/xx/, 2010**

**Page 4**

deposit for projects in 2002-2003 given to Mr. Rose for general fund. NEXUS foundation is charitable organization who handles social and cultural projects in Ridgecrest.

- Mayor Morgan – gave proclamation to Jan Bennett honoring her for her service to the City of Ridgecrest and Chamber of Commerce.

### **COMMITTEES, BOARDS AND COMMISSIONS**

#### **Infrastructure Committee**

Members: Tom Wiknich, Jerry Taylor, Lois Beres, Craig Porter

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

Next meeting August 11, 2010

- Council Member Wiknich – met July 14, committees handle issues before they go to council. Invited public to attend. Number of items discussed no legal quorum but only discussed. One topic was west Ridgecrest blvd. design issue. Brought back to infrastructure for further input. One item of design plan should be to solve flooding problem. Will be looking at that issue again. This design will be reviewed again with that in mind. Design drawings are available in public works. Discussed pavement management system. Next meeting date august 11. Time and location announced.

#### **City Organization and Services Committee**

Members: Jerry Taylor, Tom Wiknich, Nellavan Jeglum, Lois Beres

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

Next meeting August 9, 2010

- Council Member Taylor – did not meet, will meet in August.

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

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

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

Next meeting September 13, 2010

- Council Member Holloway – Did not meet, originally scheduled to meeting because of problems.

### **OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

- Mayor Morgan - Next town hall is July 28 at 6:00pm – tom Wiknich and Steve Morgan will attend. This is informal meeting to discuss any issue

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

Xx/xx/, 2010

Page 5

- Mayor Morgan – Kern COG meeting. SB375 initiative dealing with taking transportation issue and turning it into planning issue. Local government now under legislation to reduce greenhouse gas emissions. One way is to have a walk able community. Hearings scheduled, call out by league to attend the meeting. One tomorrow in corona. Brochure about this bill to be given to city clerk from Kern COG. Clerk will provide copies. Issue that in 5 years will hit cities hard if accepted plan has not been put together. Have to deal with CEQUA, California resources board and other agencies that all California cities will have to deal with. Mr. Taylor has indicated he might be able to go.
  - Council Member Taylor – day job conflict and if can solve in the morning will attempt to go to the corona meeting.
  - Mayor Morgan – ask staff to make link available for public.
  - Council Member Taylor – [www.arb.ca.gov](http://www.arb.ca.gov)
- Mayor Morgan – regional transportation project update. Highway 178 and 14 environmental issues and not yet funded but looking at widening in 2015. Red Rock Canyon to 178 also being widened. State route 46 in Kern County looking at widening that highway also. Wasco area also being improved. Progress report to be given to Clerk for public access.
- Council Member Holloway – next Thursday meeting in lone pine that will include LAWPD will reveal Owens Lake master Plan.

### CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

#### 3. RRA Bond Sale and City Council Project Study Session Date

McRea/Speer

The sale of the TABS resulted in approximately \$24,900,000 from a \$34,380,000 issuance. Projects may be modified, amended, and substituted from those listed in the Official Statement by City Council/Agency action and funds are anticipated to be expended within a three year period

- Harvey Rose – gave overview of RRA bond sale
- Jim McRea – city and agency presentation. Able to close sale of tax allocation bonds giving agency 24 million plus funds. Proceeds provided in agenda packet. Additional money deposited to pay off existing debt. Agency has available for infrastructure projects are 24.9 million. Intention is to ensure priority of projects to move forward in timely fashion for approval. Included previous list from past discussions. All department projects have been included and a map of the project area presented. List is not presented for approval but so public can see the intention of moving forward. Four projects have been ranked based on 2002 study. City Engineer will turn over consultant for development and full package would come before council for discussion and approval. Listed amounts set aside for other projects such as corporate yard, Ridgecrest blvd. drainage, and solar development. Total list is close to 50% of bond proceeds. Want to make sure council program are in mind. City engineer provided two alternative projects for further discussion. Page 8 of official statement of issuance on how funds

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

Xx/xx/, 2010

Page 6

would be expended and requirement for council final approval of each project. Discussed loan from wastewater fund that needs to be transferred back. Ridgecrest blvd. and Olde Towne enhancement will be coming back soon. Solar project is underway and funds were borrowed for that. Would ask council approve initiation of projects as listed and identify specific projects. Move forward on infrastructure and parks and recreation and redevelopment project area.

- Loren Culp – asked to attend in absence of Mr. Speer. List of street improvement projects for consideration. Suggestions for consideration. Pavement management system for City to prioritize capital improvement projects. List of projects in attachment dated July 14. Six projects identified. Attachment 5 of staff report. Prepared to discuss projects and go over logic of why these projects were proposed. Key staff member discussions and opinions in addition to personal site investigation. All streets identified are major arterial routes, centralized, high traffic volume, low pavement, already on prioritized list, and have some connectivity to other projects in community. Gave example of Downs Street and relation to Upjohn Blvd. and Ridgecrest Blvd. Other benefit for major arterials is connectivity for proposed improvement to other high use community areas. Also have major transmission corridor and required to have plans and specifications available for undergrounding project for utilities. Additional alternative suggestions for other streets. Proposal tonight is consideration of the list given the fact you have aggressive capital improvement program with tight timeline. Believe this is a logical suggestive list of major projects that are easily launched and can meet the tight improvement timeline.
- Council Member Taylor – current engineering support, Speers allows them to do Pavement Management System? This includes things we should be doing to extend the life of our roads. How long would it take?
  - Loren Culp – unable to answer that as have not requested schedule form contractor. Will be happy to bring back to you.
- Council Member Taylor – think this is important, concerned those other areas are not on the list. Crucial to get pavement management system update completed as soon as possible. Think is crucial to do our due diligence. With regards to corporate yard have not seen a plan on that construction; are there facilities nearby that can be utilized? Relative to pool, need to do analysis of pool rather than just build a new one. Check out revitalization. Page 2 has four projects with two alternatives but seeing a total of seven projects on attachment.
  - Loren Culp – appears to be error, suggested list is the July 14 list.
- Council Member Wiknich – gave explanation of projects.
- Council Member Carter – are you asking us to approve all six? Are you asking for an additional million?
  - Loren Culp – if council wants to get started in very aggressive list of projects with tight timeframe, we are recommending these for your

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

Xx/xx/, 2010

Page 7

consideration. These are additional or if council has other streets to consider as part of an aggressive program, staff is willing to listen and consider those projects.

- Council Member Carter – where will the additional million come from?
  - Jim McRea – can't undertake more than a couple in the first year but can get the designs finished and ready to be funded. Gave other programs by SCE to move lines and fund utilities near ball parks. Rule 21 funding not available unless we have the undergrounding project designed.
  - Council Member Carter – this is phase I and Phase II will come later?
  - Jim McRea – yes, this is a priority list and the master plans will be the first step taken. Gave idea of corp. yard and Ridgecrest drainage. Master plan design concepts.
  - Council Member Carter – piney pool would like an analysis.
  - Jim McRea – would begin with review pool to get idea of best way to spend the funds.
  
- Council Member Taylor – RFP for pool
  - Jim McRea – we are looking for implementation strategy.
  
- Council Member Carter – also said would have line item for library?
  - Jim McRea – not at the moment. Have spoken with county staff but at this particular listing no line item funded.
  
- Council Member Carter – would like to look at that in the next listing.
  - Jim McRea – roughly 5.9 million that has not been programmed at this point.
  
- Council Member Wiknich – no problem with this as beginning list and giving direction to staff to proceed. Attachment 3 my priority is repairing streets. Quick overview, if take out one Mr. Speer has on list and projects that are getting other funding, this entire list at current estimate would be 2.9 million could do every street on this list. Ask council to take a look at this and would need outside engineering and support. This entire list could go away. At infrastructure meeting came up with master drainage plan and need analysis done. Support what is before us tonight and request we look at that.
  
- Council Member Holloway – I agree. Would like to discuss the two terms of time/value/money and scale. Streets need to be number one projects to get this money. Heard that staff levels prevent moving faster. PMS study, hold off starting anything or bidding. Take that huge package and bid once or break down into smaller packages. Get more bang for our buck at one time.
  - Jim McRea – ARRA project I & II were bid at same time and would make sense to do same here.
  
- Council Member Taylor – seeing reduction in costs right now.

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

Xx/xx/, 2010

Page 8

- Council Member Holloway – bid once rather than 18 times.
- Mayor Morgan – thank staff for bringing forward. As Tom said and I agree, before opting to leave infrastructure committee. Updating pavement management study and this list is from that original study. Have the nexus and ability to coordinate with SCE for undergrounding. Understood several areas would be bid as one package. Leaves funds to continue discussions of micro paving and such. Do not want to indicate we are going to forget about residential streets. Large contract bids, agree. Will be individuals who disagree with some, all, or most projects. These items have been thru committees for up to 12 years and have not had the funds to do them. Enthusiastically endorse initial list, projects will go back to committee. Believe in a phase II and have committed to rehab of piney pool. Would not be able to get enough public support to build a new pool. Hopefully will give discussion in various committees to move forward and finalize entirety of funds. Opportunity for public to get involved is now to do the best we can with these funds.
- Council Member Taylor – how do we move forward with some of these project by doing designs? Want to see what is really needed and ready to do the project, not design to budget. Concession stand at ball fields and others still out there.

### PUBLIC COMMENT

- Dave Burdick – president of friends of the library. Listened to February 17 meeting presentation given for larger library. Dismayed to find library is not mentioned in list in spite of having more funds than anticipated. On February 17 replaced aquatics and replaced it with library proposal. Gave data of patrons using library and public computers. County library support is diminishing but local demand has increased. If you want to start planning a library repositioning would be happy to help. Need to know which committee to attend.
  - Mayor Morgan – Community Development Committee
  - Council Member Wiknich – still waiting to hear request from kern county they want to expend RRA funds to do this
  - Dave Burdick – on February 17 meeting there was commitment to get county support from council. Has anyone had conversation with McQuiston?
  - Mayor Morgan – I have and he was not as enthusiastic as you think.
  - Dave Burdick – same measurement numbers have been county-wide. In your interest to work with county to accomplish this.
  - Mayor Morgan – if you get your email address to city will add you to the agenda list for that committee.
  - Council Member Taylor – amount of foot traffic is good at current location, interested in foot traffic numbers versus drive in traffic. Information only.
  - Jim McRea – library is included in five-year plan. This is only the initial strategy.
  - Dave Burdick – agreement with county deadline is 2012. Think we could utilize library as tool in those discussions.

- Howard Auld – did I understand this money is in the bank?
  - Mayor Morgan – correct
  - Howard Auld – do we have a money management plan.
  - Mayor Morgan – staff direction
  - Council Member Carter – support list with addition of roads
  - Council Member Taylor – support list with roads and want pavement management study updated as soon as possible. Want to go forward with corp. yard design. Other projects hold reservation of infrastructure projects or individual committee requests. Need to move forward and looking forward to more detailed designs. Want infrastructure projects moving and want to talk about drainage.
  - Mayor Morgan – each project has to be approved later.
  - Council Member Wiknich – agree with Mr. Taylor. Do the whole think and as much as you can. Concerned about 500k for concession stand. Want to see a plan of this concession stand. Move forward.
  - Council Member Holloway – what arbitrage laws? Overnight money rate? .7?
  - Jim McRea – has discussed that and will be looking at our arbitrage limitations and bond IRS limitations with respect to projects.

**4. Budget Amendment Discussion**

**Rose**

This is a discussion item only to review proposed budget amendments that require additional research prior to council approval and implementation.

- Harvey Rose – resolution tonight amends budget items that were discussed last meeting. Gave list to council. Request approval of resolution. Other items will take longer to study and information will be forwarded to incoming city manager.
- Harvey Rose – read item no. 6 resolution.

**Motion To Approve Resolution No. 10-, A Resolution Of The Ridgecrest City Council And The Ridgecrest Redevelopment Agency Approving The Annual Budget Amendment #2011-01 Increasing Appropriations And Estimated Revenues In The Annual Budget Was Made By Council Member Carter, Second, By Mayor Morgan, Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, And 0 Absent.**

**DISCUSSION AND OTHER ACTION ITEMS**

**5. CALRecycle And Self Haul Drop-Off Area County Of Kern And Benz Agreements**

**McRea**

The City of Ridgecrest is proposing the establishment of a Kern County Sanitary Landfill Recycling, Diversion, and Drop-off area to support the self haul residents of the City. Ordinance 10-04; Section 13-2.3. Subject to the approval of the County of Kern, Benz Sanitation, and the City of Ridgecrest, the recycling, diversion, and drop off area would be a public private partnership to limit the

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

Xx/xx/, 2010

Page 10

recyclable and diversion materials from being buried within the landfill while facilitating self haul.

- Jim McRea – referred to fax received by Doug Landon of Kern County Waste Management. Agreement is under discussion for self-haul drop off facility at the county landfill. Intent of agenda item this evening was under compliance order for implementation but has now received an extension. This agreement is a draft only and not a complete agreement. Still must be negotiated with county. Drop off area is sole responsibility of the City. Review has not been developed and no agreement with Benz sanitation is completed. Presented three items for council discussion, proposed concept and draft agreement. Wait until meeting of August 4 before any action to be taken to allow for discussions with all parties connected to agreement. State is moving forward in January 2011 to require onsite recycling on every city in California. At same time switching to 1016 increasing diversion rate from the current 50%.
- Mayor Morgan – at last meeting, AB429 has been suspended for this year but will be reintroduced next year. Have a letter from department of recycling and recovery. CALRecycle gave us extension to work on minor issues.
- Council Member Taylor – the county at some of its other programs they stopped?
  - Jim McRea – yes had four they recently closed, Randsburg and three other stations on the west side. Reduction of recycling service can be done because they are in compliance.
  - Council Member Taylor – have we had discussion with them to continue and we will just pay them?
  - Jim McRea – yes and the answer is no, also need agreement with Benz.
  - Council Member Taylor – concerned about that not being city property.
- Mayor Morgan – one comment in document, pages not numbered but fourth page bullet 8 regarding suspension of program, item f. When county receives one violation from any regulatory agency due to the performance of the drop-off center. Would like in county discussions that statement when county receives one violation from regulatory agency that cannot be corrected
  - Harvey Rose – suspension not shut down, suspension is temporary. Notice first item is bins are full, will not shut down but will temporarily stop.
- Council Member Wiknich – agree with, what if they give ticket for littering, could suspend program. Any number of agencies is tough.
- Council Member Holloway – CALRecycle only extend 30 days at a time or can you request more time?
  - Jim McRea – we asked for 30 day extension and indicated as long as program is moving forward they are willing to work with us.
  - Council Member Holloway – listen to supervisor McQuiston, for county item 4. Read allowed to public

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

Xx/xx/, 2010

Page 11

- Council Member Taylor – indemnity clause.
  - Jim McRea – Benz and county in support of program but have not entered into contract.

### PUBLIC COMMENT

- Dave Matthews – briefly took look at map on internet but didn't print out. Seems that traffic flow is convoluted thru drop off area. Want to verify that is the case and maybe do something to correct.
  - Jim McRea – reverse loop with thought that Ridgecrest citizen would pull up, take thru drop off and then come back around again. CALRecycle doesn't want to see any cardboard buried. Will be personal responsibility of self hauler and observation of kern county employee. Inside landfill, spotter and person operating recycling drop-off are contractors. Put facility at county recommendation next to gatehouse. Hazardous waste facility is already there. This facility will only be for recyclables, and then person can continue into dump for other items. Commercially encouraging onsite recycling.
- Jim Rachels – applaud mayors' observation picking out items at risk for city. First question, if city builds and operates facility is it exclusive for city residents or can anyone use it?
  - Jim McRea – could use but only for choice.
  - Jim Rachels – risk for city where city funds used to build and operate and then everyone can use.
  - Harvey Rose – recyclables would be credited to city.
  - Jim Rachels – given history, can't imagine that actually taking place, state won't give credit.
  - Jim Rachels – termination at 30 days by either party request. State increases burdens on county and county could take over facility we built. Need some type of protection?
- Ron Porter – one question has CALRecycle agreed everything will be credited to Ridgecrest? Also is county going to claim part of the recycles for their future numbers if anyone can use the facility. Would like some sort of operation plan costs, where the recyclables will be going? talks about city employees, what does that mean? Leaves a lot of questions without a plan of operation. Full separation in future may be profitable and reduce our cost.
- Diana Moon – gave compliments on community, turned upside down recycling bin.
- Brian Waterman – implementation delay, will that affect the self-haul ordinance 10-04 and push beyond 30 days?
  - Jim McRea – need self-haul capability prior to opting out. Currently can go to city corp. yard for some recyclables then go to landfill with all other.

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL**

**Xx/xx/, 2010**

**Page 12**

Self-haul is encouraged to drop off those items at facility then continue on to landfill.

- Ron Porter – CALRecycle requires facility to be located at the landfill?
  - Jim McRea – encouraging it but not requirement
  - Ron Porter – may want to look at a backup plan.
  - Council Member Taylor – citizens have options today, this issue comes down to trust.
  - Mayor Morgan – went to a facility, received nice receipt and was exactly need to show to CALRecycle if asked. Private facilities have gone above and beyond to provide those documents.
- Speaker – appreciate everything you are trying to do to keep the state of California at bay with mandatory everything.
  - Council Member Taylor – section 2.c.3 city shall provide sanitary facilities for employees. County should share.
  - Jim McRea – did mention to Mr. Landon but would have additional expense for city.
  - Council Member Taylor – why can't we share?

**6. Resolution No. 10-, A Resolution Of The Ridgecrest City Council And The Ridgecrest Redevelopment Agency Approving The Annual Budget Amendment #2011-01 Increasing Appropriations And Estimated Revenues In The Annual Budget Staheli**

The fiscal year 2011 budget was approved knowing that a few items would need to be amended according to Council's wishes. Several of these items have been addressed by staff and are being submitted for Council's approval.

*This Item Was approved with Item 4 Discussion*

**7. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing Payment In The Amount Of \$178,756.71 To Benz Sanitation Inc. For The Delinquent Accounts For May-June 2010 Mandatory Trash And Recycling Services Sloan**

Resolution 09-57 was adopted on September 10, 2009 authorizing the exclusive recycling franchise agreement with Benz Sanitation. As part of this agreement, delinquent accounts that remain uncollected 60 days from its billing date will be turned over to the City for payment. We received an invoice from Benz Sanitation dated July 1, 2010 for the May-June 2010 services delinquent accounts. The total of the invoice is \$178,756.71.

- Harvey Rose – periodic payment to Benz for uncollected funds. We have worked out payment schedules with some of these but still several accounts unpaid.
  - Mayor Morgan – why is finance director recommending payment?
  - Harvey Rose – are moving forward with finding collection company.
  - Mayor Morgan – what about those who opt out?

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

Xx/xx/, 2010

Page 13

- Harvey Rose – what is owed is still owed even if they opt out. Will have to identify who has and has not paid and opted out.
  - Mayor Morgan – theory this should go down to zero
- Council Member Wiknich – what did finance do to verify this bill?
  - Tess Sloan – have verified the commercial accounts only at this time.
  - Harvey Rose – finance is working on assimilating the data you provided.
  - Tess Sloan – have not verified the addresses you provided as being false addresses.
- Mayor Morgan – if those are verified may ask for reimbursement?
  - Tess Sloan – correct
- Council Member Wiknich – what process will be used to notify Benz to stop service on these opt-out accounts?
  - Tess Sloan – will have a process, community development is working on getting forms out to those who want to opt-out. They will collect the information for us.
  - Council Member Wiknich – how much longer to identify the residential accounts?
  - Tess Sloan – currently working to verify the list against Benz billing.
  - Harvey Rose – apologize for slowness, as staffing cuts things slow down.
  - Tess Sloan – furlough combined with end of year and budget has slowed down. currently have four months to verify.
- Council Member Holloway – management used to say sometimes you have to come in from a different direction. Seems we are creating new problems before solving old ones. Want to suspend all payments to Benz, even if we have to pay interest. Suggest write letter to Benz suspending payments until internal problems are solved. Until we get this contract solved nothing else makes sense. My proposal is suspend payment. It's obvious we are going to end up in litigation. All about trust. If going to table then let's get there as soon as possible.
- Council Member Carter – last time faced with paying this I stated did not want to make any more payment until this is worked out. Not going to vote for payment with Benz until there is justification for the bill. A lot of unanswered questions. Not going to vote anything to Benz until this is worked out and justification for monthly bill is outlined.
- Council Member Taylor – understand where coming from but passed ordinance, have discussions with franchisee, and trying to move forward. Not clear if CALRecycle wouldn't allow instant opt-out. Staff wants to say close enough but still don't have a form or facility. Tom put a lot of time into getting a list and concerned it has not been used yet. About ready to sit down across the table and renegotiate with Benz while everyone is lobbing grenades.

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

Xx/xx/, 2010

Page 14

- Council Member Holloway – have continually lobbied Hail Mary's and Benz has not been engaged in discussion. Until contract is correct we have no options. There is a point where we can't pay any of this, not that they won't get paid, time out only. Would love to hear from Manny, are these people putting out cans and getting service but not paying or are they people not getting service but being billed. Begging to start over with Benz on discussions.
- Council Member Wiknich – agree that has been the question about who is using service and not paying and who is not using service. Agree with suggestion that since ordinance was passed and everyone is on notice they can self-haul, but needs to start now. Stop picking up delinquent accounts and no more payments until accounts are verified.
- Mayor Morgan – question what type of violation is city in with ordinance and/or contract if we withhold payment?
  - Harvey Rose – would be in violation of contract. Ordinance was contacted by council members who wanted service shut off without payment but ordinance must run 30 days before becoming a law. Opt-out program needed at least one more drop-off point, still not prepared to impose new ordinance. August 7.
  - Mayor Morgan - Procedurally we would violate contract. Will not violate the rule of law whether is legal initiative or contract city has signed.

### PUBLIC COMMENT

- Jim Rachels – appreciate Mayor and Taylors commitment to honoring contract and appreciate other council commitment to paying only what is due. Holding resolution 09-57 which includes contract for recycling contract with Benz. Not one word in this document that says anything about solid waste or green can collections, therefore payments made for green can collections have been improper and not contractually obligated. Been making payments in error. Mandatory curbside. Section 6 discusses commercial recycling. No word about making payment to Benz. Bottom line is obligation to make payment to Benz for unpaid blue can bills. No obligation to make payment for green can or commercial services. Estimate 60% of bills. Over 1/ 2 million paid to Benz that was not obligated. Item 6 sets rates for commercial services. Making public allegation that city has making unwarranted payments to Benz. Would be improper and immoral, unethical and possibly illegal for city to continue to make payments without first investigating what is contractually owed to Benz. Extraordinarily significant, can't make another payment without investigating issue. Is incumbent on council to not vote to make this payment and ask for investigation to determine exactly what was owed.
  - Mayor Morgan – let record show this allegation has been made in past and legal department of city has shown Mr. Rachels is incorrect.
- Ron Porter – cannot issue exclusive franchise agreement for recycling. Amount of fees applied in contract were never justified. Currently includes money for bill collection and transfer facility. Unjustified. Need to see that those fees are

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

Xx/xx/, 2010

Page 15

proper, no justification from Benz supporting his costs. Understanding that costs did change by transporting recyclables to Tehachapi. Think we have serious problems to ensure there is no fraud or being overcharged. Contract does not cover mandatory payment for commercial. this is only service homeowners have to prepay for. I pay utility bills at end of month after service has been provided; this bill is calculated before service is provided. This is 60 days prior to actual due date.

- Council Member Wiknich – question for city manager, do we have contracts available for independent audit of rate structure?
  - Harvey Rose – have agreement with external auditor to do general fund audit, could ask them to do it. Discussed doing an audit and rate analysis is you proposing both?
  - Council Member Wiknich – yes, both to make sure we are paying what we should be paying.
  - Harvey Rose – finance has looked at books but not a formal audit. Suggest having our external auditor quote a price to do an audit and secondly a rate analysis and then form an RFP for bid for that job.
  - Council Member Wiknich – realistic to come back for adjusted rate resolution in light of the new ordinance.
- Council Member Carter – that is what I want.
- Council Member Holloway – does Benz have a comment
  - Paul Benz – no.
- Council Member Taylor – heard comments and comments from city attorney. A lot of things happened here I don't like, this will be another one. We have a meeting next week, just as frustrated as everyone else. Make motion to pay this bill as stated considering timeline
  - Paul Benz – work is being performed, hope you understand the decision you are making. Don't say we have not negotiated, have had several meetings then are changed at meeting. Money is due, should not be a subject of conversation. Have to have that money for doing the job. Were forced into contract by past city manager.

**Motion To Approve Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing Payment In The Amount Of \$178,756.71 To Benz Sanitation Inc. For The Delinquent Accounts For May-June 2010 Mandatory Trash And Recycling Services Was Made By Council Member Taylor, Second By Mayor Morgan, Roll Call Vote Of 3 Nays (Council Members Wiknich, Holloway, And Carter), 2 Ayes (Mayor Morgan And Council Member Taylor). Motion Does Not Pass.**

- Harvey Rose – will audit thru external auditor and attempt to verify data.

Recess taken at 9:30pm

Resumed meeting at 9:53pm

8. **Resolution No. 10-, A Resolution Accepting Co-Sponsorship Of The February 10, 2010, IWV Economic Outlook Conference, And Authorizing The City Manager To Transfer Funds To Cover The Cost Of The Use Of The Kerr-McGee Recreation Center** Rose

Planning has already begun for the next IWV Economic Outlook Conference. It is anticipated sufficient contributions will be generated - and, conference costs reduced -- between now and then to afford to bring in top speakers. Towards that end, the City has been asked to act as a co-sponsor and receive recognition for the City's role as a co-producer of this important event. Co-sponsorship would also mean there would be no charge for the use of Kerr-McGee Recreation Center.

- Harvey Rose – gave staff report.
- Peggy Breeden – no amount was discussed, just asked for co-sponsorship to use the facility.
  - Harvey Rose – that was the cost for the use of the facility and all other equipment.
- Council Member Taylor – for public this is in-lieu of cost. We would have to have had something booked to lose revenue.

**Motion To Approve Resolution No. 10-, A Resolution Accepting Co-Sponsorship Of The February 10, 2010, IWV Economic Outlook Conference, And Authorizing The City Manager To Transfer Funds To Cover The Cost Of The Use Of The Kerr-McGee Recreation Center Was Made By Council Member Taylor, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.**

**STUDY SESSION**

9. **A Discussion Of A Proposed New Agenda Format** Rose

This proposed Agenda Format attempts to move as many of the meeting's scheduled business and action items as possible up front. This is followed by scheduled discussions. The Agenda ends with unscheduled discussions and comments. This is not only a courtesy to those who have prepared and scheduled business matters for review by the City Council, but should also speed the handling of City business.

- Harvey Rose – gave staff report. past discussion of modification to agenda format based on suggestions from council and public. Attempting to bring business to beginning and unscheduled business at the end. discussion of time limit for public comment. No requirement to adopt format by resolution or ordinance. There is ordinance from 1996 setting speaker time limit at 5 minutes.

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

Xx/xx/, 2010

Page 17

Have put forth a draft ordinance with wording changes and suggest that if you adopt the ordinance change would recommend a resolution setting the time limit by resolution. One suggestion from a council member establishing new time for beginning meeting.

- Mayor Morgan – want to point out this is a business meeting and stated business must come first. Point out community event calendar has been added for those who are trying to feature a community event early then can go home. Admit that is a break from what I have stated but ask your consideration that we allow community events to have that time.
- Council Member Taylor – no problem, public comment suggestion to have people put their name on a list and allow a certain amount of time up front and allow first five or so people on list to speak first then other have to wait for end of meeting. Without hot topic, don't get that much public comment. Don't feel should allow full 60 minutes at beginning.
- Council Member Carter – this is a business meeting, don't have problem with recommendations, want to keep public comment where it is. Don't want to have staff monitor. Meetings are too long as it is.
- Council Member Taylor – suggest earlier time
- Council Member Wiknich – request moving public comment to beginning
- Council Member Taylor – required to have it, what is the time limit
- Michael Silander – no requirement for limits, no problem changing time allowed.
- Council Member Holloway – here either way, no concern. 30 minutes for community events is more than needed.
- Mayor Morgan – open to public comment.

### PUBLIC COMMENT

- Mike Neel – address change with respect that this is business meeting yet throwing community event calendar at beginning. How can you justify this at beginning and public comment at the end? why worry about the one hour time frame if keeping at end of meeting, won't be a concern. If you put at the beginning where it was for years you might have to worry. Other problem I see is setting the time by resolution. Referenced the brown act pertaining to public comment. Regulation is ordinance, how do you justify that a resolution is a regulation? Ordinance requires first and second reading.
- Robert Eierman – strikes me that you don't define business properly. If you say you are here anyway then infer that business doesn't involve interaction with the

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

Xx/xx/, 2010

Page 18

community. For you to sit there and act in your pompous style, to say that is not your business.

- Council Member Carter – that is exactly what is, and I don't have the right to give my opinion.
  - Robert Eierman – should listen to your constituents. Public comment is important part of your business and should be moved to beginning of your meeting. Thought Council Member Taylors suggestion had some degree of compromise, meet in the middle. Don't give me that is a big imposition just standard BS.
  - Council Member Carter – tired of being called names.
  - Robert Eierman – could do a lot better in considering you business with people who want to speak with you. If given the opportunity to speak at 7:00 you would hear from people who may think you do a good job as well as a bad job.
  - Mayor Morgan – we disagree
- Ron Porter – community events announcement, problem of overcrowding and selection problem. Who considers a public event and what not a public event is. Public announcements should be done in public comment as in the past. Nothing wrong with opening at beginning for a set amount of time then continuing to end of meeting. Prevents conflict in future. Middle ground with no judging what is a community event.
    - Mayor Morgan – an event open to everyone in the community such as a fair or car rally where no one is prohibited from attending.
    - Ron Porter – have people talking about their event when it is already in the paper. Is this a good use of council time? See people having hard feelings with it.
- Randy Jenkins – might find middle ground in time factor if you consider splitting time to ½ hour before and ½ after. People who want to speak earlier are responsible to get here earlier.
    - Mayor Morgan – what you are inferring is we are denying people the opportunity to speak, this is a request we have had from several members of the public.
    - Randy Jenkins – this seems to be a matter of conscience but can also be a matter of health. Physical needs may prevent someone sitting thru a long council meeting to wait for public comment. You would be justified in giving a ½ hour before and ½ hour back. Also set the clock back a little, maybe some of you would have thought differently on some of the issues at hand if people had come in early and made comments. Gave scenario of boilers blowing.
    - Mayor Morgan – if had 12 handicapped people but only 10 could speak, what would happen? Extend the time? Then would have to give more time to everyone.
    - Randy Jenkins – until recently, very few people showed up. Recommend experimentally split the time.

## MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

Xx/xx/, 2010

Page 19

- Howard Auld – when this change was originally made, it disturbed me. However, if an issue is that important to a person, they and I should be willing to wait to the end of the meeting.
  - Council Member Taylor – understand this may be difficult but also ask those who come and speak regularly, they give courtesy to those who do not speak often to have the first opportunity to speak.
- Brian Waterman – people come down here on issues, recently the trash issue. We have 3000 people who expressed their opinions but they don't come down here. There are more people who probably agree with people here who speak their opinions. There are enough people in the community who share my opinions and others opinions.
- Mayor Morgan – hearing in general you don't like community event calendar. Do you want to do 30 minutes at beginning of meeting and 30 minutes at end of meeting?
  - Council Member Holloway – support that
  - Council Member Taylor – ask staff they use the screen behind us to make sure the public understand. Want the community events at the end.
  - Mayor Morgan – are we in agreement with three minutes? Are we going to have cards?
  - Council Member Taylor – list and will listen to as many people as want to tell me where to go. Opportunity for campaigning.
  - Mayor Morgan – move community events calendar at end.
  - Council Member Carter – will have new issues when people speak in first session then want to speak in second and third session.
  - Council Member Taylor – 5:30pm time
  - Council Member Carter – can go if not just adding another hour
  - Council Member Holloway – support
  - Council Member Wiknich – don't like card thing.
  - Harvey Rose – staff change time to 5:30, open session at 6pm, public comment 30 minutes after attorney report, regular items, committees, public comment 30 minutes, council comments at end. if want to go 3 minutes will have to do ordinance. Will put on for first reading august 4

### CONSENT CALENDAR

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

*Items 12 and 13 pulled by member of the public.*

10. **Resolution No. 10- , A Resolution Of The Ridgcrest City Council Announcing Proclamations Prepared For The Month Of July 2010 And Scheduled Date Of Presentation** **Rose**

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various event and observations. The following proclamations have been processed and will be presented at location, date and time shown below:

**Proclamation Titles**

***Honoring Ridgecrest Citizens - Jan Bennett***

**These Proclamations will be presented on Wednesday, July 21, 2010 at 6:30 p.m. at City Hall**

11. **A Resolution Of The City Council Of The City Of Ridgecrest Authorizing The Disability Retirement Of Sworn Safety Member Jon Wheeler** Rose

The Public Employees Retirement Law requires that a contracting agency (City of Ridgecrest) determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the Public Employees Retirement Law and whether such disability is "industrial" within the meaning of such Law.

This resolution authorizes the Disability Retirement and Advanced Disability Pension Payments (ADPP) for Police Captain Jon Wheeler.

12. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council Approving By Reference And Authorizing Execution Of An Agreement With The Confidential Group Of Employees** Rose

The City Council of the City of Ridgecrest, California, hereby approves by reference and authorizes the City Manager to execute an Agreement between the City of Ridgecrest and the Confidential Group of Employees for the term July 1, 2010 through June 30, 2011 effective July 1, 2010

13. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council Approving By Reference And Authorizing Execution Of An Agreement With The Mid-Management Group Of Employees** Rose

The City Council of the City of Ridgecrest, California, hereby approves by reference and authorizes the City Manager to execute an Agreement between the City of Ridgecrest and the Mid-Management Group of Employees for the term July 1, 2010 through June 30, 2011 effective July 1, 2010

14. **Minutes Of The Special City Council/Redevelopment Agency Meeting Of June 29, 2010** Ford

15. **Minutes Of The Special City Council/Redevelopment Agency Meeting Of June 30, 2010** Ford

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL**

**Xx/xx/, 2010**

**Page 21**

16. Minutes Of The Special City Council/Redevelopment Agency Meeting Of July 1, 2010 Ford
17. Minutes Of The Special City Council/Redevelopment Agency Meeting Of July 7, 2010 Ford
18. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of July 7, 2010 Ford
19. Council Expenditure Approval List (DWR) Dated July 2, 2010 (FY10) In The Amount Of \$253,613.75 Staheli
20. Council Expenditure Approval List (DWR) Dated July 2, 2010 (FY11) In The Amount Of \$6,435.32 Staheli
21. Agency Expenditure Approval List (DWR) Dated July 2, 2010 (FY10) In The Amount Of \$848,317.86 Staheli

**Motion To Approve Consent Calendar As Amended Was Made By Council Member Wiknich, Second By Council Member Carter. Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.**

- Harvey Rose – gave staff report on items 11 & 12. Due to conflict of interest with Mid-Management group, Council Member Taylor will be unable to discuss or vote on item 12.

**Motion To Approve Resolution No. 10-, A Resolution Of The Ridgecrest City Council Approving By Reference And Authorizing Execution Of An Agreement With The Confidential Group Of Employees Was Made By Council Member Carter, Second By Council Member Taylor. Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, 0 Absent**

**Motion To Approve Resolution No. 10-, A Resolution Of The Ridgecrest City Council Approving By Reference And Authorizing Execution Of An Agreement With The Mid-Management Group Of Employees Was Made By Council Member Wiknich, Second By Council Member Holloway. Motion Carried By Voice Vote Of 4 Ayes, 0 Nays, 1 Abstain (Council Member Taylor), 0 Absent.**

**PUBLIC COMMENT**

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

## **MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL**

**Xx/xx/, 2010**

**Page 22**

- Dave Matthews – referenced Mr. Hillier's report regarding desert tortoise negotiations. Transplanting of desert tortoises did not fare well, but stated something has not heard other agencies state. Reason they didn't fare well was there were predators waiting for the tortoises. None of the biologist mentioned that fact. Think still need to try and get this solar millennium plan here, would be a good thing for the city.
- Stan Retoraj – got impression there would be negotiations between city and Benz, my impression the key to having successful program is to make it affordable and encourage people to cooperate and work within the program. Affordability is not part of the ordinance as restructured. If discussions do not include level of service and cost of service, concern is discussion will go on next week which will be painful. No point in doing it repeatedly, encourage council to not ignore issues of affordability including level and cost of service. Start over and really address issues and do it once and for all.
- Howard Auld – thank for what you do.

### **MAYOR AND COUNCIL COMMENTS**

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

- Mayor Morgan – we are jumping into election cycle, encouraged that there appear several individuals willing to stick their neck out and run for elected member of this council. Strongly recommend those individuals set meeting with staff and attend committee meetings. Critical to have understanding of what committees are discussing and how they relate to council. Another subject, almost forced to start saying things of what council has been doing over the years. Always stated council doesn't do anything or listen. A few years ago council applied for a 1million dollar grant which was backed up with 150k infrastructure grant. At time was criticized as being waste of time. But now it has created Springhill hotel, Marriott hotel, restaurants, national health, Desert Valley Bank. Point is team/council takes seriously community as a whole. Is obliterated by candidates during election. Look at body of work, will remind everyone at every council, look at the body of work. If these two gentlemen run, will choose to support them. They have community at heart and have done a damn good work.
- Council Member Carter – almost everyone who comes forward to speak with council either on agenda items or public comment are respectful but we do have a gentleman who is inappropriate, yells out , calls people name. not used to that, you can be respectful, not use bad language, not threaten, and call out comment. Give your opinion but don't go over the line, which needs to stop. Hope election

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL**

**Xx/xx/, 2010**

**Page 23**

cycle is same as has been in past. Hope this is positive election to discuss issues and facts not spend time to make one candidate look bad. Don't have to agree with council, but we do work hard to do the best we can. Stop the name calling and disrespect. Expect the adults to show same respect we expect from youth.

- Council Member Holloway – appreciate mayor's comments. Address personal issue, not because I don't want to continue to do this, now more than ever, finally got money to resolve street issues. For twelve years treated this as a full time job, life changed drastically last year so decision has nothing to do with love of council, community, or staff. Have to decide that I can commit at same level as in past. Been asked to serve again on league, requires a lot of travel. Have to go out and promote this city and develop relationships. Please don't take hesitation that I'm hurt, tired of criticism, just want to make sure I can do the best job I can.
- Council Member Taylor – appreciate fellow council, love civil debate. Issues from audience sometimes. No problem with people disagreeing with me or expressing opinion of me. Concern with lack of respect from some people towards me has also been shown to citizens who come here and they now refuse to come here.
- Council Member Wiknich – would like to echo mayor and Holloways statements of time commitment. Important candidates understand this is virtually fulltime without pay. Not a job you can fit in between jobs. Not just one meeting every two weeks. Would like to remind everyone about town hall meeting next week at 6pm.

**ADJOURNMENT at 10:55pm**

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Rachel J. Ford, CMC - City Clerk

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT:</b> Minutes of the Special City Council/Redevelopment Agency Meeting of July 29, 2010
<b>PRESENTED BY:</b> Rachel J. Ford, City Clerk
<b>SUMMARY:</b>  Draft minutes of the Special Council/Redevelopment Agency Meeting of July 29, 2010
<b>FISCAL IMPACT:</b> None Reviewed by Finance Director:
<b>ACTION REQUESTED:</b> Approve minutes
<b>CITY MANAGER 'S RECOMMENDATION:</b>  Action as requested:

Submitted by: Rachel J. Ford  
(Rev. 6-12-09)

Action Date: August 18, 2010

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**CITY OF RIDGECREST**

**CITY COUNCIL  
RIDGECREST REDEVELOPMENT AGENCY  
FINANCING AUTHORITY**

**MINUTES**

Special Council/Agency/Authority Meeting  
Thursday July 29, 2010

**CITY COUNCIL CHAMBERS CITY HALL**

100 West California Avenue  
Ridgecrest, CA 93555

**Special Session – 5:00 p.m.**

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

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

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555

City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

**CALL TO ORDER**

**ROLL CALL**

Council Present: Mayor Morgan, Council Members Carter, Wiknich, Holloway, Taylor (Council Member Taylor attended via teleconference and location has been duly posted with Notice and Call of Special Meeting and Agenda.)

Council Absent: None

Staff Present: Interim City Manager Harvey M. Rose; City Clerk Rachel Ford; Director of Finance Tyrell Staheli; and other staff

**APPROVAL OF AGENDA**

- Community member Michael Neel brought to the attention of council that the government code noted in the agenda is incorrect and attorney is directed to find the correct code number for future agendas.

Motion To Approve The Agenda Was Made By Council Member Carter, Second By Council Member Wiknich, Motion Carried By Voice Call Vote Of 5 Ayes, 0 Noes, 0 Abstain, 0 Absent.

## **SPECIAL SESSION – 5:00 p.m.**

### **PLEDGE OF ALLEGIANCE**

### **INVOCATION**

### **PUBLIC COMMENT**

- Robert Eierman – start off by saying that certainly perception of self and public is council do not view what public has to say in general especially if coming from particular group you dislike. You take what is said as trying to harass, impugn or degrade instead of taking what is said as helpful. Many things attitude could be taken as thanks for discovering and now can fix the way we thought it was or should be. Instead council reaction is we are trying to harass and ignore. Encourage attitude be adjusted toward those who are here to help you. Resolution 09-57 in section 7, rates, fees and charges item (A) read of 5% fee of actual monies collected on residential billings. They don't owe 5% on commercial accounts. Since document only addresses recycling, would say they do not owe 5% on residential trash. Previous trash contract is 3% - 4%. May not have been what you felt was in it, but what is in the agreement is not what was intended. Needs to be corrected. What the intention of in document and what you want it to be doesn't carry any weight. Ludicrous example, if someone says 'only intended to scare but killed' would court say never mind. Or I intended to pay recycling bill. Need to have paperwork in order. Nobody noticed these errors, but when noticed should be fixed and have attitude that people are trying to be helpful.
  - Mayor Morgan – does take seriously; try to make changes as found.
- Ron Cramm – received letter, don't understand that when he asked if would receive these letter was told no because I do not receive the service. This is extortion. Do not have contract with Benz, you are going to try to take money for services I did not ask for or use. How are you going to threaten my livelihood? This is extortion. You are threatening my land and credit. This is dated thru February. You said I could have Benz pick up my cans. Not once did Benz do anything for me and you want me to pay 60.00 per month to watch them drive by my house while I take my trash to the dump. You said no when I asked.
  - Mayor Morgan – that was stated about commercial
  - Ron Cramm – that doesn't matter. You are saying that if I do not pay you, you will come after my property and credit. That is extortion.

- Mayor Morgan – at this time yes.
  - Ron Cramm – isn't right, how can you do this when I do not have a contract with Benz. Violates some terms of the law and I am going to fight this.
- Jim Rachels – share two previous speakers' frustrations because of council's negligence, ineptitude. Council has shown repeatedly that laws are played fast and loose and means very little to the council. Dozens of examples. Recently few months back when trash initiative was to be put on ballot or adopted, council chose not to do this. Council promised to put on ballot should council agree. Mayor's vote was deciding vote that chose to not put on the ballot. Have said for months that ordinance does not mandate recycle collection. You have said it does. Show me the part that mandates collections. Is not there, cannot do it. Green cans have no legal rate. Show me where it is, received letter from attorney that is laughable. Encourage public to contact me to see the letter. Admits the resolution is ambiguous. Tonight council member Taylor appearing telephonically, check out code and it is about bonds. Last council after speaking about ordinance not requiring payment to Benz of unpaid commercial accounts. Mayor stated attorney has reviewed and says it does. Read attorney opinion addressing rate and intent of resolution. Has nothing to do with paying Benz for unpaid services. Do the homework, read the law and read your own resolution.
  - Mayor Morgan – thank you for the opinion, acting legally on this manner according to the attorney.
- Brian Waterman – referred to same attorney opinion. Statements made regarding adopting monthly charge in resolution 09-57. Difference in amount noted. Statement concerning customer rates quotes from resolution proposed by resolution of July 15, 2009. Section of resolution outlines rates. This was quoted to make you assume that it is in 09-57, but it wasn't, was only proposed in a previous resolution that was not adopted. Not here to insult you, but don't understand when I read something and receive conflicting information from what is said on the dais. Just trying to get things corrected.
- Steven Sears – holder of delinquent residential account and have communicated with city manager. Been ongoing since November. Per ordinance, receiver of service can decide what type of service we needed. Called Kelly at Benz and then followed up two days later about cancellations. First bill was received along with each homeowner receiving bills. Bills have been disputed repeatedly, then received city letter which we responded to. Last week another demand letter and have responded via mail and email to both city and Benz. Until this week had received no response from anyone. City response this week was nothing could be done as account was still open. Until November account was paid up. Need this solved. Would like to sit down with representatives of Benz and city as homeowner association representative.

- Mayor Morgan – will be looked in to. Mr. Parsons is working on this but is on vacation and may not be able to do anything until his return, but need to solve this and all specific problems.
- Steven Sears – in meantime do not want collection action.
- Steve Cownan – want a draft of proposal for drop off facility.
  - Mayor Morgan – give email address to clerk
- Gwynn Jensen – have contracted for trash collection from time we had to stop burning trash. Benz gave senior citizen discount. Attend senior center a lot and seems each senior has different amount for discount. Live alone and 90 years old. Big cans are hard to handle. One night spoke with some Benz people and they brought a smaller can. Very nice and appreciate their assistance. Told them about the house next door that was vacant. In November a can was put on sidewalk, wind blew it over, kids played with it. When they came with smaller can, they put can in back yard. Place has been empty since before first of November. Another place on 400 Alvord, lawn and trees dying, green can on one side of street. Benz brought blue can and threw into front gate on side and laid there until January. Did not check by Benz. Picked up in January and put beside the green can. Is city getting bill for these? Spoke with Mr. Parsons about both of these. Do not like paying for empty places and how many others are you having to pay for?
  - Mayor Morgan – we are working on that issue.

## DISCUSSION AND OTHER ACTION ITEMS

1. **Resolution No. 10-, Resolution No. 10-, A Resolution Of The Ridgcrest City Council Authorizing Payment To Benz Sanitation Inc. For The Delinquent Accounts For May-June 2010 Mandatory Trash And Recycling Services**

Staheli

This is a discussion and possible action item for Council to review the billing of delinquent accounts after the Finance Department has audited the billing information.

- Tyrell Staheli – gave staff report power point, copies available for the public. July 1<sup>st</sup> bill invoice was \$178,756.71. Process used was combine July bill and previous outstanding bills, Mr. Wiknich list of address compared to addresses in bill. Anything found not on the list was then run thru database and those not in the database were removed as invalid. Total found was \$1515.52. Reviewed previous billings from March to December. Also during reconciliation found possible duplicate bills. Request no action be taken until these can be verified.
  - Mayor Morgan – recommendation again
  - Tyrell Staheli – Pay amount adjusted to day of \$136,313.75
- Council Member Wiknich – to audience, I have two delinquent notices also, being threatened to collect on myself. I have firsthand knowledge of problems with

billing and thought they were worked out. More work to do. When you inform Benz of \$40,000 adjustment, would that be assumption that those addresses not be on the list?

- Tyrell Staheli – correct, they have already removed those identified earlier.
- Council Member Taylor – less than 1%

PUBLIC COMMENT:

- Jim Rachels – please repeat amount. Your obligation when recommending to council to convince yourself that obligation actually exists. There is a lot of reconciling so you can make recommendation for appropriate billing to council. If I sent a bill at random could you make recommendation to pay?
  - Tyrell Staheli – would compare against if I had ordered anything.
  - Jim Rachels – when you recommendation to pay, where did you get the obligation from, contract in resolution 09-57. Is there a specific part that says to pay unpaid commercial bills?
  - Tyrell Staheli – have to rely on the attorney.
  - Jim Rachels – point made tonight, how you understand if bill is legitimate, answer is attorney. Council response is the same. I did not vote for attorney. Who holds attorney accountable. City follows him like a pied piper. Don't want a council who does only what attorney says, want one who can listen to attorney advice but decision is yours. When it becomes apparent this payment is inappropriate will be your responsibility.
- Brian Waterman – was under impression there would be an independent audit.
  - Mayor Morgan – will be an independent contractor
  - Brian Waterman – so are moving forward without audit?
  - Mayor Morgan – if found that they have been overpaid, Benz will refund money to city.
  - Brian Waterman – outline from March 09 when resolution was passed. Would like to give history on this. Read excerpts from ordinance passed in March 2009. Read penalties section. July 1 public hearing of fee proposed for property tax. July 15 resolution to place on property tax roll was rejected, resolution to implement was passed, resolution setting residential rates was rejected, September 10, 2009 passed resolution 90-57 regarding recycling with agreement for Benz. Read sections from agreement pertaining to fees, monies collected and rates. October 2009 Benz delivers containers to all residents who did not have green containers. November 2009 billing to all residential accounts before service was performed and supposedly after containers was provided. Received containers and service that people never subscribed for and billing for service that had not been performed. Read section of ordinance 09-01. Did Benz report to city those residents who did not subscribe? Did city notify and issue infraction? Read again from ordinance 09-01 pertaining to violating the code. February Benz turned over delinquent bill, did city verify with Benz those who had not subscribed and were those

residents given infraction? Why did city pay Benz for accounts where no contractual relationship was established for extension of credit to Benz? Illegal for city to collect. Read California fair credit collection act. A debt arising from consumer where payment is deferred. Who is original creditor in this issue?

- Ray Taylor – are you authorizing payment of all residents? What about unoccupied residences?
  - Mayor Morgan – at moment yes, but trying to verify.
  - Ray Taylor – can all list people who have passed away?
  - Mayor Morgan – never intent to bill those unoccupied residences.
  - Ray Taylor – as time goes by information will get lost. Buildings could be occupied later. Has everyone read the contract?
- Steven Sears – if this was on the tax bill this meeting would not have been heard
  - Council Member Wiknich – did note some houses that were boarded up but does not address others.
- Ray Taylor – have notified Benz of several residences where people have died but cans are still there.
- Robert Eierman – glad you all said you have read the contract and glad Mr. Taylor said there is only one version. I am going to find out exactly what it says and test you all. Agreement has section 5 for residential and section 6 for commercial. Each section has heading of contract or city shall. Items A-G exactly same except for A which was modified. Residential section items A-F and commercial items A-D. Sections a-d for commercial is exactly same as c-f for residential. Additional items in residential is items a-b. Item (a) is requirement for billing information to Benz. Item b is remitting payment for customers 60 days overdue. That item is not in the commercial section, only appears in residential section. Unless you pretend it bounces from section to section, there is no reason to pay for delinquent commercial accounts. Section 9 is an event of default, first item listed is failure to remit payment for billings for residential curbside service for recycling service. No mention of commercial. Contend and agree with council member Taylor that city has to honor its contract, but contend that if you authorize payment of commercial accounts you are committing fraud and misappropriation of government funds. You should not have been paying previous bills. Since familiar with contract, should know this. You shouldn't be doing this, need to follow the contract and do what is legal. You are proposing something that is illegal.
- Manny Farmer – received list Mr. Wiknich made of addresses. Spent 30 minutes looking thru list. Last night's comment was 95% correct. Beg to differ. No mobile home parks, Las Mirage, the ridge. On Commercial Street there are seven addresses, believe there are more than that.

- Council Member Wiknich – only single family listed and may have some missing.
- Manny Farmer – went up and down street same as you, not easy. Addresses jump all over. Wouldn't say this list is 95% accurate.
- Tyrell Staheli – also check with in-house building list.
  
- Unknown speaker – part of problem is people think rates are too high. Spoke with lady in Palm Springs. Trash people take bins to truck from storage and replace, charge for service for 3 months was \$65.88. Called them and their charge for 4 months was \$66.92. For same amount of time here is \$102.88. Mr. Benz doesn't want to do this, perhaps find someone else to do it. Buy his truck and give haulers a raise. Not the haulers fault.
  
- Mike Neel – clarification on possible duplicates page, no time frame?
  - Tyrell Staheli – November thru June
  - Mike Neel – confused on last 2 columns?
  - Tyrell Staheli – balance would include valid addresses. Proposed represent the corrected amount. Difference is the valid addresses.
  - Mike Neel – confident in that number?
  - Tyrell Staheli – no sure if some of these are apartment buildings and would prefer to discuss with Benz.
  - Mike Neel – that is why you are waiting? Would like to point out, on Windy Lynn there are two known addresses that did not get green trash can. One received it last week. City has been paying it all along. Somebody sends me something that is incorrect, if not corrected then doesn't pay. You have a problem with what you owe. Seems not paying provides incentive to get it right.
  
- Brian Waterman – recommendation that council investigate more before paying.

COUNCIL COMMENTS:

- Mayor Morgan – a lot of inferences in comments this evening, have every confidence contract is correct, ordinance is legal and resolution is correct. Believe because city staff and city manager in discussions with attorney and looking thru law thru eyes of attorney and in looking at what others have said, there has been no legal challenge that has overturned any of it. Doesn't mean it is right, nice or I'm a good or bad guy. Just means we move forward in legal fashion. Try to correct mistakes. We have gone after infractions. I believe that shows compassion from council. For individuals who will dispute this to the end, would be nice to sit down and negotiate this issue before going to a court of law. Other items, we have not been unaware, certain addresses received thru public comment are on Mr. Parson's list. Those are individuals who from the beginning have told us are vacant. There is a disagreement with Benz sanitation. Believe we will go to court with Benz. Try to move forward and correct issues that are wrong will never be able to make everyone happy. Members of community

believe trash collection is not appropriate. Unfortunately state does not agree. Council has tried to do best it could using information it has and tried to move forward with this so we can move on. Issue tonight is whether we believe this payment is appropriate. I still contend we owe this money in the adjusted format and believe will be further adjustments. Whether we eventually come to agreement with Benz to end, modify contract, we still owe this payment.

- Council Member Taylor – mayor covered most points I wanted to cover. Believe we made progress, attorney met with Benz to implement opt out. Have to hold up our end of the bargain. LAP is something we don't want but have bills we have to pay. Money is going to implement state regulation. Appreciate staff looking at this and appreciate Benz willing to make corrections.
- Council Member Holloway – last time this came before council I voted no for different reasons than tonight. Wanted provision beginning august 1 for Benz to stop collecting delinquent accounts. Any movement?
  - Harvey Rose – forms are near completion and resolution august 4 to set new rates. Will include in resolution direction to Benz to remove delinquent accounts. Number of other provision so you will be ready to implement ordinance.
  - Council Member Holloway – what changes?
  - Harvey Rose – Benz interprets contract in particular fashion. Attorney has drafted in fashion to be clear these are directive they must do, if they refuse they will be in violation of contract.
  - Council Member Holloway – is it true that in spite of ordinance, will people still be responsible for bill. Who is responsible if they don't pay?
  - Harvey Rose – we would tell Benz to stop serving them which is the way it used to be.
  - Council Member Holloway – based on that we are still on the hook for past bills.
  - Harvey Rose – correct
  - Council Member Holloway - I am sure Benz has no desire to go to opt-out. We still make mistakes on top of mistakes. I have read contract 4 times and if lawyer said one thing would agree with the public. Reasonable man assumption. Could make argument not to pay commercial. If so would have credit with Benz. Benz has been fantastic vendor for this community, never received complaint in past. Thursday after last meeting they had pictures of over 300 cans that violated the over the top status. We had a pass for 9 months; boogie man in Sacramento was CIWMB. Confident after 4 meetings with CALRecycle they are no longer the boogie man. Our box has changed throughout the process. Until we get a contract with Benz they can live with, we are destroying revenue flow every time we make a move here. We are close to passing this ordinance and Benz will go along with if we give him his money, but they can't based on their business motto. Spoke with two attorneys who stated this ordinance could be legally argued in either direction. Will be based on all

conversations. There is potential in spite of attorney legal opinion, likelihood could lose and ordinance was improperly written and no legal ability to collect our money. If ultimately have to go to court, should stockpile our funds and not throw at Benz. If keep taking steps that poke Benz in the eye, will go to court. Begging for meeting with council and Benz equivalent to labor negotiations. No way can everybody be made whole. Both sides will have to take a loss, but still a way to make profitable and fair. Fair and equitable rate, may be but have done a poor job of proving it. Rate analysis. Once public accepts what is a fair and equitable rate, can stop this movie going over and over. Not willing to pay anybody until we can sit across a table with Benz and try to get a clear contract. From the second we signed the last ordinance, we started to change things up here but contract did not change. The second we said those things, company had to hold tight to follow this ordinance to protect their contract. Cart is before the horse. Have to get the contract fixed. Know Benz is upset with me but would rather have that than the community. Direction given initially is different from now.

- Council Member Carter – difficult when agree with almost everything said. We are down to nitty gritty now. Benz and city have to come to agreement. Stop fighting each other and having feet in cement. Everybody has to compromise. State has and is working with us. County is working with us. Time for Benz and city to get contract that will work for this community, not as a council member. This council has been trying to move in different direction from state, the direction the community wants. Time for Benz to make decision to shift gears and give community what they want or keep fighting. I'm willing to compromise. Either going to end up in court, or we can meet as citizens, community members and solve this problem. I'm willing to compromise, want the problem solved. Down to negotiating with Benz, that's what we need to do. If we aren't going to compromise and solve this, I'm tired of wasting time, just go to court and get it settled. Would prefer to sit down and solve this. Will vote to pay this bill because I don't want to take anything away from Benz. Think we can get this done.
- Mayor Morgan – mentioned by Mr. Holloway that came out last night at town hall meeting, city has found a rate analysis firm
  - Harvey Rose – firm does rate analysis for solid waste, respected by CALRecycle, done number of jobs in kern county and we have already presented them with some documents. They are going to give written proposal this week that can be executed by city manager and begin work immediately. Some data already in place as it applies to industry standards with necessary documents they can provide what you want.
- Council Member Wiknich – Need a new contract, needed it yesterday. The one we have is not working. Entered into by all parties with information available at the time. All admitted contract should have been written better. Errors in it. Need a new good contract that parties all agree to. Need that to move forward.

Time to move on and get the contract. Listened to comments and agree with some of what has been said. Recommend adjustment by not paying the commercial part until legal opinion is received. Think it should be backed out. Remove the 26k plus and also notice put out that we aren't going to pay any more until we have a new contract. Full reconciliation and verification of billing. Need to move forward in august meeting to get auditor on board.

- Taylor – what is surprising to me is what's before us is our responsibility in contract. Hear council members want to come to table. If we decide to break contract, Benz could be justified in saying they will stop picking up. Entire issue began because of our lack of compliance. Benz met with attorney yesterday, fully confused that we are willing to jeopardize this.
- Mayor Morgan – Mr. Staheli, what is amount without commercial?
  - Tyrell Staheli - \$109818.99
- Mayor Morgan – question to board depending on motions if any, if we find out we are obligated for commercial will ask for that amount to be put back on the agenda depending on what attorney says.

**Motion To Approve Resolution No. 10-, Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing Payment To Benz Sanitation Inc. For The Delinquent Accounts For May-June 2010 Mandatory Trash And Recycling Services In The Amount Of \$136,313.75 Was Made By Council Member Carter, Second By Taylor. Roll Call Vote Of 3 Ayes (Council Members Taylor, Carter And Mayor Morgan), 2 Noes (Council Members Holloway And Wiknich)**

## **PUBLIC COMMENT**

Opened at 6:43

- Ron Cramm – Mr. Carter doesn't want to take something from Benz but don't have problem taking something from me. Do I have any recourse?
  - Mayor Morgan – would prefer we sit down and discuss, if not successful you can always take to court.
  - Ron Cramm – residents not commercial can opt-out; will be first one to sign up. Would be very interested in negotiating. Do you understand where I'm coming from? Do not utilize the service, cans are upside down. tell me what I need to do, would be happy to discuss it. Have 14 days before going to collections.
  - Mayor Morgan – please make appointment with Mr. McRea or Mr. Parsons.
  - Ron Cramm – during the day?
  - Mayor Morgan – during work hours.
  - Ron Cramm – have to work too, this is the first letter I've got, if I write a check to you am I now entering into a contract with you? Don't understand how you can do this.

- Council Member Holloway – 499-5061
- Jim Rachels – had progress tonight, two questions fact of commercial account reimbursement and mayor concedes it's a possibility. With those doubts in mind and allegations made, how could you have voted for another payment? Irresponsible possibly criminal. If council doesn't believe this debt is owed, no excuse for payment. If question of commercial accounts, then Benz would be in debt to city which exceeds payment made today. Frustrated that council doesn't think they can read contract. Written in simple English. Nothing in there for green cans yet made payment anyway. Ignoring allegation is irresponsible. Fee payment cannot be made because council member tailors vote cannot be made in his absence. Is council member Taylors vote valid? City has published government code they say is valid for him to appear telephonically, that section listed is about bonds. If so, then not properly noticed. You are making same mistakes and insulting public each time.
- Unknown speaker – isn't state going to check our totals again? What happens if we don't pass the 50%? Are we obligated to go back to mandatory?
  - Mayor Morgan – at some point if we don't make 50% are obligated based on effort we put into it.
  - Speaker – how are we continuing to show we are improving our recycling?
  - Mayor Morgan – one way is the site at the dump.
  - Speaker – need to advertise, not doing anything.
  - Mayor Morgan – going to be doing this, have documentation that will be mailed out. Trying to get more out than we had in the past. Website, papers, library, public places.
  - Speaker – where is the trash coming from, mostly commercial? seen trash cans that are not recycle full of cardboard. This messes up our numbers. If worried about the contract, why not hire a good contract attorney to review it.
  - Mayor Morgan – we had a Sacramento attorney who deemed it legal.
  - Speaker – bills keep coming as we go on discussing.
- Mike Neel – interesting to see as it progresses, almost 1 ½ years since start. 3 members did not honor cities initiative; now get to go to court with Benz. Now potential of each individual going to court. City may be in 3000 separate court actions. City is in deeper than ever thought originally. All willing to take to court on collection actions. How can you get your money back? Ridgecrest has proven to be a town of people who understand right from wrong and willing to stand up.
- Joe Conway – still confused, you are going to start opt-out next week? However still haven't resolved contract issues with Benz. As a guy who has been paying the bill but doesn't use the service, I am at a quandary. Now I go down to opt-out, I run a risk doing that because you haven't' resolved problem with Benz and

I get caught up in you negotiations and I receive letters from Benz for not paying. what do I do?

- Council Member Taylor – you fill out the form as documentation.
  - Joe Conway – so I can come back to you and won't have problem?
  - Mayor Morgan – yes, from that point on.
- Brian Waterman – referred to ordinance 10-04. Community members concerned about the term application being in the ordinance. Mr. Wiknich didn't like that word, received a copy of the ordinance and it is still in there. A lot of people objected because you waived the reading.
    - Harvey Rose – true the vice mayor objected to the use but we need a paper trail. The application remained in the ordinance and the form will be provided either hard copy or online. Application is simple, just check off boxes, address.
    - Brian Waterman – implication is we have to apply and it can be approved or disapproved. Answer that it needed to be in there is counterproductive to what was listed. You indicated these changes would be there and they aren't. you've lost my trust. Really frustrated with this whole thing.
  - Joe Conway – clarify more, city can say, here is piece of paper but what about Benz? What's to keep them from coming after me?
    - Mayor Morgan – they will come after the city.
  - Robert Eierman – remember our conversation last night mentioned that letter went out was not signed? Don't you find that non-professional? How come Mr. Staheli didn't sign or city manager didn't sign? Can we ask that future be signed?
    - Mayor Morgan – certainly, I will ask city manager that all further correspondence is signed.

## **MAYOR AND COUNCIL COMMENTS**

- Council Member Holloway – Mr Rose said resolution coming at next council meeting with language that will force Benz to honor it. Forewarn staff, we have list of approximately 2800 people in city that have already, want letter to go to those individuals that city has opted you out. About 80% of people who are not paying bills are using the service. The day that resolution is passed, want them automatically opted out. If someone opts in and they don't pay the bill, need to address our obligation. We should not be obligated.
- Council Member Wiknich – agree with that statement, also pertaining to the gentleman concerned about this going to collections. Would like a discussion item on agenda that we will not go to collections until this is settled. Looked over the information and applaud staff for their work. Good point from Chip that delinquent bills are opted out right now.

- Mayor Morgan – think more progress was made as we continue to work on these issues. Maintain council has been legal. Apologize for interrupting Mr. Neel. Group of attorneys for DTOM has filed papers that they are withdrawing because invalid public needs to know that.
- Council Member Taylor – interesting night, appreciate option of dialing in. frustrating part is comments and accusations made at podium. A lot of opinions. We lean on attorney who has law degree, have we read yes, do we have them memorized, no. appreciate staff and hope Benz will stay at the table with us. Think the suggested agenda item would like some thresholds considered. Need to have as a toolkit to get out of this debt. Education is vital, radio, newspaper. Need to get diversion up.
- Council Member Carter – thank you Peggy for our conversation. Up to city and Benz to step up to the plate and move forward. At some point doesn't do any good to nitpick words or sentences. We want to give citizens option and are almost there.

## **ADJOURNMENT**

Adjourned at 7:15pm

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**13**

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

**SUBJECT:**

Minutes of the Regular City Council/Redevelopment Agency Meeting of August 4, 2010

**PRESENTED BY:**

Rachel J. Ford, City Clerk

**SUMMARY:**

Draft minutes of the Regular Council/Redevelopment Agency Meeting of August 4, 2010

**FISCAL IMPACT:**

None

Reviewed by Finance Director:

**ACTION REQUESTED:**

Approve minutes

**CITY MANAGER 'S RECOMMENDATION:**

Action as requested:

Submitted by: Rachel J. Ford  
(Rev. 6-12-09)

Action Date: August 18, 2010

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

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

**August 4, 2010  
5:30 p.m.**

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded for the purpose of preparation of minutes.

**CALL TO ORDER at 5:32pm**

**ROLL CALL**

Council Members Present: Mayor Morgan, Council Member Ron Carter, Tom Wiknich, and Jerry Taylor

Council Members Absent: Council Member Chip Holloway

Staff Present: City Manager Kurt Wilson; City Clerk Rachel J. Ford; Other Staff

**APPROVAL OF AGENDA**

Item 4(B) was pulled.

Motion To Approve Agenda As Amended Made By Council Member Carter, Second By Council Member Wiknich. Motion Carried By Voice Vote Of 4 Ayes, 0 Noes, 1 Absent (Council Member Holloway) And 0 Abstain.

**CLOSED SESSION – 5:35 p.m.**

GC54956.9 (a) Conference with Legal Counsel; Potential Litigation - Public Disclosure of Potential Litigant would prejudice the City of Ridgecrest

GC54956.9 Conference With Legal Counsel - Liability Claim of Gregory Stewart - Claim No. 10-08

GC54956.9 (b) Conference with Legal Counsel, Potential Litigation – Benz Sanitation

**REGULAR SESSION – 6:42 p.m.**

- Pledge of Allegiance
- Invocation

**CITY ATTORNEY REPORTS**

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 2**

➤ Closed Session

- Clarified that item 4(b) was pulled from agenda, item 4(a) still on agenda
- Conference with legal counsel – claim 10-08 Gregory Stewart, council voted to deny claim and instructed city clerk to provide letter of denial.
- Conference with legal counsel – Benz. Council directed attorney to provide a letter of cancellation of franchise with termination at end of the year.

**PUBLIC COMMENT**

Persons wishing to address the Council on matters that are within the Council's jurisdiction and DO NOT ALREADY APPEAR ON THE AGENDA, may do so at this time. Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on this Agenda. SPEAKERS ARE LIMITED TO FIVE (5) MINUTES. The PUBLIC COMMENT section of the Agenda is limited to a total of thirty (30) minutes. EACH SPEAKER IS ASKED TO PROVIDE HIS OR HER NAME AND ADDRESS FOR THE RECORD.

Opened at 6:45pm

- Brian Waterman – take opportunity to read parts of news article in news review today offered by Rebecca Neipp. Lead into agenda item 4 which was pulled and is now considered non-agenda item. Read article from August 4, 2010 news review pertaining to Benz contract. Wanted public to read article in full and extract what it says.
- Jim Rachels – surprised, city want to terminate franchise with Benz. Disappointed that solution to this is nuclear option. Seems contract has fault on both sides, city wrote foolish contract and Benz foolish to accept. Fact is Benz is long-term vendor to community who provided good service until this trash issue. Just because council wrote bad ordinance and contract and Benz was overzealous, you say the only solution is to tell them to leave? No room for compromise. Only person who spoke with reason was council member Holloway to stop, and start over. Think there is still room for compromise.
- Jack Noyer – last time heard talking to water district regarding clarification to city water ordinance and the district ordinances. Though water district was egregious. Don't want to be the foot stool to death valley. Lived here many years. Think council needs to investigate position of city and water district, don't roll over and play dead. Understand governor is looking at water reduction but Ridgecrest trying to do all in one year. Needs to be looked into.
- Chuck Hinson – don't come here often, just retired from city. Last two months am appalled at the lies and half truths. Worked here for 10 years, nobody owns up to their mistakes. If people respond we just tell them they're wrong. How can everything be citizen's fault when you make the rules. When problem comes up, you run into back room and do what the bureaucrats do. Gestapo, fines on

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 3**

property. People have families, children. Eventually charges can't be afforded. Couple of weeks ago, talked about closing the pool. Two weeks later read in paper about spending eight million dollars. Children and grandchildren will be paying for it. Think it is atrocious what you are doing. We can't have everything we want, getting to the point we can't afford it. Blinded by Satan, saddling us with more debt. Telling us we can do anything to make our lives better, we don't have water to support ourselves but you want to spend this money and saddle us with debt. You put your years in then move on, leaving us with the debt. You don't tell the whole truth. Anything in the paper about you getting medical. Two of you have wives who work here, one's position was created for her.

- Mayor Morgan – the redevelopment bonds are not paid by the citizens. Will be paid by tax increment we would not receive otherwise.
- Robert Eierman – wonder if you realize you are doing what you are supposed to do? Don't think so, going to the 'nuclear option' after such a long time and continued debate. Who are we going to war with, last is the citizens, second would be Benz. The one you should go to war with is the state but won't consider. You take a wonderful company and destroy them. For council to instruct city attorney to use the nuclear option, are you doing what you are supposed to do, can't believe it is. Option to go to state, tell them this is what we are doing, we would applaud you. To blame Benz for your mistakes is not what you are supposed to do. Thank goodness two of you get to go away, three after that, maybe then the city attorney and depending on how Mr. Wilson does, he may be headed down the same path. This isn't Benz fault, it is the council's fault. Am in total shock but looking forward to May.
  - Mayor Morgan – taking into account current franchise situation could also be thought of as renegotiation of contract.
- Unknown speaker – couldn't sit and listen to this tirade, you don't represent most of the people I know. Hate listening to speakers yell at city fathers who are trying to do their best. They are human and make mistakes but are trying to resolve this trash situation. How many trips did citizens go to Sacramento, you just get to yell about it. You have cars and live in the state, what is your position. Talk to the governor. These people have jobs and then spend 50+ hours per week trying to help us. You are all talk, you like to destroy, not builders. Don't know what is going on, but agree that should be done extremely carefully. Sounds like a bad idea, maybe a negotiation ploy. Benz has some ideas. Big talk about our new city manager is total destruction, that's worthless.
- Betty Bassinger – sir appreciate your emotion but you were pointing fingers. I heard something exciting since coming here and that is waste disposal contract may be renegotiated. If that is happening and since everybody has lost trust, who is going to represent the citizens? We have not been represented. Have something for second bill. Different account numbers. I paid the \$120 and this is a \$70 something. I paid Benz. Benz is saying they are not getting money, they are getting money. Do this.

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 4**

- Al Huey – in regards to reaction from some people and comment from city attorney about termination of contract, not enough information for people to respond other than they did, if renegotiation was there you would probably not had such an abrasive reaction. One week ago, issue of illegal vote. City became enlightened to what Mr. Rachels had said for months regarding ordinance and resolution of what was required to be done in ordinance 09-01. Also look to see if there is anything to permit city to send out letters of non-payment for service they did not sign up for or use. Now the paper reports city is pursuing collection agency to enforce. Request council provide the language in the ordinance that permits this. Recollection is anyone who does not sign up should have been cited or don't make their payments should also be cited. Mr. Rachels asked city to cite him, request council and city attorney provide for me where the authorization is to send these letters and hire collection agency to go after me.
- Howard Auld – completely surprised, appalled and frightened at what I heard this evening. The relationship that exists in the town is symbiotic one between the city and citizens and also with Benz. Hope this is not a surprise to Benz. Everybody I have had contact with has been satisfied with service. People don't tell you that, but am scared that Mr. Benz hasn't been apprised of this action.

**PRESENTATIONS**

Presentations having to do with City business may be scheduled by City Council or City Staff no less than five (5) business days prior to the City Council Meeting.

**1. Oath Of Office - City Manager Kurt Wilson Ford**

Incoming City Manager Kurt Wilson will take an Oath of Affirmation into service by the City Clerk and formally assume the duties of City Manager.

**PUBLIC HEARINGS**

**2. Unmet Transit Needs Public Hearing Speer**

The Transportation Development Act of 1971 (TDA), as amended provides for the disbursement of funds from the Local Transportation Fund for various eligible transportation uses. The funds are distributed by the Kern Council of Governments (KCOG), in its capacity as the Regional Transportation Planning Agency. An eligible claimant wishing to receive TDA funding through KCOG must conduct an annual review of the transit needs of the individuals and groups in the community. The hearing was duly noticed 30 days prior to this evening. It would be appropriate to open the Public Hearing and receive written and oral comments regarding any "unmet transit needs" and determine whether these are "reasonable to meet". The documentation of the Public Hearing will be forwarded to Kern COG.

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 5**

- Dennis Speer – gave staff report to council. Purpose is to provide public to give comments of unmet needs. Background of process. Definition of unmet transit needs and requirements.

Public Hearing opened at 7:19pm

- Jack Noyer – favorite annual subject. Done research on this and regard to 90-04 KERNCOG resolution. Quoted perspective 2010 article from Ruth Justice. Impromptu survey at senior center. I happened to utilize facility and attempting to find new schedule that outline what schedule is. Found a business card in lobby that talks about when you can get on the schedule. Now you have to give a 24 hour notice for reservation if available. Coverage and providing service. Only see one bus at senior center with one veteran with a walker. Drivers have been instructed not to assist anyone because of liability, but think we should help our fellow man. We have 3 facilities/stops that are ADA compliant. One at hospital, one at Kerr McGee, and one at shopping center on downs. Deviated fixed route could possibly be looked at again. People are showing interest. Today at Stater Bros. lady asked clerk what time the bus would be by. Not on fixed route so she would be waiting for awhile. Budget constraints is on the recording when you call. As you cut back on service, you cut back on revenue. Decline in ridership, decline in revenue. 5 buses in system but only running 3. Automated scheduling program that only allows 5 people per hour. Bus is empty a lot, automation is fine but something flawed in program as doesn't have the coverage. Measure actual ridership and see if there was a decline based on new automated system. Not going to ramble on. Bus goes to senior center with one rider, how many other seniors are not getting their needs met. Have to be there by noon. Statistically, not meeting needs of seniors. Numbers of seniors in our town? Numbers at chamber of commerce. Some need help, to see talk, walk, but still want to be independent. Drivers are kind and thoughtful but you are tying their hands. Cannot provide level of service unless you allow them and provide the funds. We are all going to be there someday.
  - Council Member Wiknich – agree with a lot of comments but do you have specific recommendation you want us to make. Are you asking for more hours, people, and buses?
  - Jack Noyer – older system had 2 hour response time for service. If have to wait till tomorrow may not work. Need to get contact time reduced. Increase dispatching, turnaround time. Some seniors, the only meal they get is at the senior system. Need to increase availability. Get all buses working.
  - Council Member Wiknich – comment of helping seniors
  - Dennis Speer – risk management issue, can't help beyond the curb.
  - Mayor Morgan – will see if this is an internal policy or state rule.
  - Kurt Wilson – will have staff look into and prepare memo.
  - Jack Noyer - even if you adopt that these have been met, you still have to provide documentation.

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 6**

- Betty Bassinger – you are concerned with elderly and disabled with this. They need support getting around town and on and off the bus. In home service support service worker could help getting into and out of the bus. A fixed stop at grocery markets. Three main markets with fixed pickup and specific time for bus. Markets could have lower rate for these. Medical care and senior lunch should be a scholarship, grant from the facility. Love old people, but bus system is awful. Mr. Noyer spoke on problems making reservations. We have opportunity for fixed transit that goes to the college, put a cable tram in, make it look old fashioned. Stops need to be affixed with misters or cooling system. Knows of an elderly person who can't get transportation to hospital. During summer need to have businesses open later when it is cooler. Need a bus for town center. First choice is fixed route at shopping centers and discounted rate. Centers can offer city funds to help cover reduced rate.
- Bob Anderson – went to senior center and only one lady got on. Might be cheaper to get Cab Company to give rides.

Closed Public Comment at 7:41pm

- Dennis Speer – many comments and concerns addressed by Mr. Noyer and Ms Bassinger as we implement. Council has authorized us to implement, don't have final result of state budget. In process of implementing deviated fixed route which will change current service. Now is demand response and selling time not space on bus. Deviated route will be selling space on bus every 30 to 45 minutes. These plans presented in past city organization meetings and will implement this fiscal year depending on budget shortfall.
- Council Member Taylor – funding proposed cuts?
  - Dennis Speer – 20% less. Will take us to about 800k. additionally lost state transit assistance funds of 250k – 300k which was suspended several years ago and now may be gone completely.
- Council Member Wiknich – taxi cab comment?
  - Dennis Speer – want to see what deviated fixed route will do for us but can use taxi to subsidize transit service.
- Council Member Taylor – city has plan to deal with these, reality is with cuts imposed by state will do the best we can. Plan is in place.

**Motion To Approve Resolution No. 10- A Resolution Of The Ridgecrest City Council Establishing A Finding For Unmet Needs That Is Reasonable To Meet In And With The Public Transportation System Was Made By Council Member Holloway, Second By Council Member Carter. Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, 0 Absent.**

**ORDINANCES AND RESOLUTIONS**

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 7**

**3. Ordinance No. 10-, Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Subsection (b) Of Section 2-1.105 - Agenda - Of The Ridgecrest Municipal Code Ford**

This ordinance was discussed in open session at the regular meeting of the Council on July 21, 2010. The ordinance amends language establishing a set time limit for public comment time and allows the time to be established by resolution.

- Betty Bassinger – will new ordinance be addressed how many times a speaker can speak during public comment.
  - Mayor Morgan – no wanted each person to have an opportunity to speak
- Mike Neel – who brought this ordinance to the table.
  - Mayor Morgan – I discussed with Mr. Rose the cumbersome way of amending an ordinance.
  - Mike Neel – can one assume that the time limit will be reduced?
  - Mayor Morgan – yes
  - Mike Neel – why would you want to limit that.
  - Mayor Morgan – public comment is limited to 60 minutes, if the individual time is limited that allows more people the opportunity to speak. Council could decide to reduce the time but doesn't mean it will occur.
  - Mike Neel – have serious concerns with this.
- Jim Rachels – don't question the validity of this, question the timing of this item. One thing lacking is credibility so to do something that could easily be interpreted as limiting public voice seem politically bad. Anything urgent that this has to happen now? Wait till things calm down. also could add more time if mayor and council do not comment.
- Speaker – think is a great idea to hear from more members of the city. Think it takes about 7 minutes to vote for everything on the ballot, think council can give the council benefit of what they are thinking in five minutes.
- Ron Porter – read both this and current ordinance, don't find advantage to this now. Only allows changing meeting agenda thru resolution. Just makes it easier for council. Think it should be done by ordinance. Can't find a purpose. Think should be left alone until a purpose of advantage could be seen.
- Randy Jenkins – thought would put my two cents in this. Congress has filibuster power, why can't we? Seems like its good people speak. Probably better to go that route. Looks like considering, not in cement. Would probably be better for all to leave things be. These people will have their chance. Gives us more of the integral part of our freedom of speech. Would be better off letting things be free like it has been. Total restrictions. Seems like this works pretty good.

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 8**

- Mike Neel – guess first question is heart of this particular ordinance is seated in the brown act, portions come out of there. How many have read the brown act regarding setting public comment time. Went to look at that section of brown act, noted speaker total time can be fixed by regulation. Assume I'm accurate, when going to change the times, is resolution equivalent to regulation or is ordinance a regulation. May seem trivial matter but making law about valuable part of town hall meeting. Like constitutions of state and federal, if says have to change by regulation then ordinance. If resolution could change all the time. Personally don't really understand and haven't heard pertinent reasons. If want to drop to 3 minutes if find you run out of time, honestly have not seen this happen very often. Hope all of you want to follow laws of state.
  - Keith Lemieux – not aware of brown act but typically regulation includes any act passed by a legislative body.
  - Mayor Morgan – read brown act section 54954.3b
  - Keith Lemieux – ordinarily regulation includes any official act of a legislative body.
  - Mike Neel – is there a definition somewhere?
  - Keith Lemieux – possible the term is defined differently in different bodies of writings. Be happy to find that for you.

**Recommended Motions - 2 motions**

**Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending Subsection (B) Of Section 2-1.105 - Agenda - Of The Ridgecrest Municipal Code Was Made By Council Member Taylor, Second By Council Member Carter, Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, 0 Absent.**

- Council Member Taylor – no problem moving this to second reading. Citizens will have opportunity to speak again
- Council Member Holloway – no intention by this council to change the five minute limit that I am aware

**Requires a second**

**Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Subsection (B) Of Section 2-1.105 - Agenda - Of The Ridgecrest Municipal Code Was Made By Council Member Taylor, Second By Council Member Wiknich. Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, And 0 Absent.**

**Requires a second**

- Council Member Wiknich – would like clarification of definition of regulation.

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 9**

**DISCUSSION AND OTHER ACTION ITEMS**

**4(A). Resolution No. 10-, A Resolution Of The City Council Of The City Of Ridgecrest Rescinding Resolution No. 10-65 Morgan**

On July 29, 2010, Council held a special meeting of the Council to discuss an agenda item pertaining to payment of delinquent accounts to franchisee Benz Sanitation. The meeting was duly noticed that one Council Member (Council Member Taylor) would be attending via teleconference. The specific teleconference location of Council Member Taylor was not explicitly listed in the public notice therefore further action on the agenda item was suspended.

- Kurt Wilson – gave brief staff report
- Mayor Morgan – reviewed failure to list Council Member Taylor’s address location therefore a member of public would not have been able to find the meeting. Notification in lobby and on Mr. Taylor’s door and door was open but because the physical address was not listed we are rescinding this item.
  - Keith Lemieux – brown act requires the agenda provide to public the location of where the remote meeting would be. We don’t feel public had adequate notice so requested action be rescinded because Mr. Taylor’s involvement was outcome dependent. This will clear up issue and acknowledge the mistake was made.
  - Mayor Morgan – read regulation of posting requirement for teleconference.
- Council Member Taylor – asked staff to correct procedure and format should this be done in the future.
- Mike Neel – I copied section of the brown act from California code. Highlight several things that will indicate the intent of state body of law. Read 54953(b). gave interpretation of public and body of law. Read part of teleconference and spoke of intent. Agenda must provide for public comment at each teleconference location. Asked council to consider, how could that possibly have made that end of the meeting accessible to the Ridgecrest public. Is impossible. Was only to get Mr. Taylor’s vote into this conference room. Intent is not to pull a council member into this meeting.
  - Mayor Morgan – Mr. Taylor wished to be a part of that meeting. Every council member who is out of town has the right to request. Ridgecrest citizens in town participate by coming here.
  - Council Member Taylor – law is not your view of disenfranchising my vote.
  - Mike Neel – did not need your presence.
- Jim Fallgetter – should come more often. Amazing to hear stuff that doesn’t make any sense so many times in a row. Think the gentleman just validated that maybe five minutes may be too much. Sounds like you are damned if you do

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 10**

your job and damned if you don't. we want the people elected to the council to be on top of the issues but don't want them to do that. Totally confused.

- Jim Rachels – don't dispute Council Member Taylor had right to attend via teleconference. As matter of fact was one member of public who asked council to look into reality. They did, determined was improper and are here to rescind. Think public is owed explanation. Is inconsistent with history of council for members to appear telephonically. Doesn't happen very often and this was a controversial topic. Appear went side road to get a vote. If resolution is rescinded by technicality, why isn't it being voted on tonight? What occurred between last Thursday and today?
  - Mayor Morgan – not part of this agenda item.
  - Jim Rachels – directly tied and deserve an explanation.
  - Council Member Taylor – find discussion surprising. Deployed troops even have rights.

**Motion To Adopt Resolution No. 10-, A Resolution Of The City Council Of The City Of Ridgecrest Rescinding Resolution No. 10-65 Was Made By Council Member Carter, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, 0 Absent.**

Recess to 8:30pm.

Resumed meeting at 8:34pm

4. **Resolution No. 10-, A Resolution Of The City Council Of The City Of Ridgecrest Authorizing Payment To Benz Sanitation Inc. For The Delinquent Accounts For May-June 2010 Mandatory Trash And Recycling Services** **Staheli**

The original request on July 21, 2010 was for the total of \$178,756.71. Staff is conducting an audit of the billing and presented an amended amount of \$136,313.75 at the City Council special meeting of July 29, 2010. At that time it was unclear if the posting requirement allowing a Council member to attend the meeting by teleconference had been properly met, therefore Council requested staff to investigate. Upon further investigation it was determined that the posting did not satisfy government code requirements as outlined in GC54953. Further action on the resolution was suspended and the item is brought back to Council at this time for additional comment. Staff recommendation to Council is to adopt the resolution authorizing payment as amended.

*Item pulled prior to approval of agenda.*

5. **Resolution No. 10-, A Resolution Of The City Council Of City Of Ridgecrest To Establish Rates For Solid Waste Services And Recycling And Notice To Terminate Delinquent Accounts** **McRea**

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 11**

City Council adopted Ordinance 10-04 amending solid waste and recycling curbside pickup for residential service to allow residents to opt-out of service and select a service plan that suits the individual needs of the resident. This resolution establishes modified rates to remain in effect until a full rate analysis has been completed and staff can bring a new resolution to Council based on the results of the rate analysis.

- Keith Lemieux – gave staff report. recommendation of significant change to proposed resolution available to public to review during discussion. This version looks different but primary difference is version in agenda also set new fees and this version does not do that. After we prepared agenda but prior to this meeting received letter that Benz wanted to cooperate with us to implement the ordinance. Think advisable to give Benz opportunity to provide information in terms of cost. Intent is the resolutions substance is identical except rates. The resolution will be explained by Mr. McRea.
- Jim McRea – as indicated resolution is presented relative to delinquent accounts and opt-out. Section relative to fees and rates has been removed. Intended to establish procedures for ordinance 10-04 adopted on July 27, 2010.
- Mayor Morgan – for public's knowledge, we are still trying to get rate analysis?
- Kurt Wilson – in event council adopts modified resolution, not intent of staff to abandoned rate analysis proposal. Getting a rate structure that is more accurate.
- Jim McRea – section 5 paragraph 3 added ability to suspend service for delinquent. In resolution discussion item of billing and collection procedures relative to delinquent account, this section 5 paragraph 3 read to public. Provides mechanism for which service can be discontinued for individuals that are not meeting requirement for payment.
- Keith Lemieux – clarify this is same as one on the agenda, first accounts for trash service delinquent in payment as of tonight, Benz instructed to stop service and staff to provide list within 14 days and Benz to stop service. Second, opt-out applications/notices collected on monthly basis and staff to provide forms to Benz at end of each month and Benz is to stop service.
- Council Member Holloway – I apologize for missing closed session. We got to this position because of words like intent, consistency, and when I look at this I assume we are going with the latest version. Second paragraph not sure 09-57 says anything about commercial trash. No reference to ordinance. If going to go back, like growing an onion, piggyback on existing ordinance. Need to go back to beginning and consolidate all of these and clearly delineate trash, recycling. To ask a layman to go back and interpret what we have done is ridiculous. Say to scrap and go back to beginning. Biggest thing I wanted is in this, but obvious

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 12**

we are going to end up in court. With all the inconsistencies, this resolution holds no water in court of law.

- Keith Lemieux – currently directive to Benz is contained in recycling agreement adopted a year ago. Right now tells them to provide 96 gallon cart to all households. Unless we tell them to do something else.
  - Council Member Holloway – keep referring back to mandatory trash system.
  - Keith Lemieux – 95 trash agreement does refer to mandatory trash. Things have changed thru the years and we have tried to make adjustments. For tonight if city desires to stop delinquent accounts then need to give different direction to Benz. Don't disagree that would be preferable to go back to beginning and redraft all amendments into one document.
  - Council Member Holloway – if passing bad policy that violates the law, then not willing to support.
  - Keith Lemieux – can tell you does not violate the law.
- Mayor Morgan – everything you are saying speaks that we need to right a new contract. Not disagreeing with you, but can't do this tonight. Don't believe you mean we should stop this document even if not in the way we would like to do it. If could flush everything and start over, means new contract. Don't think Benz will even talk to us about that.
    - Keith Lemieux – 1995 agreement requires Benz to implement mandatory trash if we require and other provisions. When that agreement was adopted, it was understood and they agreed. Last year you directed Benz to provide a recycling can and required by ordinance everybody to get recycling service. You changed that and tonight this is a revision for the opt-out. This proposed resolution brings direction consistent with ordinance for Benz notification and opt-out of service.
  - Council Member Holloway – we pass this tonight; want to stop incurring delinquent costs. Are you confident that 09-57 gives us ability to collect delinquent accounts prior to tonight?
    - Keith Lemieux – that deals with recycling, but silent about collections.
    - Council Member Holloway – silent about recycling and trash
    - Keith Lemieux – recycling service is trash collection service. Recyclables kind of like y our couch, if you put it in the trash can it becomes trash, if you choose to sell it becomes recyclable. 09-57 Application of existing solid waste franchise that had already been adopted. This resolution only gives direction to Benz.
    - Council Member Holloway – last change to trash franchise was 2001
    - Keith Lemieux – there was an attempted change in 2001
    - Council Member Holloway – nothing done on rates.
    - Keith Lemieux – 1995 resolution says we are to approve rates from time to time.

PUBLIC COMMENT opened at 8:57pm

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 13**

- Jim Rachels – few comments may be confusing. Try to be clear. This is not a minor change. Significant rewrite of resolution. Not proper to vote without public notice. Council member Holloway and Wiknich have both stated they are in doubt about 09-57 and mandate for residential trash. Don't accept attorney analogy that they are same. Recycling is subset of trash. Same as automobiles. Title of 09-57 is about recycling. Not one word about anything other than recycling. Nothing about solid waste. Does not address solid waste. 09-57 was passed in September but ordinance for rate was set in March. Several months trash was free? Either way does not address solid waste. Daily independent published arguments that rates were not appropriate. Inappropriate payments made to Benz. If city does not owe Benz for delinquent trash or commercial accounts, then citizens do not owe city and if city does not owe city then city has no interest of whether accounts are delinquent. City is going beyond authority to tell Benz they cannot provide service to private citizen. Allegations that inappropriate payments have been made by city to Benz. Stated they see merit in that argument. Given fact that opinions are changing and the opinion is payments for delinquent accounts are not responsibility of city, then city has not interest in private accounts. Equally offensive for city to tell citizen or vender not to service. Can't fix with a band aid. Recommendation is don't vote due to adequate public notice, secondly no interest for city.
  - Keith Lemieux – brown act requires giving notice of topic but can't promise decision because we don't know.
- Paul Benz – welcome to Mr. Wilson. Would like to address both of these resolutions. First on old one, page one item 2 findings. Benz refused to be bullied into establishing new rates. Secondly, item 3 residential rates. Attachment A noted twice of 09-57. Quoted page 10 of 09-57 section 11(f) parties may change, modify, and amend, only if duly executed by both parties. Share Mr. Rachels' concerns for payment to Benz. First two times payment made with no problems, last 3 times has required council. Today the payment was pulled off, what has changed that we aren't even going to hear the argument today.
- Ron Porter – think this all flows from the original ordinance 09-01 that every citizen should subscribe to service. Having followed the ordinance, these people didn't subscribe. If simply enforced the law for non-subscribers, this would not have occurred. Failure was subscription for service. Would not have been this discussion of who did or didn't get service and empty lots.
- Brian Waterman – Mr. Porter hit nail on the head. Was looking at resolution before changed but is same as what is proposed tonight. Section 1, paragraph 1. Are you referring to the ordinance? 95-08 set franchise fees. Didn't have anything to do with the agreement.
  - Keith Lemieux – ordinance 95-08 adopted the agreement and set some rates. Ordinance changed existing municipal code adopting franchise fee and second paragraph adopting agreement. Gave council breakdown of

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 14**

the rates. Asked council to look at last page of handout given to them.  
Read portion

- Mayor Morgan – are you speaking on the current resolution?
  - Brian Waterman – past resolutions all connected.
  - Mayor Morgan – could you then come to the point, want to make sure we stay on topic.
  - Brian Waterman – when I look back thru the history of what was done, there has been resolutions that set the fees. In this situation 09-57 sets an agreement with the fee listed in the agreement. Not in keeping with past practice.
  - Keith Lemieux – 09-57 had the rates in the agreement, was intended to cover solid waste service. Agreement included rate for both cans.
  - Brian Waterman – so you are saying includes both trash and recyclables.
  - Keith Lemieux – what this was saying along with original can, people were given a second can to put those items you want to be recycled.
  - Brian Waterman – only recyclable after removed from waste stream
  - Keith Lemieux – not recyclable unless you put it in the recycle can.
  - Brian Waterman – section 1 purpose last sentence. Following resolution is intended to amend resolution no. 09-57. Can't we remove the word intended?
  - Keith Lemieux – accept that criticism, can be taken out.
  - Brian Waterman – section 5(b) market and recycle materials which are hauled by Benz Sanitation, inc. as part of the blue cart program.
  - Keith Lemieux – way was originally written is a list. Extension of 'contractor shall'
- Jim Fallgetter – one time thought withholding payment to Benz was appropriate but upon reading contract with Benz think is incumbent on us to pick up the costs for this service. Until we make changes that are necessary to clear up what has been established as precedent, they need to be paid, they are doing their job. Understand everyone is working on getting it fixed. For this contract. Still has to be contract with them and get their ok. Money needs to be paid and work hard at figuring out how to fix this. Secondly one aspect of this as sore spot has to do with knowing what Benz costs are. If we don't know what the costs are, which should be well known. Council doesn't know what the costs are, Benz says they have provided those costs. Was senior cost analyst and had to ensure the prices being provided to the government were equitable. You deserve to have those costs and ask Benz in spirit of resolving this and taking away major unknown, as part of resolution to this problem to provide costs for everybody to see.
    - Kurt Wilson – staff is in process of acquiring expertise to procure that rate analysis.
  - Christina Witt – if account is not paid, service will terminate. Will Benz no longer keep billing for that service?
    - Mayor Morgan – yes

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 15**

- Jack Noyer – request council call for the question or table for word smith or table for corrective action. Beginning to hear same statements.
  - Council Member Wiknich – rate was set over a year ago on an estimate. Not talking about this tonight. In spirit of negotiate with Benz for them to substantiate those rates more clearly, allow Benz time to provide more data. Estimate was set. What we have is when started process were playing by different rules. Those have changed now. When peeling onion it stinks more. Trying to fix series of documents and tie them together, that is how we got here tonight. Definitely question that agreements are being interpreted properly. But have situation Benz sanitation needs to know what we want, clear council instruction on what we want them to do. One little comment here or there and other discussions with staff, eight months after trying to fix these things and patience running out. Big problem is that whether we owe for recycling or trash will be decided down the road, whether by court or arbitration. Time to stop the bleeding. Cannot afford to keep writing check especially when we don't know actual figures. This is one step to stop the bleeding.
  - Council Member Taylor – here to get this moving forward. A lot of things past over time, but we've started down the road to opt-out. Dumbfounded by individuals not paying bills and trying to get us to stall more. Want to get this thing rolling and get a new contract. Willing to negotiate in good faith but at this point need to move forward. Not perfect but good enough for me.
- Council Member Holloway – apologize being late for closed session. But tomorrow will be asked to explain what we did and still see too many flaws.
- Council Member Carter – ready to pass, been delaying and time to get closure.

Motion To Approve Revised Resolution As Amended By Council Member Carter, Second By Council Member Taylor. Motion Carried By Roll Call Vote 4 Ayes, 1 Noes (Council Member Holloway) 0 Abstain, 0 Absent.

**6. Solar Park Project Discussion**

**Bradley**

Council has requested staff present an update of the Solar Park Project.

- Craig Bradley – gave update of solar energy project. New discussion regarding old school house. Original project had concerns of building around old school house. However, schoolhouse has concerns but council and public discussion. Expense in bringing schoolhouse to code, possible it could be moved to fairgrounds. Or is it more cost effective to be removed. Photos of electrical service meters, inside service boxes, and other water. provided.
- Council Member Taylor – thought needed to connect on back side of building for power. Talking now about ability to get to grid, looking at this building versus senior citizen building or pool? How old is building?

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 16**

- Craig Bradley – been in Ridgecrest more than 50 years. Originally brought here from Isabella/Kernville before the dam was built. Has housed some services throughout the years but no longer serviceable and being used as storage. This is most serviceable meter in area. More photos of building condition provided. If keep in current condition will need to do repairs. Not asking for direction, just opinion or concerns. Do you want to move the building completely if we can't find someone with interest in the building. May be some interest at county fairgrounds or Olde Towne. Currently storage for parks and recreation. Asking for council personal opinion.
- Mayor Morgan – many years ago discussed this building. Not sure if any discussion have occurred at quality of life committee. Historical society is not interested in this building and think it is in the way of the project. Will have time to garner public opinion.
- Council Member Carter – get rid of it
- Council Member Taylor – not personally attached, little perplexed because no costs are before me. Conduit could run power all the way to city hall. Not clear ability to tap off the power and why we have to knock the building down. Mr. Ponek is using for storage, not sure. Don't know of anyone who really cares about the building but concerned about not seeing the costs.
- Dave Matthews – was my understanding there would be no interference with that building. Did you talk to Kathy Armstrong. Old Kernville site, number of years ago the site was exposed and I walked thru that site. Foundation for that building still exists. Back in the late 60's that building was being used. That was the park for Ridgecrest. Used to hold picnics there. One other concern that am wondering about. Stone monument that had a plaque that has since been removed. Don't know what happened to it but piece of history that should have been preserved. If building must be moved, see if there are funds to preserve it.
  - Jim Ponek – monument sits there, plaque was vandalized more than 10 years ago.
- Council Member Taylor – any lights in Helmers park
  - Jim Ponek – yes, two or three. Park has not been watered in one year. Only use is dogs walked and Frisbee golf.
  - Council Member Taylor – alluding where could tap into power.
- Craig Bradley – project is designed to preserve the building, have considered all options and want to look at most cost effective means to provide the power. Since building was in design but is an option to save some costs by moving or getting rid of the building. Wanted to make sure was brought to council.

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 17**

**7. Discussion Of Billing And Collection Procedures Relating To Delinquent Residential Solid Waste And Recycling Accounts Wiknich**

At the special meeting of council held on July 29, 2010, Council Member Wiknich requested a discussion item to review the billing and collection procedure in particular to ensure no collection proceeding would occur for delinquent residential accounts until a full audit of the billing had been performed. Council Member Taylor concurred with additional request to establish certain thresholds for billing and collection.

- Council Member Wiknich – In response to all delinquent notices that went out last month, I received two. Knowing there are so many errors in billing we received, inappropriate to send out collection notice at this time. Number of people expressing opinion they don't owe the bill, they say 'how dare you send it to collection'. Propose no bills go to collection until we make the decision that the billing is accurate.
- Council Member Taylor – can we agree to give direction and set criteria?
  - Keith Lemieux – appropriate
  - Council Member Taylor – want this to keep moving forward. Would like this account to move toward black rather than red.
- Council Member Wiknich – some people did not use service and we have record of vacant homes since November yet bills have accrued. Also abandoned homes. Over 200 vacancies that need to be determined. Also need to determine if they use the service or not.
- Council Member Taylor – implying service ordered, then backed up. Adding uncertainty.
- Council Member Wiknich – decision has to be made on whether we had a right to charge for service. Know we have debate over recycling, who used and who didn't use. Don't have answer tonight, but know have a problem and should not be going after people who paid bills. Other people never received a can but are getting billed. When all these come together we have a problem. We need people to get the information to us. We got billed for these problems. Need to get it down that the billing is accurate before we start going after those people.
  - Kurt Wilson – some who received services and not paid. Other who never received service. Ask you allow staff to work on and bring resolution to
- Council Member Taylor – ask staff to establish criteria and bring resolution to council.
- Council Member Wiknich – read letter. Customer in office today
- Council Member Carter – staff on top and will bring recommendations.

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 18**

- Council Member Holloway – are you familiar with fair debt collection act. Are we a third party collector.
  - Keith Lemieux – will have to get back on that.
- Mayor Morgan – no problem with the process. Mr. Parsons has extensive list. Read document from person already on list. Has a property with a vacant building on it and has paid his bills. Should get a refund. On other hand, will have some individuals who have property, generated trash, refused to pay. Eventually will have to take them to collections. Negotiations in other categories totally agree. Appreciate staff effort and know will be difficult.

**PUBLIC COMMENT:**

- Joe Conway – when you did the ordinance, didn't allow for hardship cases. What you do as elected body negotiations on unpaid bills you have to do for everybody.
  - Mayor Morgan – very slippery slope
- Robert Eierman – would like to wait until city attorney and Holloway are done. Fair debt collections act, think you will find city is exempt to that. That being said, think the more important point is don't know where you get the authority to go to collections. Understand difficult situation city finds themselves, but at some point there will be some amount of money the city will be due from some citizens. Not talking about does the city need to go after that money, point here is that city council needs to not put themselves in a position of being above the law. Passed an ordinance with remedies. May be an 'oh darn' should have put in collection, but you didn't. you put in to cite citizens for infractions. Have not done this yet. You have it in there twice. Suggest you follow your own law, do not go outside boundaries of that. To put anybody into collections is not in your authority. Follow the law. Yes, unfortunately you wind up having to eat it and that's a shame but doesn't make a difference if that is result, do what you are supposed to do.
- Jim Rachels – utterly confused, if council member Wiknich. If council is arguing billing system is fraught with errors and flawed, no reliability or credibility and also the point there are still question that 09-57 sets rates and requires payment to Benz. Why did we vote to terminate services? We are saying can't trust which ones are delinquent and which ones aren't. my account is delinquent because I believe 09-57 did not properly set rate for green can. Have sent letters to Benz to make payment in full once rate is properly set. Does 09-57 actually set rate for residential trash and does it mandate that city make payment to Benz for unpaid bills. Ordinance 10-04 does not go into effect for a couple of days so still under 09-01. I am in violation, cite me now and we will go to court with a judicial ruling to tell us if 09-57 sets the rate. Willing to put myself at risk of fines to city and other punitive measure to stop pretending this does not exist. Remedy is in your ordinance. That is to cite someone for an infraction. Example of police giving bill

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 19**

rather than citation. Person has constitutional right to go to court. For you to send account to collection bypasses right to due process. Right to stand in front of a judge to argue case. My first phone call will be to ACLU.

**CONSENT CALENDAR**

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

- Kurt Wilson – item 10 request council take no action.
- Mayor Morgan – read consent calendar
- Council Member Holloway – pulled 13
- Council Member Taylor – pulled 11 & 12
- Al Huey – pulled 14
- Unknown – Pulled 9
- Unknown – pulled 16

Motion To Approve Items 8, 15, And 17 Was Made By Council Member Wiknich, Second By Council Member Carter. Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, And 0 Absent

8. **A Resolution Of The Ridgecrest City Council To Award A Contract To The Lowest Responsive And Responsible Bidder In The Amount Of \$783,465.44 To Bowman Asphalt For The Road Construction/Reconstruction Of North And South Bound Lanes On College Heights Blvd From South China Lake Blvd To Franklin Street To Bowman Asphalt** **Speer**

On Thursday July 15, 2010 bids were opened for construction/reconstruction of north and south bound lanes of College Heights Blvd from South China Lake Blvd to Franklin Street. A total of five bids were received.

9. **Resolution No. 10-, A Resolution By The City Council Approving The Irrevocable Offer Of Grant Of Easement For Landscape Purposes Within Tract 6740 And Signing The Conditional Certificate Of Acceptance By The Mayor** **Speer**

D.R. Horton VEN, INC., a California corporation is granting the City of Ridgecrest a perpetual, non-exclusive easement and right of way for maintenance purposes in, on, over, under, upon, along, through and across the property hereinafter described for purposes of maintenance, repair and replacement of landscaping and irrigation systems located within the easements described in Exhibit A and Exhibit B.

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 20**

- Dave Matthews – asked for more information of location and explanation.
  - Dennis Speer – gave location and explained landscape and lighting district.

**10. Request For Authorization To Solicit Request For Qualifications And Request For Proposals For Public Works Capital Infrastructure Improvement Projects.** Speer

At the City Council Meeting of July 21, 2010, the City Council was presented with the details of the recent RDA bond sales and a suggested list of Public Works Capital Improvement Projects. Councils' discussion and results of the discussion were to approve the list of projects. Council also suggested that all of the listed projects try to be constructed at the same time to realize the benefits of a favorable bidding environment and some potential of savings due to economy of scale. It is staff's recommendation that the City Council authorize the solicitation of RFQ / RFP's to the firms previously prequalified for Environmental Compliance, Engineering Design and Construction Management Services for the RDA Public Works Capital Infrastructure Improvement Projects

**11. Request For Authorization To Solicit Request For Qualifications And Request For Proposals For Parks And Recreation Improvement Projects.** Speer

Request for authorization to solicit Request for Qualifications and Request for Proposals for Environmental Compliance, Engineering / Architectural Design and Construction Management Services for Parks and Recreation Improvement Projects.

**12. Request for authorization to solicit Request for Qualifications and Request for Proposals for Corporate City Yards Improvement Projects.** Speer

Request for authorization to solicit Request for Qualifications and Request for Proposals for Environmental Compliance, Engineering / Architectural Design and Construction Management Services for Corporate City Yards Improvement Projects.

**13. Resolution No. 10-, A Resolution To Award A Contract For A Professional Services Agreement With LSA & Associates An Environmental Firm In Completing An Environmental Reevaluation For NEPA Review And CEQA Review For The Proposed Widening And Reconstruction Of West Ridgcrest Boulevard From Mahan Street To China Lake Boulevard And Authorize The City Manager To Enter Into A Professional Services Agreement** Speer

A Resolution To Award a Contract for a Professional Services Agreement with LSA & Associates an Environmental Firm in completing an Environmental Reevaluation for NEPA review and CEQA review for the proposed widening and reconstruction of West Ridgcrest Boulevard from Mahan Street to China

**14. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Supporting The "Parade Of 1000 Flags" Holloway**

The Exchange Club has submitted and been approved by the City of Ridgecrest to hold the annual "Parade of 1000 Flags" on September 11, 2010 from 9:00am to 11:00am. The parade will follow the same route as last year thru City streets. Part of the parade route is on State Route 178 and the State of California Department of Transportation requires a resolution by the Council to support this event.

**15. Council Expenditure Approval List (DWR) Dated July 16, 2010 In The Amount Of \$211,501.12 Staheli**

**16. Council Expenditure Approval List (DWR) Dated July 16, 2010 In The Amount Of \$ 1,922,393.59 Staheli**

**17. Agency Expenditure Approval List (DWR) Dated July 16, 2010 In The Amount Of \$ 7,575.69 Staheli**

- Council Member Taylor – items 11 and 12 – what are we doing with these projects
  - Dennis Speer – looking to do either RFQ's or pre-selection for engineering firms to begin looking at design. Agreements will come back to council.
- Al Huey – can you elaborate on the scope of the projects
  - Dennis Speer – everything on the list is conceptual
- Council Member Taylor – at this point pre-selecting those engineering firms to look at design. Staff will come up with more definitive scope of the project to be put out to bid.
- Ron Porter – this is just to create a bidders list?
  - Dennis Speer – yes
  - Ron Porter – to create a list so when projects are designed would go to them.

**Item 13**

- Council Member Holloway – everybody has lost track of the Ridgecrest blvd. project
  - Mayor Morgan – in order to maintain funding and when it falls into line, we have to update the CEQUA. We have a promise of allocation of funds if we are ready. Possibility we could garner 4million dollars to start project and if that occurs have been promised funds to finish our project.
- Ron Porter – this wasn't included?
  - Mayor Morgan – is a separate thing.

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 22**

- Dave Matthews – just updating these previous reports?
  - Mayor Morgan – yes, like Wal-Mart had to do with their EIR
  - Dave Matthews – can we have a staff report on how much we have spent on environmental

Item 14

- Al Huey – will there be any cost?
  - Council Member Holloway – this document is required by Caltrans to close the road
- Christina Witt – thank council for supporting this parade every year.

Item 16

- Robert Eierman – page 2, 1.8 million to TRANE. Why are we paying them already?
  - Council Member Taylor – if paid traditional at end we got a discount if paid this part in advance
  - Tyrell Staheli – about a 40k savings based on formula
  - Robert Eierman – what do we do if they don't build the project right
  - Craig Bradley – timelines of savings calculation 6% we would have owed on completion at various times. Savings was just over 32k.
  - Robert Eierman – how do we know they will do well when I have already cut them a check.
- Council Member Taylor – how much of this pays for contract
  - Craig Bradley – entire project less 32k they paid for bond and does not cover materials
- Eierman – don't feel comfortable paying for service not performed yet for less than 2% savings. Doesn't sound smart. Would rather pay that 2%. Stories of contractors is infamous. Plus we still have to pay for materials which will bring cost to over 3million. We are going to pay up front, think is a bad idea. Would rather pay as you go. Could go into bond problems. Checkbook is a good stopgap of what is good or bad.
- Jack Noyer – didn't know about this, you gentleman have to put up with a lot. Do think this is a bad idea, bonds and integrity, default and trying to collect from bonding company. For 32k don't think was an economically correct path to take.
- Ron Porter – a lot of times plans have to be corrected, also cost. If there is a problem that has to be done thru negotiations will cost a lot more than that.
  - Mayor Morgan – DWR's when brought to council have already been paid?
  - Tyrell Staheli – that is correct.

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 23**

- Mayor Morgan – if we dispute a payment, what do we have to do?
  - Tyrell Staheli – try to get our money back
- Council Member Taylor – thought this was only paying for half, not all?
- Council Member Wiknich – could we put the money into escrow account?
  - Tyrell Staheli – already have the money,

Motion To Approve All Consent Calendar Items Except For Item 16 Was Made By Council Member Wiknich, Second By Council Member Carter, Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Absent, 0 Abstain

- Kurt Wilson – could direct staff to begin negotiations to get some if not all of the money back knowing the discount would be lost.
  - Council Member Taylor – agree with Mr. Wilson recommendation
- Council Member Holloway – do we need to go back to process before Winegardner.
  - Kurt Wilson – staff would be happy to have discussion of the methods and what brought us to where we are
- Council Member Taylor – would like that discussion. Not ready to

Direction to staff to negotiate return of some of the funds dispersed to TRANE was made by Council Member Taylor,

- Council Member Wiknich – would like to look at using escrow account
  - Kurt Wilson – will take those into consideration, not having availability of cash.
- Mayor Morgan – can we approve the rest of the items on the list?
- Council Member Taylor – allowed approving list with caveat of one item?
- Robert Eierman – seems like you wouldn't want to retract that but some things have limits. 1.8 million without council approval?
- Mayor Morgan – directed Wilson to come back with process and limits

**Motion To Approve Item 16 As Amended Was Made By Council Member Wiknich Second By Council Member Taylor. Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, 0 Absent.**

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 24**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORTS**

- **Nothing at this time.**

**COMMITTEES, BOARDS AND COMMISSIONS**

**First Council Meeting (1<sup>st</sup> Wednesday of the month)**

**Community Development Committee**

Member: Steve Morgan, Ron Carter, Eric Kauffman, Jason Patin

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

Next meeting to be announced

- Mayor Morgan - No meeting in August. Staff has been directed to bring forward items for Septembers

**RACVB**

Council Members Chip Holloway, Jerry Taylor

Meetings: 1<sup>st</sup> Wednesday of the month, 8:00 a.m.

Next meeting and location to be announced

- Council Member Holloway - Met this morning, discussed possible visitor kiosk in 24 months. Also floor plan for office building. Radio TOT discussed. Small business expo, SNORE dinner held booking 150-200 hotels. Film revenue, NBC Series 'The Event' will be filmed here.

**Parks, Recreation and Quality of Life Committee**

Members: Ron Carter, Chip Holloway, Craig Porter, Jason Patin

Meetings: 1<sup>st</sup> Thursday of the month at 12:00 p.m.; Kerr-McGee Center

Next meeting to be announced

- Council Member Carter – meeting tomorrow at noon in upstairs council conference room

**Youth Advisory Council**

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

- Council Member Taylor - City org August 16 at 5pm, direction with new city manager.
- Council Member Wiknich - Infrastructure same day at 6pm to discuss RDA fund spending
- Council Member Taylor – water district tomorrow at 5pm
- Council Member Holloway – attended RCD meeting will bring presentation to council

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 25**

**PUBLIC COMMENT**

Persons wishing to address the Council on matters that are within the Council's jurisdiction and DO NOT ALREADY APPEAR ON THE AGENDA, may do so at this time. Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on this Agenda. SPEAKERS ARE LIMITED TO FIVE (5) MINUTES. The PUBLIC COMMENT section of the Agenda is limited to a total of thirty (30) minutes. EACH SPEAKER IS ASKED TO PROVIDE HIS OR HER NAME AND ADDRESS FOR THE RECORD.

- Ron Porter – suggestion on school house is to contact Kernville for historical purposes. Power may be cheaper to put power post and take power completely.
- Jack Noyer – was made aware of something didn't know. Don't have a cooling center for senior citizens, have to go to Inyokern to cool off. Does that come under jurisdiction of council? Discussed Kerr McGee and senior center. Said wasn't enough people seeking to be cooled the idea was abandoned. There are poor people in the community, they deserve their quality of life to be maintained.
- Robert Eierman – council member Taylor, want to ask again where the movement from Indian wells? Are they willing to specify amount of turf but not make it front yard/back yard?
  - Council Member Taylor – not here to speak for them. Paraphrase, they believe need to minimize turf and went over front yards because they do not have jurisdiction over back yards. Will talk to you more after meeting.
  - Robert Eierman – thank you for your efforts to work with them. Either this council and Benz Jr./Sr. deserve something far beyond an academy award, or this city is in a world of hurt. I know council man Holloway you think you'll call and everything will be hunky dory tomorrow. I think you have just launched a nuclear strike and the citizens will pay dearly. Disagree this is a negotiating technique and you just turned town upside down with that move. Would be glad to apologize if I'm wrong. Don't know how heavily you were lobbied by city attorney but concerns me greatly this is about the ethics violation filed against him.
- Howard Auld – just wanted to congratulate city manage and welcome him to community and pledge to assist any way we can.
- Dave Matthews – I too would like to extend welcome to Mr. Wilson. Hope you don't judge what you have seen these last few days as what this city is like, I assure you it isn't. last few weeks have been thinking back in 60's song by Steely Dan about the future. I sit here and listen and hear complaints about people not being able to get to doctors. Not just our system, it's everywhere. Here we are arguing about whether we can drill for oil in our own country. Talk about trash and whether we have the right to pay a bill or collect money owed. A lady here earlier commenting on trash who said she paid Benz directly. I missed a payment that got lost and I did the same thing. I said I would pay the bill but

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 26**

wrote on the check paid under partial protest. These problems today would not exist if others had done the same thing. Disgusted with fellow citizens on how they acted about this whole situation. Had faith but starting to wane. Mr. Wilson you came in at a nasty time in community and sorry it had to be that way. There is interest in this community about the schoolhouse.

- Christina Witt – welcome Mr. Wilson. This is a lovely community. Don't work but do volunteer and hold leadership positions. Nobody notices you unless you do something wrong. Trash right now is huge, was noticed, and was an error. People notice the errors but don't acknowledge when you do well. I didn't notice you until this so you have done well. Encourage you to continue going. appreciate you.
- Barbara Auld – talked to Mr. Noyer at recess and told him I appreciate his research and civil exchange at the dais. Wish more happening here, we love Ridgecrest and the valley and appreciate our relationship with the Navy and city. Whole valley needs to pay more attention to that symbiotic relationship. Don't enjoy listening to abusive comments. Want community know that you can disagree but don't have to be abusive to one another.

**MAYOR AND COUNCIL COMMENTS**

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

- Council Member Wiknich – recommend in light of results of Bell city wages, recommend all salaries be posted on the internet as public information.
- Council Member Carter – as walking around town see enthusiasm from parent that kids going back to school, not getting that from students. At some point we have to work together. Group in town that is very vocal against council even when we do what they want us to do. Need to work together, this is great community. Born and raised in Santa Monica but I decided to stay in Ridgecrest. Feel safe here and economy is growing. But to want to take down whole city is ridiculous. Agree with Holloway, lets redo this thing. I am going to move forward. Let's be positive supporters of each other.
- Mayor Morgan – a few things would like to point out. When you look at things that have occurred over the years. Helped high desert haven, Ridgecrest regional hospital expansion, and other things people don't hear about. City of Ridgecrest helped them get their loans. Another business park expansion submitted for medical. Let's not forget about partnership and success with BRAC. Entire council contacting federal officials daily. I am not perfect, however

**MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY/FINANCING AUTHORITY  
SPECIAL**

**August 4, 2010**

**Page 27**

if going to talk about academy awards, let talk about those who wanted to go out and kill Benz and now saying they love them. All for political gain. We are all not perfect. Lastly, to my daughter turning 20 publicly wish her happy birthday.

- Council Member Taylor – second the wisdom appreciate civil conversation. Council has always listened to citizens. Second comments of how people have flipped on the issues. Perhaps should go back and play clips of what has been said in past. Diversity makes us work better but at same time are trying to move forward and frustrated with those who are trying to prevent us from moving forward. Conversation should be held at civil level. Appreciate new faces in the room, but cautioned to be careful what you wish for.
- Council Member Holloway – Regina is Kurt's wife, please unpack your car. You haven't seen the best of this community. Feel like the guy with two friends fighting and caught in the middle. Dawned on me Monday when listening to sound bite of san Francisco congressman Pete stark, condescending tone sounded familiar, we have been so frustrated with trash that at some time we stop listening. I will not ever tune out anybody because I do not want to miss that nugget that will get me thru. Great former governor Kenny Guinn died, former governor of Nevada fell off roof and died. Very revered. Read quote from Kenny Guinn.

**ADJOURNMENT at 11:11pm**

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Rachel J. Ford, CMC - City Clerk

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT:</b> Expenditure Approval List (DWR) as of 07/30/2010
<b>PRESENTED BY:</b> W. Tyrell Staheli
<b>SUMMARY:</b>  Attached is the Expenditure Approval List (DWR), for 07/30/2010-FY10:  Total Disbursed: \$252,166.70
<b>FISCAL IMPACT:</b>  Total Disbursed: \$252,166.70  Reviewed by Finance Director
<b>ACTION REQUESTED:</b>  Receive and file as presented.
<b>CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:</b>  Action as requested:

Submitted by: Kelly Brewton

Action Date: 08/18/2010

(Rev. 6/12/09)

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BANK: 02

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0005753	00	ADVANTAGE						
1477	000984		02	07/30/2010	113-6010-601.26-04	CC/EP/JUNE10 CABLE ADS	550.00	
						VENDOR TOTAL *	550.00	
0004675	00	AFLAC						
JULY10 PRE-TAX	PR0730		02	07/30/2010	001-0000-218.20-02	JULY10 PREMIUM PRE-TAX	3,950.37	
JULY10 POST-TAX	PR0730		02	07/30/2010	001-0000-218.20-02	JULY10 PREMIUM POST-TAX	246.18	
						VENDOR TOTAL *	4,196.55	
0004676	00	AFLAC-FLEX ONE						
240784ER	PR0730		02	07/30/2010	001-0000-218.20-03	JULY10 FSA ADMN FEES	50.00	
						VENDOR TOTAL *	50.00	
0000859	00	ALTAONE FEDERAL CREDIT UNION						
PPE 07/25/10	PR0730		02	07/30/2010	001-0000-218.03-02	PPE 07/25/10 PEAR DUES	1,467.00	
						VENDOR TOTAL *	1,467.00	
0003509	00	AMERIPRIDE						
2100026955	000984		02	07/30/2010	005-4554-455.28-05	WW/JH/UNIFORM CLEANING	41.66	
						VENDOR TOTAL *	41.66	
0009999	00	ARMENDARIZ, MELISSA						
11002/1224	000984		02	07/30/2010	001-0000-220.07-00	PR/JP/RFND RM DEP- ARMEND	50.00	
						VENDOR TOTAL *	50.00	
0005266	00	ASPEN UNIVERSITY, LLC						
17225	000984		02	07/30/2010	111-6119-619.29-04	MIS/CB/EDU TUITION-BRADLY	750.00	
						VENDOR TOTAL *	750.00	
0004159	00	AT&T MOBILITY						
839275791JU10	000577		02	07/30/2010	001-4210-421.26-01	PD/PW/06/02-07/01/10 SRV	35.14	
839275791JU10	000577		02	07/30/2010	001-4210-421.26-01	PD/PW/06/02-07/01/10 SRV	240.40	
839275791JU10	000577		02	07/30/2010	001-4210-421.26-01	PD/PW/06/02-07/01/10 SRV	35.14	
839275791JU10	000577		02	07/30/2010	001-4210-421.26-01	PD/PW/06/02-07/01/10 SRV	37.13	
839275791JU10	000577		02	07/30/2010	001-4210-421.26-01	PD/PW/06/02-07/01/10 SRV	80.14	
839275791JU10	000577		02	07/30/2010	001-4210-421.26-01	PD/PW/06/02-07/01/10 SRV	181.67	
839275791JU10	000577		02	07/30/2010	001-4210-421.26-01	PD/PW/06/02-07/01/10 SRV	105.42	
839275791JU10	000578		02	07/30/2010	001-4440-444.26-01	CD/PW/06/01-07/01/10 SRV	101.11	
839275791JU10	000577		02	07/30/2010	001-4630-463.26-01	PR/JP/ 06/02-07/01/10 SRV	400.29	
839275791JU10	000578		02	07/30/2010	002-4340-434.26-01	ST/EC/06/01-07/01/10 SRV	105.42	
839275791JU10	000578		02	07/30/2010	003-4360-436.26-01	TR/SS/06/01-07/01/10 SRV	313.95	
839275791JU10	000578		02	07/30/2010	005-4551-455.26-01	WW/JH/06/01-07/01/10 SRV	130.76	
839275791JU10	000577		02	07/30/2010	111-6119-619.26-01	MIS/CB/06/02-07/01/10 SRV	417.85	
						VENDOR TOTAL *	2,184.42	
0005021	00	AVID IDENTIFICATION SYSTEMS, INC.						
280056	000984		02	07/30/2010	001-4210-421.36-03	PD/RS/PET CHIPS	512.50	
						VENDOR TOTAL *	512.50	

BANK: 02

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0009999	00	BALES, AMY						
115	000984		02	07/30/2010	001-0000-365.30-31	PR/JP/CXL STORY CAMP	40.00	
						VENDOR TOTAL *	40.00	
0003427	00	BECHTEL, ALICE M.						
6/16-06/30/10	000984		02	07/30/2010	001-4620-462.28-15	PR/JP/AEROBICS CLASS	106.05	
						VENDOR TOTAL *	106.05	
0001470	00	BENZ PROPANE CO., INC.						
2019200JUN10	000984		02	07/30/2010	001-4210-421.22-01	PD/RS/JUN10 PROPANE	278.99	
1228000JUN10	000984		02	07/30/2010	005-4554-455.22-01	WW/JH/JUN10 PROPANE	318.57	
						VENDOR TOTAL *	597.56	
0000136	00	BLUEPRINT SERVICE CO.						
700981	000984		02	07/30/2010	001-4720-410.29-05	PW/DS/PLOTTING FILM	125.30	
						VENDOR TOTAL *	125.30	
0009999	00	BORING, JEFF						
108	000999		02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
						VENDOR TOTAL *	120.00	
0001141	00	CA DEPARTMENT OF JUSTICE						
790889	000984		02	07/30/2010	001-0000-367.22-12	PD/PW/FINGERPRINT APPS	96.00	
799271	000984		02	07/30/2010	001-0000-367.22-12	PD/PW/FINGERPRINT APPS	5,939.00	
800348	000984		02	07/30/2010	113-6118-618.21-07	HR/KG/FINGERPRINT APPS	128.00	
						VENDOR TOTAL *	6,163.00	
0003748	00	CAL VALLEY EQUIPMENT						
1229255	000984		02	07/30/2010	140-6710-671.23-04	PW/EC/COAXIAL HOSE	106.34	
						VENDOR TOTAL *	106.34	
0004304	00	CALIF PUBLIC EMP RETIREMENT-MEDICAL						
AUG10 PREMIUM	PR0730		02	07/30/2010	001-0000-218.05-00	AUG10 PREMIUM ACTIVE	51,753.08	
AUG10 PREMIUM	PR0730		02	07/30/2010	110-0000-218.01-04	AUG10 PREMIUM RETIRED	1,828.88	
AUG10 PREMIUM	PR0730		02	07/30/2010	110-0000-218.01-04	AUG10 PREMIUM ADJ	.03	
						VENDOR TOTAL *	53,581.99	
0000227	00	CAMPBELL HEATING & AIR COND.						
24927	000984		02	07/30/2010	001-4630-463.23-04	PR/JP/INSPECT AC	85.00	
24926	000984		02	07/30/2010	001-4630-463.23-04	PR/JP/INSPECT AC	85.00	
						VENDOR TOTAL *	170.00	
0001664	00	CDW GOVERNMENT INC.						
TCK5136	PI0048 006478		02	07/30/2010	112-6119-619.41-22	RAID CARD,HARD DRVS,PRCRS	5,308.07	
TCR6460	PI0049 006478		02	07/30/2010	112-6119-619.41-22	RAM	534.99	
TDH7030	PI0050 006478		02	07/30/2010	112-6119-619.41-22	CHASSIS	678.19	
TDS0555	PI0053 006478		02	07/30/2010	112-6119-619.41-22	MOTHER BOARD	506.14	
						VENDOR TOTAL *	7,027.39	

BANK: 02

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0009999	00	CLIMPSON, ANGELA						
122	000999		02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
121	000999		02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
						VENDOR TOTAL *	240.00	
0001671	00	CLINICAL LAB. OF SN BERNARDINO						
908824	PI0051 006397		02	07/30/2010	005-4554-455.21-04	JUN10 LAB SRVS	580.00	
						VENDOR TOTAL *	580.00	
0000879	00	COMMANDING OFFICER						
201006300156	PI0043 006351		02	07/30/2010	005-4554-455.22-02	JUN10 WATER/ELECTRIC USE	1,834.47	
						VENDOR TOTAL *	1,834.47	
0000350	00	D & D DISPOSAL INC.						
52461	000984		02	07/30/2010	001-4210-421.28-03	PD/PW/JUN10 ANIMAL DISPSL	690.00	
						VENDOR TOTAL *	690.00	
0003886	00	DESERT AREA RESOURCES AND TRAINING						
13196	000984		02	07/30/2010	015-4570-457.21-09	CD/JM/JUN10 RECYCLING	240.00	
						VENDOR TOTAL *	240.00	
0000396	00	DESERT INDUSTRIAL SUPPLY						
638749	000985		02	07/30/2010	001-4630-463.32-04	PR/JP/PORT VLV, NIPPLE	165.40	
						VENDOR TOTAL *	165.40	
0009999	00	DUNN, KARLA						
8714/2847	000984		02	07/30/2010	001-0000-220.07-00	PR/JP/RFND RM DEP-DUNN	50.00	
						VENDOR TOTAL *	50.00	
0005066	00	ECONOLITE TRAFFIC ENGIN. & MNT INC.						
728	PI0038 006149		02	07/30/2010	002-4310-431.23-03	JUN10 ROLLING REPORT	2,524.50	
686	PI0040 006343		02	07/30/2010	002-4310-431.23-03	JUN10 PREVENTATIVE MAINT	959.00	
						VENDOR TOTAL *	3,483.50	
0005693	00	EMPLOYERS' TRAINING RESOURCE						
7/27/10	001001		02	07/30/2010	210-0000-326.40-10	WIA/HR/DISALLOWED COST	927.01	
						VENDOR TOTAL *	927.01	
0000478	00	FEDERAL EXPRESS CORP.						
715166292	001005		02	07/30/2010	113-6030-603.25-03	AD/RF/DOCS TO LEMIEUX	25.91	
715166292.	001005		02	07/30/2010	210-4126-418.26-02	WIA/SS/DOCS TO ETR	25.91	
715166292	001005		02	07/30/2010	210-4126-418.26-02	WIA/SS/DOCS TO ETR	22.99	
						VENDOR TOTAL *	74.81	
0005458	00	HALL & FOREMAN, INC						
2804702	PI0052 006457		02	07/30/2010	018-4760-430.46-01	PROF SRVS 06/01-6/25/10	9,150.00	
						VENDOR TOTAL *	9,150.00	
0009999	00	HASTINGS, KELLY						

PROGRAM: GM339L

AS OF: 07/30/2010 CHECK DATE: 07/30/2010

CITY OF RIDGECREST

UNION BANK-GENERAL CHECKING

BANK: 02

VEND NO	SEQ#	VENDOR NAME						EFT OR
INVOICE		VOUCHER P.O.	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	HAND-ISSUED
NO		NO NO		DATE	NO	DESCRIPTION	AMOUNT	AMOUNT
0009999	00	HASTINGS, KELLY						
101		000999	02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
						VENDOR TOTAL *	120.00	
0005658	00	HEATHER STONE MEDICAL GROUP						
6/30/10		000985	02	07/30/2010	113-6118-618.21-04	HR/KG/DOT PHYSICAL	90.00	
						VENDOR TOTAL *	90.00	
0004447	00	HELT ENGINEERING, INC.						
10303		PI0041 006344	02	07/30/2010	001-4720-410.21-09	JUN10 GEN ENGINEERING SRV	1,000.00	
10304		PI0042 006348	02	07/30/2010	018-4760-430.21-09	WRK PRFM 06/16-06/30/10	238.00	
10305		PI0045 006400	02	07/30/2010	018-4760-430.21-06	WRK PRFM 06/16-06/30/10	925.90	
						VENDOR TOTAL *	2,163.90	
0004916	00	HERRIMAN, JAMES R.						
6/16-06/30/10		000985	02	07/30/2010	001-4620-462.28-15	PR/JP/MARTIAL ARTS CLASS	127.05	
						VENDOR TOTAL *	127.05	
0004507	00	HOLDEN, LARRY						
6/16-06/30/10		000985	02	07/30/2010	001-4620-462.28-15	PR/JP/MARTIAL ARTS CLASS	134.75	
						VENDOR TOTAL *	134.75	
0009999	00	HOLM, MAGGIE						
117		000999	02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
						VENDOR TOTAL *	120.00	
0004931	00	HOME DEPOT CREDIT SERVICES						
2010327		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/PAINT, CLAMP	10.31	
8010843		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/T8 10PK	37.06	
8992260		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/BATTERIES, WASH FLD	14.90	
8992322		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/SOCKET, OSI 4X4	18.69	
7111079		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/FITTING	1.74	
6011099		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/DRILL PUMP	11.05	
6992622		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/PVC PIECES	11.63	
5011145		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/SPRAY BOTTLE	1.04	
5033532		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/TAPE	8.10	
5092824		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/BARR, BLKTIE	37.84	
1011656		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/GATEFPT	6.79	
1093586		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/PRECSRDVR	18.37	
993772		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/DOC BAG	6.43	
9993860		000990	02	07/30/2010	001-4630-463.32-04	PR/JP/SCISSOR, NIPPLES	9.44	
6111281		000993	02	07/30/2010	001-4630-463.32-04	PR/JP/TOOL	38.93	
3010188		000994	02	07/30/2010	001-4630-463.32-04	PR/JP/QUIKSETTING	12.32	
7970325		000990	02	07/30/2010	130-6510-651.32-04	CH/JP/REPAIR LUMBER	95.97	
3013397		000995	02	07/30/2010	130-6510-651.32-04	CH/JP/12 HEAD 2 GAL, OUTDR	18.20	
						VENDOR TOTAL *	358.81	
0005573	00	HUNTINGTON HONDA						
10014736		000985	02	07/30/2010	140-6710-671.35-10	PW/EC/HANDLE BAR TIE DOWN	35.88	

BANK: 02

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0005573	00	HUNTINGTON HONDA						
10014735	000985		02	07/30/2010	140-6710-671.35-10	PW/EC/8K SRV, TIRES,BRAKE	1,107.89	
						VENDOR TOTAL *	1,143.77	
0000642	00	ICMA RETIREMENT TRUST-457						
PPE 07/25/10	PR0730		02	07/30/2010	001-0000-218.10-02	PPE 07/25/10 DEF COMP	7,112.82	
						VENDOR TOTAL *	7,112.82	
0001571	00	INYO LEASING, INC.						
597705	000991		02	07/30/2010	005-4554-455.32-09	WW/JB/OIL GUN,GAUGE	37.98	
598279	000991		02	07/30/2010	005-4556-455.35-01	WW/JH/THRD LCK	4.10	
594358	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/BATTERY R206	334.49	
598399	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/HEADLIGHT SWITCH	174.26	
598448	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/AC COMP CLUTCH	124.47	
596479	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/HALOGEN CAPSULE	30.98	
						VENDOR TOTAL *	706.28	
0005395	00	IPRINT TECHNOLOGIES, INC						
CREDIT300315	000990		02	07/30/2010	112-6119-619.41-22	MIS/CB/CREDIT MEMO	1,360.71-	
PYMNT160830	000991		02	07/30/2010	112-6119-619.41-22	MIS/CB/CREDIT MEMO	1,360.71-	
211608	000991		02	07/30/2010	112-6119-619.34-03	MIS/CB/TONER	1,851.08	
						VENDOR TOTAL *	870.34-	
0000398	00	JIM CHARLON FORD, INC.						
FORCM29349	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/CORE RETURN	1,082.50-	
FOR29935	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/SWITCH ASY	16.61	
FOR29309	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/SWITCH ASY	261.51	
FOR29837	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/REGULATOR, R327	85.54	
FOR29934	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/SWITCH R310	44.72	
FOR29887	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/TUBE ASSY R326	196.56	
FOR29900	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/MOTOR/FAN,RELAY	476.16	
						VENDOR TOTAL *	1.40-	
0009999	00	KARMEN, KIM						
10614/1223	000985		02	07/30/2010	001-0000-220.07-00	PR/JP/RFND RM DEP-KARMEN	50.00	
						VENDOR TOTAL *	50.00	
0002185	00	KERN COUNTY AUDITOR CONTROLLER						
MAY10	000992		02	07/30/2010	001-4210-421.21-09	PD/PW/MAY10 PARKING CITES	104.50	
						VENDOR TOTAL *	104.50	
0002748	00	KERN COUNTY WASTE MGMT DEPT						
40724858	000985		02	07/30/2010	001-4630-463.22-04	PR/JP/GRASS CLIPPINGS	10.53	
40724862	000985		02	07/30/2010	001-4630-463.22-04	PR/JP/GRASS CLIPPINGS	70.07	
						VENDOR TOTAL *	80.60	
0005703	00	LOOP ELECTRIC INC						
4484	PI0046 006428		02	07/30/2010	018-4760-430.46-01	TRAFFIC SIGNAL C/L&CHURCH	78,884.37	
						VENDOR TOTAL *	78,884.37	

BANK: 02

VEND NO INVOICE NO	SEQ# VOUCHER NO	VENDOR NAME P.O. NO	BNK	CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT OR HAND-ISSUED AMOUNT
0009999 189	00 000999	LORBER, MARY	02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
						VENDOR TOTAL *	120.00	
0005649 6/21-06/24/10	00 000987	MAD SCIENCE OF THE INLAND EMPIRE	02	07/30/2010	001-4620-462.28-15	PR/JP/MAD SCIENCE CAMP	84.00	
						VENDOR TOTAL *	84.00	
0005574 6/16-06/30/10	00 000987	MANGRUM, JENNIFER	02	07/30/2010	001-4620-462.28-15	PR/JP/AEROBICS CLASS	768.95	
						VENDOR TOTAL *	768.95	
0005098 6148A 6147A	00 000987 000987	MEINERT'S INDUSTRIAL	02	07/30/2010	005-4554-455.31-01	WW/JH/WISE	341.56	
			02	07/30/2010	005-4554-455.31-01	WW/JH/SHOP PRESS	417.16	
						VENDOR TOTAL *	758.72	
0009999 255	00 000999	MILLER, JULIE	02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
						VENDOR TOTAL *	120.00	
0001403 104494	00 000987	MOTION TIRE & WHEEL	02	07/30/2010	140-6710-671.35-10	PW/EC/MOUNT&DISMOUNT	25.00	
						VENDOR TOTAL *	25.00	
0000891 124068	00 000987	NEWS REVIEW	02	07/30/2010	113-6118-618.26-04	HR/KG/CLASS AD-PRESCHOOL	22.00	
						VENDOR TOTAL *	22.00	
0009999 146	00 000998	NEWTON, JOHN	02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
						VENDOR TOTAL *	120.00	
0005752 2846112877 2846110156	00 000987 000987	O'REILLY AUTO PARTS	02	07/30/2010	005-4554-455.35-01	WW/JB/TRANS FLD	114.14	
			02	07/30/2010	005-4554-455.35-01	WW/JH/GEAR LUBE	57.36	
						VENDOR TOTAL *	171.50	
0009999 76 75	00 000999 000999	OMMEN, JOYCE	02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
			02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
						VENDOR TOTAL *	240.00	
0009999 125	00 000999	OSTASH, DAVE	02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
						VENDOR TOTAL *	120.00	
0009999 11015/1226	00 000987	OWENS VALLEY CDC	02	07/30/2010	001-0000-220.07-00	PR/JP/RFND RM DEP-OV CDC	50.00	

PROGRAM: GM339L

AS OF: 07/30/2010

CHECK DATE: 07/30/2010

CITY OF RIDGECREST

UNION BANK-GENERAL CHECKING

BANK: 02

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0009999	00	OWENS VALLEY CDC						
						VENDOR TOTAL *	50.00	
0000913	00	PACIFIC GAS & ELECTRIC CO.						
52986140516JU10001001			02	07/30/2010	001-4630-463.22-01	PR/JP/06/10-07/09/10 SRVS	27.36	
93491367194JU10001001			02	07/30/2010	001-4630-463.22-01	PR/JP/06/10-07/09/10 SRVS	48.32	
2653522090JU10 001001			02	07/30/2010	001-4630-463.22-01	PR/JP/06/09-07/08/10 SRVS	1,892.22	
99736649219JU10001001			02	07/30/2010	001-4630-463.22-01	PR/JP/06/10-07/09/10 SRVS	109.08	
96403505660JU10001001			02	07/30/2010	001-4630-463.22-01	PR/JP/06/10-07/09/10 SRVS	224.23	
79632777706JU10001001			02	07/30/2010	130-6510-651.22-01	CH/JP/06/10-07/09/10 SRVS	54.97	
14736854655JU10001001			02	07/30/2010	140-6710-671.22-01	PW/EC/06/09-07/08/10 SRVS	19.82	
						VENDOR TOTAL *	2,376.00	
0003199	00	PACKWRAP BUSINESS CENTER, INC						
26101	000987		02	07/30/2010	001-4199-419.29-05	ND/EP/BUS CARDS-L.CULP	37.89	
26105	000987		02	07/30/2010	018-4760-430.21-06	PW/DS/BID DOCUMENTS	293.25	
26070	000987		02	07/30/2010	113-6010-601.34-01	AD/EP/BUS CARD-K.WILSON	37.89	
						VENDOR TOTAL *	369.03	
0002268	00	PARS TRUSTEE						
PPE 07/25/10	PR0730		02	07/30/2010	001-0000-218.01-02	PPE 07/25/10 DEF COMP	1,540.58	
						VENDOR TOTAL *	1,540.58	
0001035	00	RAMOS/STRONG, INC.						
235316	PI0039 006183		02	07/30/2010	002-4340-434.35-01	276 GAL RED DYED DIESEL	706.12	
235316	PI0047 006474		02	07/30/2010	140-6710-671.35-01	1438 GAL REG GAS	4,034.01	
						VENDOR TOTAL *	4,740.13	
0001668	00	RELISTAR LIFE INS CO OF N.Y						
10A7126294	PR0730		02	07/30/2010	001-0000-218.10-03	PPE 07/25/10 DEF COMP	18.00	
						VENDOR TOTAL *	18.00	
0001059	00	S.A.S.S.						
43833	PI0044 006370		02	07/30/2010	005-4554-455.28-11	WW TEMP WEEK END 6/19/10	524.00	
						VENDOR TOTAL *	524.00	
0009999	00	SCHMIEDEL, JERRIANNE						
331	000998		02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
						VENDOR TOTAL *	120.00	
0004946	00	SECRETARY OF STATE						
C27749	001007		02	07/30/2010	113-6020-602.21-09	AD/AT/LATE FILING FEE	370.00	
						VENDOR TOTAL *	370.00	
0002008	00	SECURITY ENGINEERING						
F12573	000987		02	07/30/2010	001-4260-426.31-01	PD/PW/SRV FIRE EXTINGSHRS	86.14	
F12661	000987		02	07/30/2010	001-4630-463.23-04	PR/JP/SRV FIRE EXTINGSHRS	130.09	
F12662	000987		02	07/30/2010	001-4630-463.23-04	PR/JP/SRV FIRE EXTINGSHRS	151.74	
						VENDOR TOTAL *	367.97	

PROGRAM: GM339L

AS OF: 07/30/2010

CHECK DATE: 07/30/2010

CITY OF RIDGECREST

UNION BANK-GENERAL CHECKING

BANK: 02

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0009999	00	SMITH, JAY						
145	000998		02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
144	000999		02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
						VENDOR TOTAL *	240.00	
0009999	00	SOTO, ELOISA						
131	000988		02	07/30/2010	001-0000-365.30-31	PR/JP/CXL STORY CAMP	40.00	
						VENDOR TOTAL *	40.00	
0002127	00	SOUTH KERN MACHINERY						
1821390	000988		02	07/30/2010	005-4556-455.32-01	WW/JH/CROSS KIT	86.97	
						VENDOR TOTAL *	86.97	
0001128	00	SOUTHERN CALIFORNIA EDISON CO.						
3000966617JUN10000851			02	07/30/2010	001-4210-421.22-02	PD/HR/05/18-06/21/10 SRVS	25.84	
3001190186JUN10000851			02	07/30/2010	001-4210-421.22-02	PD/HR/05/18-06/21/10 SRVS	1,429.88	
3001190185JUN10000851			02	07/30/2010	001-4210-421.22-02	PD/HR/06/01-07/01/10 SRVS	14.31	
3023916530JUN10000851			02	07/30/2010	001-4630-463.22-02	PR/HR/05/24-06/22/10 SRVS	156.48	
3000686771JUN10000851			02	07/30/2010	001-4630-463.22-02	PR/HR/05/20-06/22/10 SRVS	24.02	
3001186442JUN10000851			02	07/30/2010	001-4630-463.22-02	PR/HR/05/24-06/22/10 SRVS	59.77	
3001190201JUN10000851			02	07/30/2010	001-4630-463.22-02	PR/HR/05/24-06/22/10 SRVS	21.11	
3003633968JUN10000851			02	07/30/2010	001-4630-463.22-02	PR/HR/06/09-07/10/10 SRVS	22.57	
3001190198JUN10000851			02	07/30/2010	001-4630-463.22-02	PR/HR/06/07-07/07/10 SRVS	21.84	
3001478727JUN10000851			02	07/30/2010	001-4630-463.22-02	PR/HR/06/07-07/07/10 SRVS	2,647.18	
3001190189JUN10002036			02	07/30/2010	001-4630-463.22-02	PR/HR/06/02-07/01/10 SRVS	980.63	
3001190190JUN10000851			02	07/30/2010	001-4630-463.22-02	PR/HR/06/02-07/01/10 SRVS	252.97	
3002920230JUN10000851			02	07/30/2010	001-4630-463.22-02	PR/HR/06/02-07/01/10 SRVS	843.09	
3001190202JUN10000851			02	07/30/2010	001-4630-463.22-02	PR/HR/05/24-06/22/10 SRVS	170.87	
3001190182JUN10000851			02	07/30/2010	001-4630-463.22-02	PR/HR/06/09-07/10/10 SRVS	571.73	
3002299355JUN10000851			02	07/30/2010	001-4630-463.22-02	PR/HR/05/19-06/21/10 SRVS	309.87	
3001190195JUN10000884			02	07/30/2010	001-4630-463.22-02	PR/HR/06/11-07/13/10 SRVS	10,411.83	
3001190197JUN10000885			02	07/30/2010	001-4630-463.22-02	PR/HR/06/07-07/07/10 SRVS	2,498.68	
3029174885JUN10001001			02	07/30/2010	001-4630-463.22-02	PR/JP/06/05-07/07/10 SRVS	157.41	
3029174894JUN10001001			02	07/30/2010	001-4630-463.22-02	PR/JP/06/05-07/07/10 SRVS	1,857.70	
3029174894JUN10001001			02	07/30/2010	001-4630-463.22-02	PR/JP/06/05-07/07/10 SRVS	371.14	
3022031056JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/06/02-07/01/10 SRVS	72.06	
3001190183JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/06/08-07/09/10 SRVS	66.90	
3001190184JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/06/12-07/12/10 SRVS	56.65	
3001190188JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/06/02-07/01/10 SRVS	45.15	
3001190191JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/06/02-07/01/10 SRVS	43.85	
3001190192JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/06/02-07/01/10 SRVS	45.26	
3001190194JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/06/04-07/03/10 SRVS	49.60	
3001190199JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/06/09-07/09/10 SRVS	48.38	
3001190205JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/06/02-07/02/10 SRVS	43.20	
3001190207JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/05/20-06/21/10 SRVS	64.97	
3001190208JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/05/25-06/25/10 SRVS	37.92	
3001190209JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/06/14-07/13/10 SRVS	54.60	
3001256860JUN10000851			02	07/30/2010	002-4310-431.22-02	ST/HR/05/28-06/21/10 SRVS	73.00	
3000723539JUN10000851			02	07/30/2010	002-4340-434.22-02	ST/HR/06/14-07/01/10 SRVS	21.11	

BANK: 02

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0001128	00	SOUTHERN CALIFORNIA EDISON CO.						
3000727535JUN10000851			02	07/30/2010	002-4340-434.22-02	ST/HR/05/20-06/21/10 SRVS	23.30	
3001038184JUN10000851			02	07/30/2010	002-4340-434.22-02	ST/HR/06/02-07/01/10 SRVS	21.11	
3001190206JUN10000851			02	07/30/2010	002-4340-434.22-02	ST/HR/05/19-06/21/10 SRVS	188.05	
3001190210JUN10000051			02	07/30/2010	002-4340-434.22-02	ST/HR/06/15-07/14/10 SRVS	21.11	
3003843888JUN10000851			02	07/30/2010	002-4340-434.22-02	ST/HR/05/28-06/29/10 SRVS	23.30	
3001478728JUN10000884			02	07/30/2010	002-4340-434.22-02	ST/HR/06/08-07/08/10 SRVS	253.76	
3001190193JUN10000996			02	07/30/2010	002-4340-434.22-02	ST/HR/05/25-06/22/10 SRVS	15.37	
3001190187JUN10000884			02	07/30/2010	005-4556-455.22-02	WW/HR/05/18-06/21/10 SRVS	857.02	
3001190196JUN10000851			02	07/30/2010	130-6510-651.22-02	CH/HR/06/07-07/07/10 SRVS	665.31	
3001190195JU10 000884			02	07/30/2010	130-6510-651.22-02	CH/HR/06/11-07/13/10 SRVS	10,411.83	
3001478728JUN10000884			02	07/30/2010	140-6710-671.22-02	PW/HR/06/08-07/08/10 SRVS	169.17	
						VENDOR TOTAL *	36,220.90	
0005453	00	SPRINT						
369021889026	000988		02	07/30/2010	001-4210-421.26-01	PD/PW/05/26-06/25/10 SRVS	180.00	
665658819031	001001		02	07/30/2010	111-6119-619.26-01	MIS/CB/05/26-06/25/10 SRV	179.97	
						VENDOR TOTAL *	359.97	
0005744	00	STAPLES ADVANTAGE						
3138489461	001001		02	07/30/2010	001-4610-461.34-01	PR/JP/WALL FILE,PAPER	58.49	
3138450173	000988		02	07/30/2010	001-4720-410.34-01	PW/DS/POST-ITS	22.72	
3138578264	000988		02	07/30/2010	001-4720-410.34-01	PW/DS/CHAIR	253.31	
3138489462	000988		02	07/30/2010	001-4720-410.34-01	PW/DS/PENS,POST-ITS	82.37	
3138489463	000988		02	07/30/2010	001-4720-410.34-01	PW/DS/CALCULATOR	63.30	
						VENDOR TOTAL *	480.19	
0005416	00	THE CAR WASH						
JUN10	000988		02	07/30/2010	001-4210-421.23-01	PD/PW/JUN10 CAR WASHES	75.60	
						VENDOR TOTAL *	75.60	
0005647	00	THORNBERRY, MICHEAL						
6/07-06/11/10	000899		02	06/18/2010	001-4620-462.28-15	PR/JP/ARCHERY CAMP 1	CHECK #: 110734	440.00-
6/07-06/11/10RI	000899		02	07/30/2010	001-4620-462.28-15	PR/JP/ARCHERY CAMP 1	440.00	
						VENDOR TOTAL *	440.00	440.00-
0005478	00	TRANSFIRST SERVICES INC.						
650001JUN10	000710		02	07/30/2010	113-6115-615.28-99	FN/WS/CREDIT CARD FEES	70.89	
650019JUN10	000710		02	07/30/2010	113-6115-615.28-99	FN/WS/CREDIT CARD FEES	41.49	
650027JUN10	000710		02	07/30/2010	113-6115-615.28-99	FN/WS/CREDIT CARD FEES	67.98	
650035JUN10	000710		02	07/30/2010	113-6115-615.28-99	FN/WS/CREDIT CARD FEES	28.60	
						VENDOR TOTAL *	208.96	
0009999	00	TRULOCK, ALAN						
130	000998		02	07/30/2010	001-0000-365.30-31	PR/JP/CXL MAD SCIENCE	120.00	
						VENDOR TOTAL *	120.00	
0005460	00	US BANK (CALCARDS)						
6/22/10PARSONS	001005		02	07/30/2010	001-0000-116.04-50	CD/JM/DUE FROM EMPLOYEE	4.00	

PROGRAM: GM339L

AS OF: 07/30/2010

CHECK DATE: 07/30/2010

CITY OF RIDGECREST

UNION BANK-GENERAL CHECKING

BANK: 02

VEND NO	SEQ#	VENDOR NAME						EFT OR
INVOICE	VOUCHER	P.O.	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	HAND-ISSUED
NO	NO	NO		DATE	NO	DESCRIPTION	AMOUNT	AMOUNT
0005460	00	US BANK (CALCARDS)						
6/22/10	AGOSTINA000979		02	07/30/2010	001-4210-421.31-01	PD/PW/BATTERIES	9.07	
6/22/10	AGOSTINA000979		02	07/30/2010	001-4210-421.38-01	PD/PW/PIZZA-CHARTER-REIMB	47.63	
6/22/10	AGOSTINA000979		02	07/30/2010	001-4210-421.25-02	PD/PW/FOOD-TRANSPORT	6.01	
6/22/10	DAMPIER 000981		02	07/30/2010	001-4210-421.25-01	PD/RS/LNCH MTG-ABC AGENTS	15.05	
6/22/10	BLOWERS 000982		02	07/30/2010	001-4210-421.29-09	PD/RS/BAR HOLDER	21.00	
6/22/10	CASTANED000982		02	07/30/2010	001-4210-421.25-02	PD/RS/FOOD -FED CASE	20.05	
6/22/10	MERZLAK 000982		02	07/30/2010	001-4210-421.25-02	PD/RS/LUNCH-KMC INVSTG	38.81	
6/22/10	WHEELERP000982		02	07/30/2010	001-4210-421.25-01	PD/RS/PACT LUNCH	20.00	
6/22/10	WHEELERP000982		02	07/30/2010	001-4210-421.35-01	PD/RS/FUEL-BASIC GRADUATN	20.25	
6/22/10	WHEELERP000982		02	07/30/2010	001-4210-421.25-01	PD/RS/FOOD-BASIC GRADUATN	23.45	
6/22/10	WHEELERP000982		02	07/30/2010	001-4210-421.25-02	PD/RS/FOOD&FUEL-FRESNO CS	67.24	
6/22/10	LLOYD 000982		02	07/30/2010	001-4210-421.35-01	PD/RS/FUEL	8.80	
6/22/10	HANLEY 000982		02	07/30/2010	001-4210-421.39-01	PD/RS/BATTERY& CHARGER	21.37	
6/22/10	MYERS 000982		02	07/30/2010	001-4210-421.25-01	PD/RS/LODGING	314.86	
6/22/10	MYERS 000982		02	07/30/2010	001-4210-421.35-01	PD/RS/FUEL	18.75	
6/22/10	STAGE 000982		02	07/30/2010	001-4210-421.32-04	PD/PW/COOLER PARTS	256.96	
6/22/10	OBERGFEL000982		02	07/30/2010	001-4210-421.31-01	PD/PW/6 CAMERAS-PATROL	461.79	
6/22/10	TUCKER 000982		02	07/30/2010	001-4210-421.25-01	PD/PW/FUEL	266.87	
6/22/10	RUTHERFO000982		02	07/30/2010	001-4210-421.23-01	PD/RS/SMOG FOR SALE-R115	74.95	
6/22/10	RUTHERFO000982		02	07/30/2010	001-4210-421.31-01	PD/RS/SIGNATURE PAD	109.57	
6/22/10	RUTHERFO000982		02	07/30/2010	001-4210-421.31-01	PD/RS/FG STEP	150.47	
6/22/10	RUTHERFO000982		02	07/30/2010	001-4210-421.31-01	PD/RS/AIR PURIFIER	194.84	
6/22/10	OBERGFEL000982		02	07/30/2010	001-4260-426.38-01	PD/PW/ESC MTG FOOD	28.99	
6/22/10	SMITHROB000977		02	07/30/2010	001-4440-444.26-01	CD/PW/RFND PPL SRCH	59.90	-
6/22/10	SMITHROB000977		02	07/30/2010	001-4440-444.26-01	CD/PW/\$25 PREPAID CARD	25.00	
6/22/10	SMITHROB000977		02	07/30/2010	001-4440-444.31-01	CD/PW/REBAR	16.13	
6/22/10	MCREA 000978		02	07/30/2010	001-4451-445.25-01	CD/JM/LLC REGISTRATION	475.00	
6/22/10	PARSONS 001005		02	07/30/2010	001-4451-445.25-01	CD/JM/REG&LODGING-ICSC	616.27	
6/22/10	PONEK 000980		02	07/30/2010	001-4610-461.25-01	PR/JP/SPORT MTG LUNCH	55.96	
6/22/10	PEARSON 000980		02	07/30/2010	001-4620-462.34-01	PR/JP/ALL PURPOSE 10 MIL	76.41	
6/22/10	PONEK 000980		02	07/30/2010	001-4620-462.36-01	PR/JP/WAIST PK,DIVE STICK	46.03	
6/22/10	CHARLON 000980		02	07/30/2010	001-4620-462.36-01	PR/JP/TROPHIES	498.36	
6/22/10	PEARSON 000980		02	07/30/2010	001-4630-463.32-04	PR/JP/COFFEE FILTERS	49.85	
6/22/10	PEARSON 000980		02	07/30/2010	001-4630-463.25-01	PR/JP/LODGING	89.60	
6/22/10	SPEER 000980		02	07/30/2010	001-4720-410.25-01	PW/DS/FUEL-TOD#2 WRKSHP	33.04	
6/22/10	SPEER 000981		02	07/30/2010	001-4720-410.25-01	PW/DS/FOOD-TTAC KCOG	8.85	
6/22/10	SPEER 000981		02	07/30/2010	001-4720-410.25-01	PW/DS/FOOD-TTAC LPC@KCOG	11.89	
6/22/10	GUIDANGE000981		02	07/30/2010	110-6195-619.25-01	RM/HR/LODGING & PARKING	1,053.76	
6/22/10	BRADLEY 000982		02	07/30/2010	111-6119-619.25-01	MIS/CB/LODGING	371.72	
6/22/10	BRAEM 000982		02	07/30/2010	111-6119-619.25-01	MIS/CB/LODGING, FUEL, MONRL	798.35	
6/22/10	BRAEM 000982		02	07/30/2010	111-6119-619.25-01	MIS/CB/LUNCH	51.50	
6/22/10	BRAEM 000982		02	07/30/2010	111-6119-619.29-07	MIS/CB/SNOW LEOPARD SFTWR	31.39	
6/22/10	BRAEM 000982		02	07/30/2010	111-6119-619.41-29	MIS/CB/KEYBOARD&MOUSE	162.36	
6/22/10	BRAEM 000982		02	07/30/2010	111-6119-619.41-29	MIS/CB/CABLES	13.45	
6/22/10	BRAEM 000982		02	07/30/2010	111-6119-619.32-03	MIS/CB/MEMORY STICK	80.64	
6/22/10	BRAEM 000982		02	07/30/2010	111-6119-619.26-01	MIS/CB/IPAD	905.39	
6/22/10	HOLLOWAY000978		02	07/30/2010	113-6010-601.25-01	CC/EP/LLC POLICY MTGS	1,453.04	
6/22/10	MORGANS 000978		02	07/30/2010	113-6010-601.25-01	CC/EP/LLC MTGS	343.52	

BANK: 02

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0005460	00	US BANK (CALCARDS)						
6/22/10	MORGANS 000978		02	07/30/2010	113-6010-601.25-01	CC/EP/LLC EXTRA REG-REIMB	100.00	
6/22/10	PETERSON000979		02	07/30/2010	113-6010-601.25-01	CC/EP/CHIPS,WATER,COOKIES	16.17	
6/22/10	PETERSON000979		02	07/30/2010	113-6020-602.25-01	CC/EP/LLC REG-K. WILSON	520.00	
6/22/10	PETERSON000979		02	07/30/2010	113-6020-602.25-01	CC/EP/AIRFARE - K. WILSON	404.10	
6/22/10	GUIDANGE000981		02	07/30/2010	113-6020-602.25-01	AD/HR/FUEL	35.71	
6/22/10	SLOANT 000982		02	07/30/2010	113-6115-615.25-01	FN/TS/REG-CALPERS	300.00	
6/22/10	SLOANT. 000982		02	07/30/2010	113-6115-615.25-01	FN/TS/REG-CALPERS	300.00	
6/22/10	SHAVER 000981		02	07/30/2010	210-4126-418.29-09	WIA/SS/WORK CLOTHES	118.40	
6/22/10	SHAVER 000981		02	07/30/2010	210-4126-418.29-09	WIA/SS/FOOD	21.17	
						VENDOR TOTAL *	11,223.94	
0004026	00	USABLUEBOOK						
173414	000988		02	07/30/2010	005-4552-455.37-01	WW/JB/HONEYWELLL RECORDER	1,286.10	
						VENDOR TOTAL *	1,286.10	
0001258	00	VALIC						
PPE 07/25/10	PR0730		02	07/30/2010	001-0000-218.10-01	PPE 07/25/10 DEF COMP	275.00	
						VENDOR TOTAL *	275.00	
0004071	00	WESTRIDGE TRUE VALUE HOME CNTR						
576802	000992		02	07/30/2010	001-4210-421.38-02	PD/PW/DOG FOOD,TOY	46.53	
575147	000992		02	07/30/2010	001-4210-421.32-01	PD/PW/CONNECTR,ELBOW,ADPR	43.66	
575155	000992		02	07/30/2010	001-4210-421.32-01	PD/PW/CONNECTR,ELBOW,ADPR	14.60	
576831	000992		02	07/30/2010	001-4630-463.32-04	PR/JP/3 PK COVER	10.80	
577088	000992		02	07/30/2010	001-4630-463.32-04	PR/JP/CONNECTOR	5.94	
						VENDOR TOTAL *	121.53	
0005748	00	WILSON, KURT						
7/22/10	001001		02	07/30/2010	113-6020-602.25-01	AD/EP/REMIB-CAR RENT&FUEL	286.35	
						VENDOR TOTAL *	286.35	
0004023	00	Z.A.P. MANUFACTURING INC						
38077	000988		02	07/30/2010	002-4340-434.32-05	ST/EC/LETTERS	736.20	
						VENDOR TOTAL *	736.20	
0001341	00	ZUMAR INDUSTRIES INC						
123041	000988		02	07/30/2010	002-4340-434.32-05	ST/EC/PED XING SYMB	473.59	
123042	000988		02	07/30/2010	002-4340-434.32-05	ST/EC/STOP SIGNS	1,420.78	
120367	000988		02	07/30/2010	002-4340-434.32-05	ST/EC/RTRN DELINATOR BASE	555.32-	
						VENDOR TOTAL *	1,339.05	
		02 UNION BANK-GENERAL CHECKING				BANK TOTAL *	252,166.70	440.00-

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**15**

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

**SUBJECT:**

Expenditure Approval List (DWR) as of 07/30/2010

**PRESENTED BY:**

W. Tyrell Staheli

**SUMMARY:**

Attached is the Expenditure Approval List (DWR), for 07/30/2010-FY11:

Total Disbursed: \$249,750.48

**FISCAL IMPACT:**

Total Disbursed: \$249,750.48

Reviewed by Finance Director

**ACTION REQUESTED:**

Receive and file as presented.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: Kelly Brewton

Action Date: 08/18/2010

(Rev. 6/12/09)

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BANK: 02

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0009999	00	ALVAREZ, KELLY						
162	000015		02	07/30/2010	001-0000-365.30-31	PR/JP/CXLD SPACESHIPS CLS	14.00	
						VENDOR TOTAL *	14.00	
0003427	00	BECHTEL, ALICE M.						
07/01-07/14/10	000015		02	07/30/2010	001-4620-462.28-15	PR/JP/AEROBICS CLASS	106.05	
						VENDOR TOTAL *	106.05	
0001830	00	BERCHTOLD EQUIPMENT CO.						
PC81067	000015		02	07/30/2010	005-4556-455.32-03	WW/JH/CHAIN ASSY, IDLR	405.63	
PC81108	000015		02	07/30/2010	005-4556-455.32-01	WW/JH/CLEVIS PIN	34.84	
PC81067A	000015		02	07/30/2010	005-4556-455.32-01	WW/JH/SPROCKET	175.03	
						VENDOR TOTAL *	615.50	
0001466	00	BOWLING, KAREN						
7/13-7/14/10	000015		02	07/30/2010	001-4620-462.28-15	PR/JP/CRAFT CLASS	100.80	
						VENDOR TOTAL *	100.80	
0004084	00	BRINK'S INCORPORATED						
128990345	000015		02	07/30/2010	113-6115-615.21-09	FN/WS/JULY10 BANK SRVS	413.86	
						VENDOR TOTAL *	413.86	
0005204	00	BURGESS, YOKO						
7/6-07/15/10	000015		02	07/30/2010	001-4620-462.28-15	PR/JP/QUICK START TENNS	504.00	
						VENDOR TOTAL *	504.00	
0001618	00	BURROUGHS BOOSTER CLUB						
6/09-07/20/10	000015		02	07/30/2010	001-4620-462.28-15	PR/JP/BURROS FOOTBALL	7,576.00	
						VENDOR TOTAL *	7,576.00	
0004623	00	BURTCH CONSTRUCTION						
15277	PI0029		02	07/30/2010	002-4340-434.32-05	FURNISH &SPREAD TOPEIN	3,630.00	
15277	PI0030		02	07/30/2010	002-4340-434.32-05	FURNISH &SPREAD TOPEIN	4,880.00	
						VENDOR TOTAL *	8,510.00	
0001664	00	CDW GOVERNMENT INC.						
TFC0792	000015		02	07/30/2010	111-6119-619.21-13	MISS/CB/MAC MINI,PORT	954.31	
						VENDOR TOTAL *	954.31	
0003345	00	CLEAR'S INC						
11/15-11/19/10	000015		02	07/30/2010	001-4210-421.25-01	PD/RS/CONF REG	790.00	
						VENDOR TOTAL *	790.00	
0005445	00	COCA-COLA NORTH AMERICA						
7300645751	000015		02	07/30/2010	001-4620-462.38-02	PR/JP/JUL10 TOTAL BEV PLN	37.88	
						VENDOR TOTAL *	37.88	
0005662	00	COURSEY, KRISTEN						
7/19-07/23/10	000015		02	07/30/2010	001-4620-462.28-15	PR/JP/DRAMA CAMP	616.00	

BANK: 02

VEND NO	SEQ#	VENDOR NAME							EFT OR
INVOICE	VOUCHER	P.O.	BNK	CHECK/DUE	ACCOUNT	ITEM		CHECK	HAND-ISSUED
NO	NO	NO		DATE	NO	DESCRIPTION		AMOUNT	AMOUNT
0005662	00	COURSEY, KRYSTEN							
						VENDOR TOTAL *		616.00	
0000334	00	CRANES WASTE OIL							
101882	000015		02	07/30/2010	140-6710-671.22-04	PW/EC/OIL DISPOSAL		75.00	
						VENDOR TOTAL *		75.00	
0005337	00	CSAC EXCESS INSURANCE AUTHORITY							
1110105IN	000026		02	07/30/2010	110-0000-219.00-00	RM/HR/7/01/10-7/01/11 EWC		73,661.00	
1130052IN	PI0034	006504	02	07/30/2010	110-6195-619.24-01	FY11 GENERAL LIAB PREM		77,187.00	
1140713IN	PI0035	006504	02	07/30/2010	110-6195-619.24-01	FY11 OPTIONAL EXCESS LIAB		1,397.00	
1140752IN	PI0036	006504	02	07/30/2010	110-6195-619.24-01	FY11 CATASTRPHC LIAB PREM		3,777.00	
1150058IN	PI0037	006505	02	07/30/2010	110-6195-619.24-01	FY11 PROPERTY PROG PREM		17,842.00	
						VENDOR TOTAL *		173,864.00	
0005749	00	CULP, LOREN							
7/12/10	000015		02	07/30/2010	001-4720-410.25-01	PW/DS/REIMB-LUCNH MTG		24.63	
						VENDOR TOTAL *		24.63	
0004920	00	DASH MEDICAL GLOVES, INC.							
INV506245	000015		02	07/30/2010	001-4210-421.34-01	PD/PW/GLOVES		59.44	
						VENDOR TOTAL *		59.44	
0004269	00	DONALD JACOBS DISTRIBUTING							
9508	PI0033		02	07/30/2010	002-4340-434.32-05	TRAFFIC PAINT		25,231.83	
						VENDOR TOTAL *		25,231.83	
0004981	00	FASTENAL COMPANY							
CARID51815	000017		02	07/30/2010	005-4554-455.32-04	WW/JH/A36TZ		17.41	
						VENDOR TOTAL *		17.41	
0005725	00	FISHER, JEFFREY							
7/06-07/15/10	000013		02	07/30/2010	001-4620-462.28-15	PR/JP/SOFTBALL OFFICIAL		48.00	
						VENDOR TOTAL *		48.00	
0000553	00	GRANITE CONSTRUCTION COMPANY							
150112	PI0028		02	07/30/2010	002-4340-434.32-05	CRUSHED ROCK		447.39	
						VENDOR TOTAL *		447.39	
0004916	00	HERRIMAN, JAMES R.							
7/01-07/14/10	000017		02	07/30/2010	001-4620-462.28-15	PR/JP/MARTIAL ARTS CLASS		127.05	
						VENDOR TOTAL *		127.05	
0004507	00	HOLDEN, LARRY							
7/01-07/14/10	000017		02	07/30/2010	001-4620-462.28-15	PR/JP/MARTIAL ARTS CLASS		134.75	
						VENDOR TOTAL *		134.75	
0004724	00	INCONTACT, INC							
122774844	000025		02	07/30/2010	130-6510-651.26-03	CH/JP/06/15-07/15/10 SRVS		241.52	

BANK: 02

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0004724	00	INCONTACT, INC						
						VENDOR TOTAL *	241.52	
0005395	00	IPRINT TECHNOLOGIES, INC						
CREDIT300315	000990		02	07/30/2010	112-6119-619.41-22	MIS/CB/CREDIT MEMO	1,360.71-	
PYMNT160830	000991		02	07/30/2010	112-6119-619.41-22	MIS/CB/CREDIT MEMO	1,360.71-	
211608	000991		02	07/30/2010	112-6119-619.34-03	MIS/CB/TONER	1,851.08	
						VENDOR TOTAL *	870.34-	
0005664	00	IWV YOUTH FOOTBALL & CHEER						
7/19-07/23/10	000018		02	07/30/2010	001-4620-462.28-15	PR/JP/IWV CHEER CAMP	808.50	
						VENDOR TOTAL *	808.50	
0000398	00	JIM CHARLON FORD, INC.						
FORCM29349	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/CORE RETURN	1,082.50-	
FOR29935	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/SWITCH ASY	16.61	
FOR29309	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/SWITCH ASY	261.51	
FOR29837	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/REGULATOR, R327	85.54	
FOR29934	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/SWITCH R310	44.72	
FOR29887	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/TUBE ASSY R326	196.56	
FOR29900	000991		02	07/30/2010	140-6710-671.35-10	PW/EC/MOTOR/FAN,RELAY	476.16	
FOR30020	000018		02	07/30/2010	140-6710-671.35-10	PW/EC/FAN & MOTOR R307	323.26	
FOR29921	000018		02	07/30/2010	140-6710-671.35-10	PW/EC/SWITCH ASY R282	25.61	
FOR29945	000018		02	07/30/2010	140-6710-671.35-10	PW/EC/PULLEY,DISC ASY	205.17	
FOR29973	000018		02	07/30/2010	140-6710-671.35-10	PW/EC/ALTERNATOR ASY	523.48	
FOR29982	000018		02	07/30/2010	140-6710-671.35-10	PW/EC/FUEL SENSOR R311	93.64	
FOR29984	000018		02	07/30/2010	140-6710-671.35-10	PW/EC/SWITCH	56.96	
						VENDOR TOTAL *	1,226.72	
0005198	00	JOHNSON, A. PATRICE						
7/15/10	000018		02	07/30/2010	001-4620-462.28-15	PR/COOKING CLASS	441.00	
						VENDOR TOTAL *	441.00	
0005353	00	LLOYD, NATHANAEL						
8/08-08/20/10	000018		02	07/30/2010	001-0000-115.02-10	PD/HR/TA 80 HR MOTORCYCLE	640.00	
						VENDOR TOTAL *	640.00	
0005574	00	MANGRUM, JENNIFER						
7/01-07/14/10	000018		02	07/30/2010	001-4620-462.28-15	PR/JP/AEROBICS CLASS	768.95	
						VENDOR TOTAL *	768.95	
0003369	00	MEDIACOM CALIFORNIA LLC						
294225JUL10	000018		02	07/30/2010	111-6119-619.26-01	MIS/CB/07/16-08/15/10 SRV	130.30	
430126JUL10	000018		02	07/30/2010	111-6119-619.21-13	MIS/CB/07/06-08/05/10 SRV	90.19	
153967JUL10	PI0026		02	07/30/2010	111-6119-619.21-13	7/11-08/10/10 EQUIP RENT	14.63	
						VENDOR TOTAL *	235.12	
0005098	00	MEINERT'S INDUSTRIAL						
6180A	000018		02	07/30/2010	005-4556-455.32-01	WW/JH/HOSES , WIRE , PLUG	393.50	

BANK: 02

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0005098	00	MEINERT'S INDUSTRIAL						
						VENDOR TOTAL *	393.50	
0002877	00	MENDENHALL, STEVE						
7/06-07/15/10	000013		02	07/30/2010	001-4620-462.28-15	PR/JP/SOFTBALL OFFICIAL	72.00	
						VENDOR TOTAL *	72.00	
0005080	00	MORGAN, DWIGHT						
7/12-07/16/10	000018		02	07/30/2010	001-4620-462.28-15	PR/JP/CHESS CAMP #1	525.00	
7/19-07/23/10	000018		02	07/30/2010	001-4620-462.28-15	PR/JP/CHESS CAMP #2	542.50	
						VENDOR TOTAL *	1,067.50	
0004359	00	MOULTON, HEATHER						
7/06-07/15/10	000013		02	07/30/2010	001-4620-462.28-15	PR/JP/SOFTBALL OFFICIAL	72.00	
						VENDOR TOTAL *	72.00	
0005755	00	MUSICSTAR						
7/12-07/16/10	000018		02	07/30/2010	001-4620-462.28-15	PR/JP/ROCK ACADEMY	1,355.20	
						VENDOR TOTAL *	1,355.20	
0009999	00	NEVADA REPUBLIC ELECTRIC						
10598	OL		02	07/30/2010	001-0000-215.01-00	RFND OVRPYMNT OL 10-10214	8.00	
						VENDOR TOTAL *	8.00	
0003841	00	PARK, KEM						
12576	000020		02	07/30/2010	001-4630-463.23-04	PR/JP/POOL SIGNS	281.45	
						VENDOR TOTAL *	281.45	
0002673	00	POSTAGE BY PHONE						
7/22/10	000020		02	07/30/2010	001-4199-419.26-02	ND/EP/REFILL POSTAGE MTR	2,000.00	
7/20/10	000020		02	07/30/2010	001-4199-419.26-02	ND/EP/REFILL POSTAGE MTR	500.00	
						VENDOR TOTAL *	2,500.00	
0003505	00	PRAXAIR DISTRIBUTION INC.						
7/07/10	000020		02	07/30/2010	140-6710-671.23-04	PW/EC/STEEL	26.50	
						VENDOR TOTAL *	26.50	
0009999	00	PROVOST & PRITCHARD CONSULTING						
10607	OL		02	07/30/2010	001-0000-215.01-00	RFND OVYPYMNT OL 10-10223	30.00	
						VENDOR TOTAL *	30.00	
0005256	00	PUBLIC RISK MANAGEMENT ASSOCIATION						
11001803FY11	000020		02	07/30/2010	110-6195-619.28-07	RM/KG/FY11 MEMBERSHP DUES	350.00	
						VENDOR TOTAL *	350.00	
0001035	00	RAMOS/STRONG, INC.						
235684	PI0027		02	07/30/2010	002-4340-434.35-01	405 GAL RED DYED DIESEL	1,024.61	
235469	PI0031		02	07/30/2010	140-6710-671.35-01	1200 GAL REG GAS	3,327.98	
235684	PI0032		02	07/30/2010	140-6710-671.35-01	1087 GAL REG GAS	3,018.04	

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VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0001035	00	RAMOS/STRONG, INC.						
						VENDOR TOTAL *	7,370.63	
0002488	00	RIDGECREST SANITATION INC.						
201174000	JUL10	000020	02	07/30/2010	001-4210-421.22-04	PD/PW/JULY10 TRASH SRVS	30.51	
965807300	JUL10	000020	02	07/30/2010	001-4630-463.22-04	PR/JP/JULY TRASH SRVS	30.51	
205886000	JUL10	000020	02	07/30/2010	001-4630-463.22-04	PR/JP/JULY TRASH SRVS	167.56	
201171000	JUL10	000020	02	07/30/2010	001-4630-463.22-04	PR/JP/JULY TRASH SRVS	85.33	
203464000	JUL10	000020	02	07/30/2010	001-4630-463.22-04	PR/JP/JULY TRASH SRVS	112.74	
205123000	JUL10	000020	02	07/30/2010	001-4630-463.22-04	PR/JP/JULY TRASH SRVS	57.92	
201170000	JUL10	000020	02	07/30/2010	001-4630-463.22-04	PR/JP/JULY TRASH SRVS	57.92	
201173000	JUL10	000020	02	07/30/2010	001-4630-463.22-04	PR/JP/JULY10 TRASH SRVS	166.01	
205454000	JUL10	000020	02	07/30/2010	005-4554-455.22-04	WW/JH/JULY10 TRASH SRVS	30.51	
201172000	JUL10	000020	02	07/30/2010	005-4554-455.22-04	WW/JH/JULY10 TRASH SRVS	112.74	
966903300	JUL10	000020	02	07/30/2010	015-4570-457.21-09	CD/JM/JULY10 RECYCLING	188.88	
201173000	JUL10	000020	02	07/30/2010	130-6510-651.22-04	CH/JP/JULY10 TRASH SRVS	166.01	
210335000	JUL10	000020	02	07/30/2010	140-6710-671.22-04	PW/EC/JULY TRASH SRVS	57.92	
						VENDOR TOTAL *	1,264.56	
0005442	00	SCHMIDT, JAMES H						
7/06-07/15/10		000013	02	07/30/2010	001-4620-462.28-15	PR/JP/SOFTBALL OFFICIAL	264.00	
						VENDOR TOTAL *	264.00	
0002008	00	SECURITY ENGINEERING						
F12663		000020	02	07/30/2010	130-6510-651.23-04	CH/JP/SRV EXTINGUISHERS	540.70	
						VENDOR TOTAL *	540.70	
0003465	00	SPECTRUM GRAPHICS & PRINTING						
10013		000020	02	07/30/2010	001-4210-421.29-05	PD/PW/NOTICE CARDS	156.96	
						VENDOR TOTAL *	156.96	
0001139	00	ST CLAIR AUTOMOTIVE, INC.						
35243		000020	02	07/30/2010	140-6710-671.35-10	PW/EC/TOW TO CITY YARD	56.25	
						VENDOR TOTAL *	56.25	
0005340	00	STAHELI, W. TYRELL						
8/11-08/12/10		000020	02	07/30/2010	001-0000-115.02-10	PD/HR/TA EOC TRNG	70.00	
						VENDOR TOTAL *	70.00	
0005744	00	STAPLES ADVANTAGE						
3138578263		000020	02	07/30/2010	001-4430-443.34-01	CD/JM/WITEOUT	7.77	
3138578263		000020	02	07/30/2010	001-4451-445.34-01	CD/JM/DIVIDERS	31.64	
3138578261		000020	02	07/30/2010	001-4451-445.34-01	CD/JM/WIREOUT, DIVIDERS	37.54	
3138578262		000020	02	07/30/2010	001-4480-448.34-01	CD/JM/GRAPH PAPER PADS	15.00	
3138578263		000020	02	07/30/2010	001-4480-448.34-01	CD/JM/PENS, FILES	31.71	
3138534123		000020	02	07/30/2010	001-4720-410.34-01	PW/DS/CALCULATOR	63.30	
3139086331		000020	02	07/30/2010	002-4340-434.34-01	ST/EC/STENO BOOK, PENS	29.43	
						VENDOR TOTAL *	216.39	

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VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0009999	00	STENSAAS, TOMYA						
56	000020		02	07/30/2010	001-0000-365.30-31	PR/JP/CXL SPACESHIP CLASS	14.00	
						VENDOR TOTAL *	14.00	
0004495	00	THE RADAR SHOP						
6165	000022		02	07/30/2010	001-4210-421.23-03	PD/RS/RECERT LIDAR/RADAR	521.00	
						VENDOR TOTAL *	521.00	
0001649	00	TOSTI, SHERRY						
7/06-07/15/10	000013		02	07/30/2010	001-4620-462.28-15	PR/JP/SOFTBALL OFFICIAL	288.00	
						VENDOR TOTAL *	288.00	
0005091	00	UK INTERNATIONAL SOCCER CAMPS, INC.						
7/12-07/16/10	000022		02	07/30/2010	001-4620-462.28-15	PR/JP/UK SOCCER CAMP	5,781.60	
						VENDOR TOTAL *	5,781.60	
0001637	00	UNITED RENTALS, INC.						
88590563001	000022		02	07/30/2010	130-6510-651.32-04	CH/JP/SHAFT ASSY	92.37	
						VENDOR TOTAL *	92.37	
0001045	00	US FOODSERVICE						
43005883	000022		02	07/30/2010	001-4620-462.38-02	PR/JP/CONCESSIONS	780.80	
						VENDOR TOTAL *	780.80	
0004026	00	USABLUBOOK						
186958	000022		02	07/30/2010	005-4554-455.37-01	WW/JH/HONEYWELL CHART	107.14	
						VENDOR TOTAL *	107.14	
0004720	00	VERIZON BUSINESS						
8218271	000022		02	07/30/2010	111-6119-619.26-07	MIS/CB/AUG10 T1 LINE	1,060.33	
						VENDOR TOTAL *	1,060.33	
0000308	00	VERIZON CALIFORNIA						
7603752222JUL10000022			02	07/30/2010	001-4630-463.26-01	PR/JP/07/01-07/31/10 SRVS	41.59	
7603755438JUL10000022			02	07/30/2010	001-4630-463.26-01	PR/JP/07/01-07/31/10 SRVS	46.71	
7603755250JUL10000022			02	07/30/2010	001-4630-463.26-01	PR/JP/07/01-07/31/10 SRVS	42.75	
7604461399JUL10000022			02	07/30/2010	005-4554-455.26-01	WW/JB/06/25-07/24/10 SRVS	45.24	
7604995000JUL10000022			02	07/30/2010	130-6510-651.26-01	CH/JP/06/28-07/27/10 SRVS	1,049.94	
						VENDOR TOTAL *	1,226.23	
0005722	00	WILEY, DENNIS						
7/06-07/15/10	000013		02	07/30/2010	001-4620-462.28-15	PR/JP/SOFTBALL OFFICIAL	24.00	
						VENDOR TOTAL *	24.00	
			02	UNION BANK-GENERAL CHECKING		BANK TOTAL *	249,750.48	



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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT:</b> Expenditure Approval List (DWR) as of 07/30/2010
<b>PRESENTED BY:</b> W. Tyrell Staheli
<b>SUMMARY:</b>  Attached is the Expenditure Approval List (DWR), for 07/30/2010 FY10:  RDA Total: \$14,860.69
<b>FISCAL IMPACT:</b>  RRA Fund: \$14,860.69 Reviewed by Finance Director/RDA Treasurer:
<b>ACTION REQUESTED:</b>  Receive and file as presented.
<b>CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:</b>  Action as requested:

Submitted by: Kelly Brewton

Action Date: 08/18/2010

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BANK: 03

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0004482	00	BONDLOGISTIX						
416125148/07151001003			03	07/30/2010	929-4467-446.53-01	FN/TS/INTRM ARBITRAGE RPT	2,250.00	
						VENDOR TOTAL *	2,250.00	
0004902	00	GROUP MARKETING REAL ESTATE, INC.						
FY10YE06/30/10	001003		03	07/30/2010	009-4460-446.28-21	RR/HR/SETTLEMENT FY10	12,610.69	
						VENDOR TOTAL *	12,610.69	
			03		UNION BANK-RRA FUNDS	BANK TOTAL *	14,860.69	

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT:</b> Expenditure Approval List (DWR) as of 07/30/2010
<b>PRESENTED BY:</b> W. Tyrell Staheli
<b>SUMMARY:</b>  Attached is the Expenditure Approval List (DWR), for 07/30/2010 FY11:  RDA Total: \$3,000.00
<b>FISCAL IMPACT:</b>  RRA Fund: \$3,000.00 Reviewed by Finance Director/RDA Treasurer:
<b>ACTION REQUESTED:</b>  Receive and file as presented.
<b>CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:</b>  Action as requested:

Submitted by: Kelly Brewton

Action Date: 08/18/2010

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BANK: 03

VEND NO	SEQ#	VENDOR NAME	BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.		DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO						AMOUNT
0001604	00	US BANK						
2654031		000022	03	07/30/2010	929-4467-446.53-01	FN/WS/2002 TAB ADMIN FEE	3,000.00	
						VENDOR TOTAL *	3,000.00	
			03		UNION BANK-RRA FUNDS	BANK TOTAL *	3,000.00	
						TOTAL EXPENDITURES ****	252,750.48	
					GRAND TOTAL	*****		252,750.48

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

**SUBJECT:**

Expenditure Approval List (DWR) as of 08/05/2010

**PRESENTED BY:**

W. Tyrell Staheli

**SUMMARY:**

Attached is the Expenditure Approval List (DWR), for 08/05/2010:

RDA Total: \$15,000.00

**FISCAL IMPACT:**

RRA Fund: \$15,000.00

Reviewed by Finance Director/RDA Treasurer:

**ACTION REQUESTED:**

Receive and file as presented.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: Kelly Brewton

Action Date: 08/18/2010

(Rev. 2-14-07)

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BANK: 03

VEND NO	SEQ#	VENDOR NAME		BNK	CHECK/DUE	ACCOUNT	ITEM	CHECK	EFT OR
INVOICE	VOUCHER	P.O.			DATE	NO	DESCRIPTION	AMOUNT	HAND-ISSUED
NO	NO	NO							AMOUNT
0005540	00	SOUTHERN SIERRA BOYS & GIRLS CLUB							
8/05/10		000029		03	08/05/2010	009-4460-446.28-10	RRA/WS/PASS THRU FRM CTY	15,000.00	
							VENDOR TOTAL *	15,000.00	
				03	UNION BANK-RRA FUNDS		BANK TOTAL *	15,000.00	

