



**City Council**

**Redevelopment Agency**

**AGENDA**

**Wednesday**

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

**March 17, 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**

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

**March 17, 2010**

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Last Council Resolution 10-21

Last Council Ordinance 10-01

Last Redevelopment Agency Resolution 10-02



**CITY OF RIDGECREST**

**CITY COUNCIL  
RIDGECREST REDEVELOPMENT AGENCY**

**AGENDA**

Regular Council/Agency Meeting

Wednesday, March 17, 2010

**CITY COUNCIL CHAMBERS CITY HALL**

100 West California Avenue  
Ridgecrest, CA 93555

**Closed Session – 6:00 p.m.**

**Regular Session – 6:30 p.m.**

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

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

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

**March 17, 2010**

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**CLOSED SESSION – 6:00 p.m.**

GC54956.9 Conference with Legal Counsel - Potential Litigation - Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest

GC54957 Personnel Matter - City Manger Recruitment - Update Report

**REGULAR SESSION – 6:30 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**CITY ATTORNEY REPORTS**

**PRESENTATIONS**

**COMMITTEES, BOARDS AND COMMISSIONS**

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

**Public Works Department Director's Report - copy attached**

**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 to be 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 to be announced

**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 to be announced

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORTS**

## AGENDA - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

March 17, 2010

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### PUBLIC HEARINGS

1. **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** **Speer**

The Ridgecrest City Council Considering Public Comments To Establish A Finding For Unmet Needs That Is Reasonable To Meet In And With The Public Transportation System.

### ORDINANCES AND RESOLUTIONS

### DISCUSSION AND OTHER ACTION ITEMS

2. **Kern County Sanitary Landfill Recycling Drop off area conceptual proposal** **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 to the City.

3. **Discussion Of SERAF Payment** **Wiknich**

A response from Redevelopment Agency attorney David McEwen regarding payment of SERAF. He lists several reasons why the Agency should not fail to make full and timely SERAF payment to the County Auditor

### 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 Member** **A. Taylor**

Effective February 16, 2002 the city's contract with the California's Public Employees' Retirement System (CalPERS) was amended to allow two years of additional service credit (Golden Handshake) to local safety and local miscellaneous member. The retirement window is March 22, 2010 to July 1, 2010. This benefit allows members to retire during a designated window period because of impending mandatory transfer, layoff, or demotions and receive two additional years of service credit at no cost to the member

## AGENDA - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

March 17, 2010

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5. **Resolution No. 10- , A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of March 2009 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**

Junior Bluejacket of the Year Week - March 20-26, 2010 (winner to be announced on March 20, 2010)

Senior Bluejacket of the Year Week - March 20-26, 2010 (winner to be announced on March 20, 2010)

***These Proclamations will be presented on Saturday, March 20, 2010 at China Lake Naval Weapons Station Annual Bluejacket Dinner***

6. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of February 17, 2010** Ford
7. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of March 3, 2010** Ford

### **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.

### **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.

### **ADJOURNMENT**

**DEPARTMENT**

**DIRECTOR**

**REPORT**

# Public Works Department

## Monthly Report

# Public Works Department Divisions

- Engineering
- Streets
- Fleet
- Wastewater
- Transit



# Engineering Update

- Norma (Church to Upjohn)(CDBG)- PS&E IP
- College Hts. I (ARRA) – RCA Awaiting Sup K
- College Hts. II (ARRA)- RCA
- Bowman (Downs to Mahan)(1B) – Listed x2
- RSTP Project –Reprogrammed by KCOG- Downs St. from Inyokern Rd. (SR 178) to Ward Ave. and also on Sunland Drive. from Church Ave. to E. Ridgecrest Blvd. (SR 178).

# Engineering Update

- Signals – Ward, Church, Rader, Upjohn
- KCOG – Call for Projects- RSTP, CMAQ, TE
- W. Ridgecrest BLVD.- PS&E IP

**Active Street Projects**

No.	Program/Project	Assign	Status	Action	Completion
1	TEA - Downs LS		NOC filed	Retrofit valves	Done
2	STIP - W. Ridgecrest Blvd		PreAward Audit Completed	Negotiate Contract for PS&E	
3	RSTP - College Hts				
	Ph. 1 (CL-Dolphin)		PS&E IP	Need FR#2, PES, APE,Utility info	
	Ph. 2 (Dolphin-Franklin)		E76 for Construction	Invite Bid	
	Ph. 3 (Franklin-Javis)		E 76 for PS&E	PO for PS&E	
4	CDBG - Sunset, Church, Upjohn, and Wilson		Work Completed	N/A	Done
5	CDBG - Norma (Upjohn - RC Blvd)		Church - W. R/C completed	Need \$ for Ph. 2 constr	1/2 Done
6	CMAQ - Mahan, Reeves, & Graff		Work Completed	FHWA audit	Done
7	RSTP - Drummond (China Lake-Norma)		Work completed	File NOC, Submit Awd Pkg	
8	CMAQ - Drummond (Inyo - Downs)		DOT rejection	Appeal?	
9	SRTS - Los Flores				
	A. Sierra View-Downs		Construction completed	NOC	Done
	B.Norma - Chinlake		Construction completed	NOC	Done
10	HES - Rader & China Lake		Recvd E76 for PS&E	E76 for Construction	
11	HES - Ward & China Lake		D6K for project	Pay %\$	
12	HES - Church & China Lake		PS&E completed	Invite bids	
13	TEA - Bowman Bike Stations		Deprogrammed	Grant application	
14	CMAQ - CNG Refueling Station		Deprogrammed	Wait - Corporation Yard	
15	Prop. 1B - Norma (W. Ridgecrest-Los Flores)		Work Completed		Done

## Call for Projects Status

<u>Program</u>	<u>Project</u>	<u>\$</u>	<u>Status</u>
RSTP	Downs - Drummond to Ward Sunland- Wilson to Church Gateway- Church to E. RC Blvd.	\$423,885	Proposed
CMAQ	Bowman- Mahan to Downs	\$524,578	Proposed
TE	College Heights- Dolphin(C/L) to CCCC	\$501,000	Denied
HSIP	China Lake @ Upjohn Signal	\$300,000	Denied

Notes - Both RSTP and CMAQ projects are spread over FY's 10/11- 11/12 and both require matching funds.

# Wastewater

- City Advisor selected for WWTF #2
- Scoping Meeting
- Contract Negotiations
- Agreement to CC

# Scope Summary

- 1. Advise and Represent the City with the new WWTF
- 2. Coordinate Project Activities
- 3. Update Project Report – Site Evaluation and Treatment Alternatives
- 4. Analyze and Recommend a Preferred Alternative
- 5. Prepare Environmental Documents

# Scope Summary

- 6. Prepare OPR Application for authorizing the project for DB delivery
- 7. Develop DB Functional Requirements and Performance Specifications
- 8. Conduct Rate analysis and Develop Revenue Program
- 9. Prepare SRF Application and DB RFQ

# Scope Summary

- 10. Assist with the Design-Build Procurement Process
- 11. Obtain Regional Water Quality Control Board Approval
- 12. Prepare DB Procurement Documents
- 13. Provide Project Management
- 14. Monitor new Wastewater Treatment Facility performance

# Transit

- DEVMIX Service – Phased Implementation IP
- Issues: Funding, Staffing, Fleet, Facilities, and Notifications.
- TDA Alert – (20%)
- Triennial Audit

# Thank You!





**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

**SUBJECT:**

Public Hearing and Resolution 10- regarding Transit Unmet needs. A Resolution of the Ridgecrest City Council to consider public comments and establish a finding for unmet needs that is reasonable to meet in and with the public transportation system.

**PRESENTED BY:**

Dennis Speer, Public Works Director

**SUMMARY:**

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.

**FISCAL IMPACT:** None

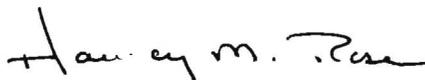
Reviewed by Finance Director

**ACTION REQUESTED:**

Open the Public Hearing, consider all public comments and City Council testimony, receive and approve Resolution 10 - , establishing the unmet and reasonable to meet transit needs.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:



Submitted by: Dennis Speer  
(Rev. 6/12/09)

Action Date: March 17, 2010

**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**

**WHEREAS**, the City of Ridgecrest receives Transportation Development Act funds for various transportation uses; and

**WHEREAS**, before any allocation of Transportation Development Act funds is made for a purpose not related to public transportation services, a public hearing must be held to determine if there are any "Unmet Needs that are Reasonable to Meet" in the public transportation system; and

**WHEREAS**, a public hearing was advertised and held on March 17, 2010, to receive public comments regarding unmet transit needs that are reasonable to meet; and

**WHEREAS**, the City Council considered all available information, including the information presented at the public hearing on March 17, 2010.

**NOW THEREFORE, BE IT RESOLVED** the City Council of the City of Ridgecrest, does hereby find that there are no unmet transit needs that are reasonable to meet within the City of Ridgecrest.

**ADOPTED, AND APPROVED**, this 17th day of March, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

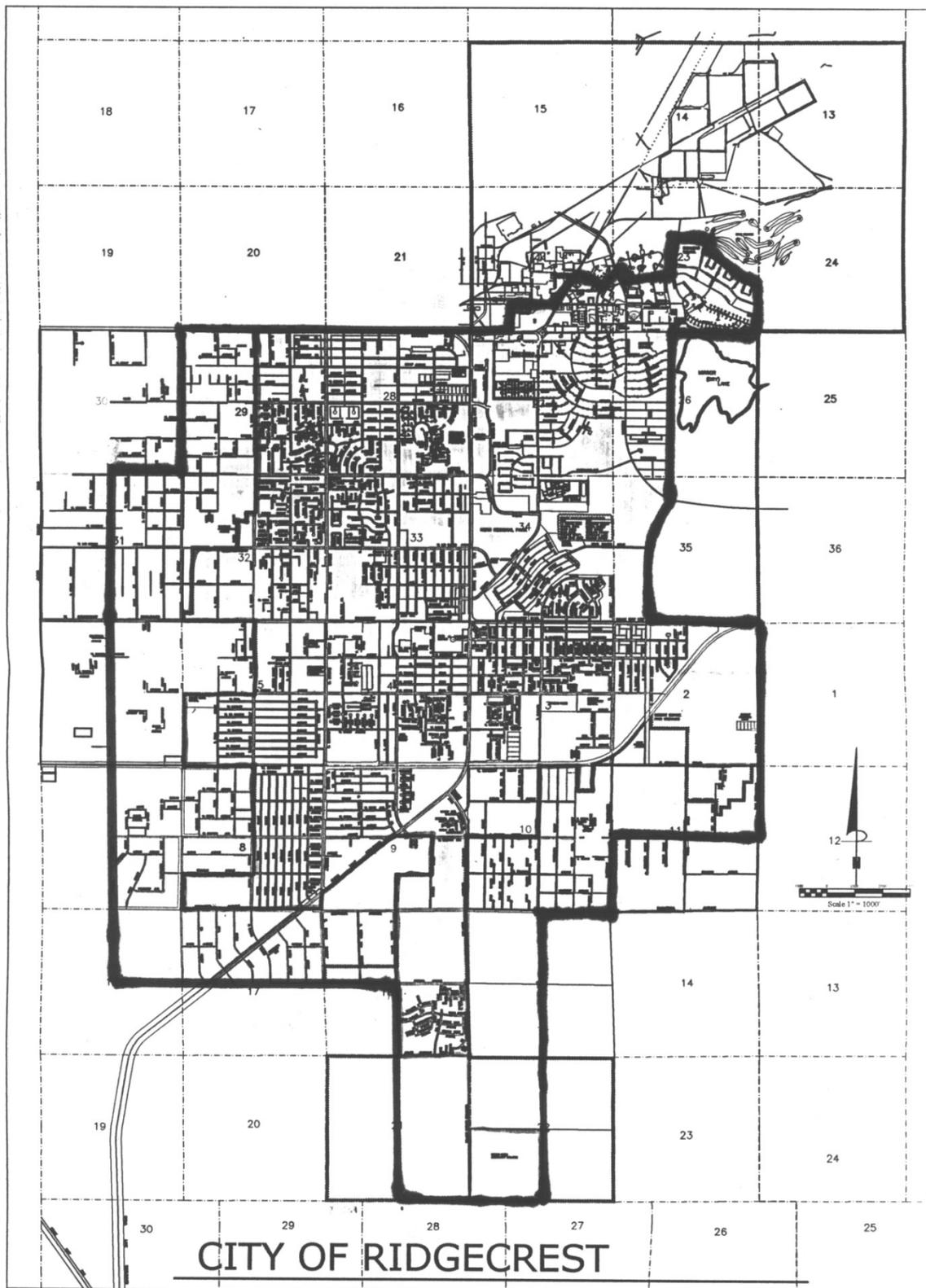
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Steven P. Morgan, Mayor

ATTEST:

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Rachel J. Ford, CMC, City Clerk



**Ridgecrest Transit System (RTS) General Service Area**



**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT</b> Kern County Sanitary Landfill Recycling, Diversion, and Drop-off area conceptual proposal.
<b>PRESENTED BY:</b> James McRea
<b>SUMMARY:</b> 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 09-01; Section 13-2.1 and 13-2.2 provides that:  <b>13-2.2 Collection – Solid Waste/Yard Waste – Owner Obligations.</b> (a) Every owner of a residential or commercial premises occupied by and person shall subscribe for and pay the franchisee for solid waste and yard waste collection and disposal and at such rates as may be set by franchisee and approved by resolution of the City Council from time to time. (b) The owner of any occupied single-family residential premises shall subscribe to and pay for solid waste and yard waste collection service made available to the occupied single-family residential premises by the franchisee and shall place at a location designated by the franchisee in accordance with the provisions of this chapter, a container, or containers provided by franchisee, for deposit of solid waste and yard waste in accordance with the provisions of this chapter and as set forth from time to time by franchisee upon reasonable notice to generator. (d) Upon reasonable notice from franchisee, owners of single-family residential premises shall comply with such mandatory waste separation requirements, including but not limited to, separation of solid waste, yard waste and/or recyclable materials as set forth from time to time by franchisee and as approved by the City Council.  <b>Section 13-2.1</b> (e) This section shall not limit the collection of hauling of solid waste, yard waste or recyclables to a landfill transfer facility or recycling facility by a private party who is the business owner, home owner, residential property owner or residential tenant. This subsection shall not waive the requirement of paying for waste collection services.  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 recycle and diversion materials from being buried within the landfill while facilitating self haul. Non-residential use will require a reduced fee for recycling by commercial entities. The proposal is only in the discussion phase at this point and has the support of Cal-Recycle. Pending Benz approval, staff has agreed to a written proposal by March 31,2010 to be submitted by the County of Kern.
<b>FISCAL IMPACT:</b> Capital cost and maintenance of the recycling, diversion, and drop-off area Reviewed by Finance Director
<b>ACTION REQUESTED:</b> Motion to receive and file with approval of conceptual program
<b>CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:</b> Action as requested : 

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

Action Date: March 17, 2010



**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

SUBJECT: Discussion of SERAF payment.

PRESENTED BY: Harvey M. Rose, City Manager

SUMMARY: Attached please find a copy of a response from Redevelopment Agency attorney David McEwen regarding payment of SERAF. He lists several reasons why the Agency should not fail to make full and timely SERAF payment to the County Auditor. Most notably, if the Agency failed to make payment to the County Auditor:

- The Agency would be prohibited from issuing new bonds, notes, interim certificates, debentures or any other obligations.
- The Agency would be required to deposit an additional 5% of its annual total tax increment in the Housing Fund for the remaining life of the Agency.

It is recommended that full payment be made to the County Auditor under protest.

FISCAL IMPACT: N/A

Reviewed by Finance Director

ACTION REQUESTED: Receive and file.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:



Submitted by: Harvey M. Rose, City Manager

Action Date: March 17, 2010

# STRADLING YOCCA CARLSON & RAUTH

## MEMORANDUM

**TO:** Harvey Rose

**FILE NUMBER:** 022548-0000

**FROM:** David R. McEwen

**DATE:** March 10, 2010

**SUBJECT:** Payment of SERAF

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You have indicated that at least one Council Member has suggested that rather than make the payment to the County Auditor for deposit in the Supplemental Educational Revenue Augmentation Fund ("SERAF") pursuant to Health & Safety Code Section 33690, the Agency should pay such amounts directly to the school districts. While this would benefit the school districts in much of the same way as intended by the legislature and would guaranty that the funds would be kept local, it would not satisfy the requirements of Section 33690, *et seq.* Further, it subjects the agency to the penalties set forth in Section 33691(e).

Specifically, because the Agency will not have made the full payment to the County Auditor, it would be prohibited from: (1) adding new project areas or expanding existing ones; (2) issuing new bonds, notes, interim certificates, debentures or other obligations; (3) encumbering any funds or expending any monies derived from any source, except to pay (a) bonds, notes, interim certificates, debentures or any other obligations issued before May 10, 2010; (b) loans or monies advanced including loans from governmental or private entities; (c) contractual obligations which if breached would result in liability to the agency; (d) obligations incurred pursuant to Section 33445; (e) Housing Fund indebtedness; (f) pass-through obligations; and (g) administration costs limited to 75% of such costs in 2008-09.

In addition, Section 33334.2(k) provides that any agency that fails to make the payments to the County Auditor as required by Section 33690, *et seq.*, shall deposit an additional 5% of its tax increment in the Housing Fund for the life of the project. Unlike the penalties set forth in Section 33691(e), which cease if the payment is subsequently made, the penalty in Section 33334.2(k) does not cease upon payment.

Memo to Harvey Rose  
Page Two

The SERAF funds are required to be spent to serve pupils who live in the project area or in housing supported by the Agency. The direct payment to the school districts would not accomplish much more than is required for the expenditure of the SERAF funds.

If you have any questions, please give me a call.



**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

**SUBJECT:**

To grant a designated period for two years additional service credit (Golden Handshake) for the eligible local Miscellaneous member

**PRESENTED BY:**

Ann Taylor

**SUMMARY:**

This is to rescind Resolution 10-04.

Effective February 16, 2002 the city's contract with the California's Public Employees' Retirement System (CalPERS) was amended to allow two years of additional service credit (Golden Handshake) to local safety and local miscellaneous member. The retirement window is March 22, 2010 to July 1, 2010. This benefit allows members to retire during a designated window period because of impending mandatory transfer, layoff, or demotions and receive two additional years of service credit at no cost to the member. .

**FISCAL IMPACT:** Reviewed by Finance Director

None

**ACTION REQUESTED:**

Approve as recommended

**CITY MANAGER /EXECUTIVE DIRECTOR RECOMMENDATION**

Action as requested:



Submitted by: Ann Taylor

Action Date: 03/17/10

**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 MISCELALLANEOUS MEMBER**

**WHEREAS**, the City Council of the City of Ridgecrest is a contracting Public Agency of the Public employees Retirement System; and

**WHEREAS**, said Public Agency desires to provide a designated period for Two Years of Additional Service Credit, Government code Section 20903, based on contract amendment included in said contract that provided for Section 20903, Two Years Additional Service Credit for the eligible members; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Ridgecrest does seek to add another designated period, and does hereby authorized this Resolution, indicating a desire to added a designated period from March 22, 2010 through July 1, 2010 for eligible miscellaneous members in the Maintenance II position in the Parks and Recreation Department.

**APPROVED AND ADOPTED THIS** 17<sup>th</sup> day of March 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

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

Employer Services Division  
Contract Maintenance Unit  
P.O. Box 942709  
Sacramento, CA 94229-2709

**CERTIFICATION OF COMPLIANCE WITH  
GOVERNMENT CODE SECTION 20903**

In accordance with Government Code Section 20903 and the contract between the Public Employees' Retirement System, the City Council of the City of Ridgecrest hereby certifies that:

1. Because of an impending curtailment of, or change in the manner of performing service, the best interests of the agency will be served by granting such additional service credit.
2. The added cost to the retirement fund for all eligible employees who retire during the designated window period will be included in the contracting agency's employer contribution rate for the fiscal year that begins two years after the end of the designated period.
3. It has elected to become subject to Section 20903 because of impending mandatory transfers, demotions, and layoffs that constitute at least 1 percent of the job classification, department or organizational unit, as designated by the governing body, resulting from the curtailment of, or change in the manner of performing, its services.
4. Its intention at the time Section 20903 becomes operative is to keep all vacancies created by retirements under this section or at least one vacancy in any position in any department or other organizational unit permanently unfilled thereby resulting in an overall reduction in the work force of such department or organizational unit.

THEREFORE, the City Council of the City of Ridgecrest hereby elects to provide the benefits of Government Code Section 20903 to all eligible members who retire within the designated period, \_\_\_\_\_ through \_\_\_\_\_.

CITY COUNCIL  
OF THE  
CITY OF RIDGECREST

BY \_\_\_\_\_  
Presiding Officer

Attest:

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
Date



**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

SUBJECT: A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of March And Scheduled Date Of Presentation

PRESENTED BY:  
Harvey M. Rose, Interim City Manager

SUMMARY:

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various events and observations. The resolution lists proclamations that have been processed and will be presented at City Hall on the date and time shown.

**Proclamation Titles**

Junior Bluejacket of the Year Week – March 20-26, 2010 (winner to be announced on March 20, 2010)

Senior Bluejacket of the Year Week – March 20-26, 2010 (winner to be announced on March 20, 2010)

**These Proclamations will be presented on Saturday, March 20, 2010 at China Lake Naval Weapons Station Annual Bluejacket Dinner**

FISCAL IMPACT: None  
None

Reviewed by Finance Director

ACTION REQUESTED:

Approve Issuance of Proclamation

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:



Submitted by: Harvey M. Rose

Action Date: March 17, 2010

**RESOLUTION NO. 10-**

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL  
ANNOUNCING PROCLAMATIONS PREPARED FOR THE  
MONTH OF MARCH 2010 AND SCHEDULED DATE OF  
PRESENTATION**

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**

Junior Bluejacket of the Year Week – March 20-26, 2010 (recipient to be announced on March 20, 2010)

Senior Bluejacket of the Year Week – March 20-26, 2010 (recipient to be announced on March 20, 2010)

***These Proclamations will be presented on Saturday, March 20, 2010 at China Lake Naval Weapons Station Annual Bluejacket Dinner***

**APPROVED AND ADOPTED THIS** 17<sup>th</sup> day of March 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Steven P. Morgan, Mayor

ATTEST:

\_\_\_\_\_  
Rachel J. Ford, CMC  
City Clerk



**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

**SUBJECT:**

Minutes of the Regular City Council/Redevelopment Agency Meeting of February 17, 2010

**PRESENTED BY:**

Rachel J. Ford, City Clerk

**SUMMARY:**

Draft minutes of the Regular Council/Redevelopment Agency Meeting of February 17, 2010

**FISCAL IMPACT:**

None

Reviewed by Finance Director:

**ACTION REQUESTED:**

Approve minutes

**CITY MANAGER 'S RECOMMENDATION:**

Action as requested:

*Lawrence M. Rose*

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

Action Date: March 17, 2010



**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**

**February 17, 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.

**ROLL CALL**

Present: Mayor Morgan, Council Members Carter, Wiknich, Holloway and Taylor

Staff Present: Interim City Manager Harvey M. Rose; City Clerk Rachel J. Ford; Director of Public Service Jim McRea; Chief of Police Ronald Strand; director of Parks, Recreation and Cultural Affairs Jim Ponek; Director of Finance Tyrell Staheli; Director of Public Works Dennis Speer; and other staff

**APPROVAL OF AGENDA**

Motion to approve agenda as amended made by Council Member Taylor; Second by Council Member Wiknich. Motion carried by voice vote of 5 Ayes; 0 Nays; 0 Abstain; and 0 Absent.

**CLOSED SESSION – 6:00 p.m.**

- GC54956.9 Conference With Legal Council - Anticipated Litigation - Disclosure of Anticipated Litigant Would Prejudice The City Of Ridgecrest
- GC54956.9 Conference With Legal Council - Anticipated Litigation - Disclosure of Anticipated Litigant Would Prejudice The City Of Ridgecrest
- GC54956.8 Redevelopment Agency Real Property negotiations - Strip of vacant land adjacent to Civic Center, APN 478-010-5, Agency negotiators Harvey Rose, and James McRea
- GC54957 Personnel Matters – Public Employee Recruitment – City Manager – Update Report to Council

Adjourned to closed session at 6:06 pm with notification to public that Council may be late resuming regular session

**REGULAR SESSION**

Resumed at 6:57pm

# MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

February 17, 2010

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## PLEDGE OF ALLEGIANCE

## INVOCATION

## CITY ATTORNEY REPORTS

### ❖ Closed Session

- Discussed only item no. 1 of closed session, received city attorney report, no action taken.
- Balance of items will be discussed by Council at the end of regular session and a report of that closed session will be provided at the end of closed session.

### ❖ Other

- None

## COMMITTEES, BOARDS AND COMMISSIONS

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

#### **Finance Director's Report - copy attached**

- Tyrell Staheli gave FY10 Mid-Year Budget Report to Council. PowerPoint presentation and handouts were available to the audience.
- Mayor Morgan – document is available on the City Website and hard copies are available at the front desk
  - Council Member Wiknich- schedule for next year's budget?
  - Tyrell Staheli – April or May. Department meetings are currently underway.
  - Council Member Taylor – Park & Recreation budget, verify totals difference in revenue is general fund?
  - Tyrell Staheli – yes
  - Council Member Taylor – does this include Pool?
  - Tyrell Staheli – yes
- Jim Winegardner – commends Mr. Staheli for fine summary this evening and suggests Council focus on performance activity as governmental GAP requires. Some of Mr. Staheli comments such as under budget concerns is what Council should focus on, community doesn't understand wrong numbers but do understand statements of 'we have a problem here...' other problem is cash-flow treasurer report. Monthly summary should be part of Council deliberation. Will identify when contract are approved if you have cash available in funds or if cash is in general fund to backfill those funds.

#### **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 March 10, 2010

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- Council Member Wiknich – reviewing driveway drainage problems; wastewater treatment facility study; engineering services; close to having City Engineer.

### **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 March 8, 2010

- Council Member Taylor – didn't meet, computer failure, will have March meeting for budget items.

### **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 March 8, 2010

- Council Member Carter – Have not met, next meeting announced.

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

- Council Member Holloway – league board 3 items; Letter to governor to suspend AB72. Board will bring letter to all committees. League position of open primary. Resolution supporting local taxpayers for next council meeting.
- Mayor Morgan – greenhouse gases and rural community's discussion tomorrow evening at Kern COG. March 10-12 annual redevelopment association conference in Pasadena, asked Council Members to consider attending.

### **CITY MANAGER/EXECUTIVE DIRECTOR REPORTS**

- None

### **PUBLIC HEARINGS**

#### **1. Ridgecrest Redevelopment Agency Refund Bond List Projects McRea**

The City Council at an earlier Public Hearing adopted the Five Year Implementation Plan for 2009-10 through 2013-14. That Plan contained in outline form, the proposed projects and improvement program of a pending issuance. The various committees over the past two year have developed and reviewed the proposed projects. The current listing is present for consideration to the City Council, as a Committee of the Whole for recommendations to the Fiscal Consultants of the issuance. Individual project will be reviewed by the Committees and by the City Council prior to any implementation.

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- Jim McRea gave summary of agenda item including redevelopment 5-year implementation plan highlighting housing spending projections. RSG introduced to give PowerPoint presentation of the 5-year plan.
- Jim Simmons of RSG gave presentation outlining how Redevelopment works; history of Redevelopment; implementation plan components; reasons for implementation plans; Ridgecrest Redevelopment facts and goals; Proposed 5-year implementation plan for Ridgecrest.
- Jim McRea reviewed the 5-year implementation plan provided in the Agenda packet for Council. Need for Public Hear to be conducted prior to discussion of the Bond List Projects. Public Comment relative to the 5-year implementation plan.

### Public Hearing Opened at 7:45pm

- Mayor Morgan limited comments to 5 minutes each speaker.
- Dave Burdick – Local friends of the Library volunteer organization to support Library and its mission. Proposal plan for redevelopment agency 1986 redevelopment agency and county agreement giving preferential treatment to City for first 25 years of Redevelopment agency. 2012 expiration. After 25 years most of tax will be used for projects that benefit County's interest. Proposal to council is that City of Ridgecrest library needs larger quarters. Too small by factor of 4. Should be 30,000 sq. ft. to meet standards, inadequate parking, poor handicap access, materials and computers too small. Propose library move to large empty commercial buildings in City. 4 to choose including Rite-Aid, Vaughn's, Mervyns, perhaps Wal-Mart building. Sav-On building been empty the longest may be first choice. Propose redevelopment funds be used to acquire suitable site large enough to handle library needs and move the library into the site. Satisfies County interest. Feels proposal is as good as any in bond list today, removes commercial blight.
  - Morgan – clarified wish library project to be included in plan. Sit down with County to discuss.
  - McRea – Mr. Burdick request has been included in the list.
- Mike Neel – questions of specific items on list.
  - McRea – after action taken on implementation plan would be appropriate to discuss the list.
- Dave Matthews – concern about implementation/funding of redevelopment agencies. Understanding funds that come in are the amount of taxes collected above a certain assessed valuation of properties after it is sold. If correct, how are we to get increase in funds when housing market is on the decline?
- Mayor Morgan – only way to move forward is if funds received above baseline, plan in place in case we receive additional funds.
  - Jim McRea – tax assessments goes up and down based on market value, it is tax increment increase over assessed from base year.
- Mayor Morgan closed public hearing at 7:55pm

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- Council Member Taylor – this is a plan, some things will talk more details. How much are we locked into this plan if we want more capital improvements etc?
  - Jim McRea – these are goals with preliminary costs, 1986 plan with amendments each 5 years. Just a plan, activities consistent with the plan, closing block that relates to plan consistent with redevelopment plan. Agency not encumbered by plan, just goals for next 5-year plan. 1993-98 plan did nothing.
  - Harvey Rose – certain obligations, housing set aside, county set aside. Contractual, 3 times state mandate for County. Projects based on permitted redevelopment law. Drainage projects etc logical projects within redevelopment area.
- Council Member Holloway – affordable housing 10-year plan on page 13. Playing catch-up?
  - Jim McRea – yes. Not based on needs of community but region
  - Council Member Holloway – senior can qualify?
- Council Member Taylor – age restricted percentage. Low income section 8 discussion on 48.
  - Jim McRea – new covenant with property owner would be required, now they are 55 years not 20 and include substantial rehabilitation. Single family homes goes down to 45 years.

Motion to approve Resolution 5 year implementation plan made by Council Member Taylor, Second by Council Member Carter, motion carried by roll call vote of 5 ayes, 0 nays, 0 abstain, and 0 absent.

- Jim McRea – non-housing generalization of proposals, 17 years left and major transition and tax schedule for 2014, looking at bond market. 2 presentations previously and been working on a general bond list contained within the plan adopted. Not specific should timing, funding, and community desire to fund other projects. Statement is prospectus for future bond buyers. Asking board to review list and asking consultants for issuance and projects will be reviewed by agency board before any implementation. Based on interest and reserves, could be between 17 & 19 million dollars, asking for 18 million with percentages to be dedicated to streets, infrastructure, blight, parks & recreation. Presented to board for consideration and recommendation.
- Agency Member Taylor – question of status of redevelopment agency, this might be last bond issued before negotiation with county.
  - Jim McRea – yes, 10 or 15 bond.
  - Agency Member – school district repayment status?
  - Jim McRea – executive director and staff discussed with McEwen's special council, will negotiate interest in best interest of community.
  - Agency Member Taylor – last chance to make infrastructure improvements thru RRA?
  - Jim McRea – yes.
  - Agency Member Taylor – various committees have reviewed projects and input is result. Olde Towne is loan program?
  - Jim McRea – not loan, grants.

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- Agency Member Taylor – page 6 revolving loans for redevelopment.
  - Jim McRea – project implementation plan redevelopment agency can make a loan but not refund bond issuance.
  - Agency Member Taylor – acquiring property? Is this dated? Additional land to north or what is later on the agenda?
  - Jim McRea – that is part of it but also includes Ridgecrest boulevard projects. Projects initiated but not closed, if funding becomes available first may be used for other projects. Norma street example of gas tax and CDBG funds to pave Norma street. Possible source of 1 million dollars could be funded by other sources. This is only indication of how funds may be used, not obligation to fulfill those projects.
  - Agency Member Taylor – USO created problem with Parks & Recreation need for infrastructure. Struggling for prioritization. Need to solve Mr. Ponek's problem but not sure this is the way. Think will have budget issues and don't see need for aquatics park, can extend life of current pool tough to spend 2 million for aquatics.
- Chair Morgan – speak on corporate city yards and implementation into plan. Redevelopment of facilities currently outdated and in need of fund not currently in general fund. Other city assets all over the place because no room, this would incorporate them together. Combination of assets makes the project viable, debatable whether it stays on list. Overall goal is to take funds and try to help community as whole, certain community members will be happy and others won't. if gets to that point, will work out with entire community benefit. Improve certain areas of town, create jobs, and create revenue.
- Agency Member Holloway – question, floating number with county and don't see on this list, negotiate with county to extend agreement.
  - Jim McRea – 600K for county projects and might be funded out of bond issue, don't know if bond will realize 19 million or 17 million. If 17 million Taylors concerns would be cut off list. Reason included is 38 acres adjoining for sale and develop for drainage of new street connects to Las Flores, low to moderate apartments and sale would help one-time budget funding. More than facility construction, facilities for transit, maintenance as well as parks. Cant' use desert mix to maintenance Norma, new materials.
  - Agency Member Holloway – OSHA violations need to be corrected.
- Agency Member Wiknich – procedural question, if plan only for next 5 years, pick one plan, if don't do it can we replace with other projects not on the list. Could we as a board change the allocations?
  - Jim McRea – yes. Be careful, matrix designed for tax increment. Paving a street will not generate property tax unless encourages additional development and homes. Should be something that generates sales tax or assessed valuation.
  - Agency Member Wiknich – if sponsor says they will build concession stand, we can then move those funds to other projects.
  - Jim McRea – yes.
- Agency Member Carter – parks and recreation, need to complete those parks. Getting to point could cause city major problem if not upgraded to legal

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requirements of a park. Kerr McGee complex and Jackson complex upgraded to prevent legal issues.

### Public Comment opened at 8:22pm

- Mike Neel – suggest move microphone. On list, addition streets CIP of 3.6 million.
  - Chair Morgan – CIP is capital improvement plan, additional 3.6 million in measure for streets improvements for list of repairs needed.
  - Mr. Neel – community development business retention grant program?
  - Jim McRea – could be incentive to reoccupy Mervyns building, manufacturing facility, encourage jobs and economic development of business.
  - Mr. Neel – page 6 for grants or loans.
  - Jim McRea – yes, grants within bond list, loan within RRA
  - Mr. Neel – Olde Towne enhancement program
  - Jim McRea – Olde Towne committee recommendations for balsam and Ridgecrest blvd. 2015 and 2020 moved out and no funding. Intended to create downtown business district, walk able, customer friendly, special events.
  - Chair Morgan – not enough money for this aspect, current guidelines coming down, trying to co-mingle housing and business, possibility business rehab to balsam and create home at same location, another way funds could be used to redevelopment balsam street area.
  - Mr. Neel – parks and recreation, ½ million dollar concession stand? What is it and why cost so high.
  - Jim McRea – master plan concept at quality of life with support, baseball, football, and other sports, includes expansion and enhancement.
  - Council Member Holloway – biggest cost is to make restrooms ADA compliant?
  - Jim McRea – ADA compliance is estimated at 300k.
  - Agency Member Taylor – not handing a check to Ponek, have to come back as agenda items for public comments prior to approval.
  - Mr. Neel – comments on walking trail, bike path, and other similar items, take of list. Focus on necessary items. Agree with Taylor on aquatics; want to see tax money spent on what is needed. This is last chance to use funding like this, would appear regular general fund to fix streets would vote to spend more on streets.
- Dave Burdick – comments of Olde Towne proposal, comparable to a 30,000 sq. ft. library, suggest using heritage square building, think library proposal could fit under categories but point out benefits for all community. Library benefits largest section of community, all ages, students, trades. If library on list will greased skins with county. Confident would not frown on finding the library on the list. Consolidating services in corporate yard. Same subject could combine all county services for county if library moves. McQuiston offices could expand. Not expecting redevelopment to provide all funding, also proposed to CDBG agency. Some offers of private donations that could benefit. Put library on list and make time to discuss with county.

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**Public Comment closed at 8:39**

### **Agency Member discussion**

- Chair Morgan – extension on agreement will have to deal with some type of project such as the library.
- Agency Member Taylor – we as agency limited to city limits can't do upgrades outside area, hope staff will work with joint effort at county dump. Other things we could offset costs with county.
- Agency Member Carter – would like to add Library to list and open to discuss numbers with agency.
- Agency Member Holloway – agree with joint project, may need to be more specific, long-term benefit with county.
- Harvey Rose – regarding library project, this library was originally city library then deeded to county resulting in a portion of tax to operate library in future. 1986 agreement calls for 60% set aside for county of redevelopment funds, 3 times state mandate. Currently exceeds 1 million dollars now, if used as intended for projects benefitting local community, that kind of payment would pay off debt in excess of 10 million dollars. Need to take this into consideration.
- Chair Morgan – a request by one council member to add library into community development incentive grant program area and a request by an agency member to eliminate aquatics complex from this list. List not an approved project list, all projects will have to come back for further discussions before funding.
- Agency Member Wiknich – make sure playing on same page, this increment is portion city in control for city projects. County projects are for county. If library goes in this list, takes county percentage and adds to it. Support agreement with county to use funds for library, object to them already having large portion now. Discuss when we renegotiate county agreement. City can't afford these things and redevelopment stepping up.
- Agency Member Taylor – understands, here to solve our problems. Reality is not building library, trying to improve infrastructure. Looking at list and see 1.3 million for college heights, agreement with Wal-Mart under Environmental impact report. Infrastructure for us, whether library or aquatics.
- Agency Member Holloway – understand, diversion issue with state is largest issue. Needs agreement at landfill with supervisor. Ability to free up money in one area by us taking burden with this library. Need to come up with more detail information.

Motion to adopt list striking aquatics park, add rehab of existing pool, add library facility made by Agency Member Taylor, second by Agency Member Carter. Motion carried by roll call vote of 5 ayes;0 nays; 0 abstain; and 0 absent.

- Agency Member Carter supports recommendation but would like current pool covered.

**Recess for 5 minutes.**

**Meeting resumed at 8:59pm**

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**2. Joint City Council & RRA Public Hearing, Notice Of Real Property Sale, Exchange, And Disposition Development Agreement (DDA) To Construct, Develop, Or Sell A Commercial Use On Parcels 32 & 33, Parcel Map 10819, APN 33-070-32 & 33, Ridgcrest Business Park, In Exchange For A Portion Of APN 598-020-10, Ne ¼ Sec 5 T.27s R.40 E, A Vacant Parcel, Developer John Landry MD And Resolution 10-\_\_\_\_\_ McRea**

A joint Public Hearing relating to the development of a DDA for the sale and development of Parcels 32 & 33 of the Ridgcrest Business Park by Mr. John Landry, The 33343 Summary Information Report and Resolution 10-\_\_\_\_\_ is presented for adoption. The site will be developed pursuant to the DDA and CC&R's.

- Jim McRea gave review of public hearing item for real property sale, exchange, and disposition on commercial properties 32 & 33 in the Ridgcrest Business Park. Summarized 3 documents involved with this item. Public comment pertaining to DDA. Conclusion of public hearing recommendation for sale. Will return to council for final review prior to execution of documents.
- Dave Matthews – sat thru committee meetings, need for expansion, and go for it.
- Mike Neel – notes the appraisal value of property and don't believe high dollar value. Conversation with realtor and can't justify value. Would like copy of report. Didn't see additional \$125,000, who pays.
  - Jim McRea – correct, explained group 2 property regulations, we must pay for conveyance.
  - Mike Neel – second appraisals, value seems too high. Other properties available. \$700k seems inflated. Was given numbers of comparable plans in area. Interested in seeing report.
  - Jim McRea – professional services of Butler, Burger group and 3 appraisals dated January 2010. Based on comps of similar properties in area. City doesn't have anything to do with the numbers of the value of the property.
  - Mayor Morgan – appraiser is responsible for accuracy of appraisal.
  - Mike Neel – curious to look at it.

Motion to approve Resolution made by Council Member Wiknich; Second by Council Member Carter. Motion carried by voice vote of 5 Ayes; 0 Nays; 0 Abstain; and 0 Absent.

Motion to approve Resolution relative to purchase made by Council Member Carter; Second by Council Member Wiknich. Motion carried by voice vote of 5 Ayes; 0 Nays; 0 Abstain; and 0 Absent.

**ORDINANCES AND RESOLUTIONS**

**3. Ordinance No. 10-\_\_\_\_\_ Introduction And First Reading An Ordinance of the Ridgcrest City Council Amending Chapter IV, Article 7, Section 102, of the**

**Ridgecrest Municipal Code as it pertains to alcoholic beverages in City Parks** **Ponek**

The Parks, Recreation and Quality of Life Committee is recommending to City Council to amend Chapter IV, Article 7, Section 102, of the Ridgecrest Municipal Code that will allow alcohol in Parks with written approval from the Chief of Police. This recommendation is being made in an effort to allow alcohol during specified special events, such as the annual Maturango Junction.

- Jim Ponek gave review of existing ordinance and reasons why the ordinance is recommended for amendment.
- Council Member Holloway – real issue is quality of life committee trying to come up with mechanism for self-insurance fund to allow.
  - Jim Ponek – next step which staff is working on at this time. If city co-sponsors event. Need to approve to have the option, nothing will be approved if going to be a liability. Insurances not in place, no alcohol allowed in park.
  - Harvey Rose – support effort to legalize in our parks for special events. If city sponsors event insurance covers under our policy. Insurance is currently calculating sum of additional costs, will be able to present those costs when we come back with request to sponsor event.
- Council Member Taylor – fine if we have sign-off, let Chief decide and have authority to say no. liability is big issue, we have been sued in past and sensitive to liability issues later.
- Dorothy Brown – when hear parks, or parks & recreation think of kids. Don't think alcoholic beverage appropriate in any park at any time. Kids involved. Not enough responsible parents to watch kids, will cost city and residents more money for more police protection. Not anti-drink, like glass of wine and beer, can't see it or feel is responsible in parks unless kids are kept out and drunks kept in.
- Richard Wagner – agree with Ms. Brown. Has children and attends events. Ask council use judgment not use alcohol if children involved and no glass containers, plastic only and recycle containers.
- Carol dean – question, has alcohol been served in past?
  - Jim Ponek – last year event had a beer vendor with setup in parking lot roped for that area. One reason to bring approval for parks, watching out for city, some people sneak out and bring into parks. Do not believe will be a problem in our freedom park.
  - Carol dean – against, family function and alcohol not appropriate.
- Dave Matthews – with respect to past, when Maturango Junction was at Leroy Jackson park, commercial vendors had area set up with bartenders, checked id's and drinks stayed in that area. Would like to see that continue. Scenario – family weekend with out of town visitors unexpected, decide to have picnic at park; beer and wine included; go to city park. Adults drinking, not children, is family's responsibility. Not hypothetical situation, didn't know alcohol wasn't allowed and did it myself. Other have

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- done same thing. Was disappointed the ordinance won't include family picnics. England and Germany it is family event.
- Bud Clamp – do not drink alcohol but feel if permitted at events, City should not pick up bill, vendors of alcohol.
  - Mike Neel – who lobbied to change the ordinance?
    - Jim Ponek – parks and recreation quality of life committee?
    - Mike Neel – who asked them?
    - Jim Ponek – event came to freedom park last year, one thing that came out of event last year was the alcohol. Great event last year and anticipate it to be larger this year. Chamber feedback was comments to allow alcohol.
    - Mike Neel – chamber getting money from this, who's getting something out of this. Chief of police agreement, will there be more officers needed to cover this event? Some people don't know how to contain themselves, harder to control in this type of situation, more police needed. Children at the event, been where there was alcohol and those with no alcohol, would prefer non-alcohol. Large number of sex criminals in town who know where children are at, don't see a good reason for this. Maturango junction been fine without it.
  - Cecil Nordic – here since 1958 never needed alcohol in parks, many children and people don't know when to stop drinking.
  - Council Member Holloway – suggest that ordinance be amended application come before council before chief approval.
    - Council Member Carter – why
    - Council Member Holloway – want to be able to evaluate before event takes place.
    - Keith Lemieux – what is specific language
    - Council Member Holloway – gave sample language
    - Council Member Taylor - ...unless written permission of chief of police and approved by council
    - Keith Lemieux – prior to giving such permission the chief of police shall present a report regarding any such request to the City Council.

### **Recommended Motions - 2 motions**

Motion To Waive Reading In Full Of An Ordinance as amended Of The City Council Of The City Of Ridgecrest Amending Chapter IV, Article 7, Section 102, Of The Ridgecrest Municipal Code As It Pertains To Alcoholic Beverages In City Parks Was Made By Council Member Carter, Second By Council Member Wiknich. Motion Carried By Roll Call Vote Of 4 Ayes, 1 Nay, 0 Abstain And 0 Absent.

Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter IV, Article 7, Section 102, Of The Ridgecrest Municipal Code As It Pertains To Alcoholic Beverages In City Parks

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Was Made By Council Member Carter, Second By Council Member Wiknich.  
Motion Carried By Roll Call Vote Of 4 Ayes, 1 Nay, 0 Abstain And 0 Absent.

- Harvey Rose – suggest report of alcohol laws be presented to council at next reading.

### OTHER ACTION ITEMS

4. **A Report Of The Elections Official To The City Council As To The Sufficiency Of A Petition For An Initiative To Repeal And Amend Certain Portions Of The Ridgecrest Municipal Code Related To Recycling And Sanitation Services** Ford

California Elections Code requires that the Elections Official submit a report of sufficiency to the legislative board when an initiative petition is circulated by proponents within the jurisdiction of the legislative board. This petition was circulated in accordance with all provisions of the elections code and the report is brought to Council for acceptance and filing.

- Rachel Ford – gave report to council for acceptance and filing.

5. **Discussion And Action Item Of The Ridgecrest City Council Regarding An Initiative Ordinance To Repeal And Amend Certain Portions Of The Ridgecrest Municipal Code Related To Recycling And Sanitation Services** Rose

A California election Code requires a Legislative Board to take action immediately or within 10 days of the Elections Official submitting a report of sufficiency for initiative petitions. A sufficiency report qualifying an initiative petition has been presented to Council at this meeting and Council now must select one of three possible actions to take pertaining to that petition. The three options available to the Council in EC9111 are:

- a) Adopt the ordinance
  - b) Order an election
  - c) Order a report
- Harvey Rose presented petition to council for action pursuant to EC 9111. Staff recommendation of option 3 ordering report on impact to local and state laws. Report recommendation to be presented to council on March 3, 2010 meeting so resolution for order of election and consolidation of election for ballot.
  - Council Member Taylor – reasonable recommendation

### Public comment began at 9:39

- Bud Clamp – other than fiscal impact, what is the purpose of ordering a report.

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- Harvey Rose – report would pertain to fiscal impact, consistency with local and state law.
  - Keith Lemieux – point of report is so council can make informed decision as to whether to adopt the resolution or set for election.
- Dorothy Brown – what happens if the report isn't produced by next council meeting.
  - Keith Lemieux – recommendation is to do it so we will.
  - Dorothy Brown – can't be postponed again for any other reason? Either accept or put on election.
  - Mayor Morgan – my intention is this makes the June 8 ballot if that is what council decides.
- Walter Maurer – appreciates mayor comments and council, appreciate resolution. Quote letter submitted to council January 19. Letter recommended consolidation and suggested report prior to now. Satisfied with what is said today so long as item makes ballot for June 8. Deadline is March 12. Read email from Kern County programs coordinator with cost, special election would cost \$98,000. Applaud council for stating that nobody wants special election. Cost for general election, elected mayor and this initiative, is around \$7,000 - \$10,000.
- Will Robertson – read from a prepared statement provided to press.
  - Council Member Wiknich – fully understand passion and concern. Council is trying to move in direction for voluntary residential service, would you help and participate in voluntary system?
  - Mr. Robertson – no intelligent human being intentionally fowls own nest, already voluntary recycle. Yes, don't know where state has come up with sudden change of heart. Nobody asked me if I recycle, what is margin of error?
- Cecil Nordic – trash company put receptacle in yard and has never picked it up. Haven't used, only sent one barrel, can't afford, how do I pay for it? Two bills already without an agreement. State has mandated we recycle, have been for years, still pay fee to dump and haul to dump. How could Sacramento make a ruling to mandate people pay for something they don't use? Want it to stop.
- Joe Conway – are you going to ask CALRecycle for grant money?
  - Mayor Morgan – have asked for assistance.
  - Council Member Taylor – not received an affirmative response.
- Ron Cramm – first say adopt ordinance now. Other thing, is voluntary really voluntary or does it mean going to Benz and getting contract? I don't have contract with Benz and not going to get one. How can you come after me when I don't have a contract? Numbers seen, this is very lucrative, put it out to real bid and get lowest 3 bids. Others have offered in community to do service.
- David Knight – regarding recommendation for report, fiscal impact pertaining to potential litigation been discussed to a degree that a report is unnecessary? What information could a report provide that isn't already supplied and how accurate could it be? Voluntary program considered, if state agency has review over the program term is not voluntary.

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- Hillary Wood – clear by recommending report instead of putting on June ballot, stonewalling. If you stonewall again tonight will hear from public. Could have done one before or do one after. Promised but no positive results. Proposal of one negative aspect. Clear citizens need to decide what's best for them. Will bank on citizens, don't have council endorsement. Don't put thru in timely manner, line Benz pockets. Show us behind us and vote to put on June ballot tonight.
- Will Roberts – did you ask if I would voluntary get contract with Benz?
  - Council Member Wiknich – no, just would you participate.
- Mike Neel – point of clarification, city talking about going to voluntary program which could be temporary, initiative requires 2/3 vote of public to change. Also has provision that evergreen contract with Benz will go away and we'll have competition. Not possible right now, initiative will have to wait a few years but will be done.
- Will Roberts – where is county in all this? County dump. 1989 they should have been diverting a long time ago.
  - Mayor Morgan – we are working with county on some type of plan.
  - Will Roberts – where are they?
- Ron Porter – thank you for guarantee of resolution on March 3. Believe Council well aware of time frames and had adequate time, and have responsibility to keep community informed. If put up for vote tonight, won't harm in providing information for future. Best for city and council to pass on agenda tonight for ballot measure.
- Walter Maurer – would like mayor to clarify remark, if pass for ballot tonight would force special election. Would like attorney to respond, proponents have looked into and was a contradiction between elections code and what Kern County has stated.
  - Keith Lemieux – don't believe there is a reason council can't set for election tonight.
  - Walter Maurer – would not be special election.
  - Mayor Morgan – I was mistaken.
- Richard Wagner – want to remind people that if we do go voluntary the recycling, shampoo bottles and other items are recyclable, not just CRV's.
- Brian Waterman – no need tonight to stall this item. Would like to ask citizens here tonight, come up to podium to ask council to vote this tonight.
- Lance ? – vote to place on ballot
- Bud Clamp – vote to place on ballot
- Ray Taylor – vote to place on ballot
- Marilyn Neel – vote to place on ballot
- Fred Mansfield – vote to place on ballot
- Charlie smith – vote to place on ballot
- Deborah Taliaferro – vote to place on ballot
- Richard graham – vote to place on ballot
- Cecil Nordic – vote to place on ballot
- Joe Conway – vote to place on ballot
- Mike Neel – vote to place on ballot
- Melody Neel – vote to place on ballot

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- Jim Rachels – vote to place on ballot
- Walt Foster – vote to place on ballot
- Randall Palsam – vote to place on ballot
- Robert Eierman – vote to place on ballot
- William Brown – vote to place on ballot
- Al Huey – vote to place on ballot
- Roger Beegan – vote to place on ballot
- Dorothy Brown – vote to place on ballot
- Walt Maurer – vote to place on ballot

***Mayor Morgan - Direction to staff to provide a report of the fiscal impact and legality of the petition to be presented at the next regular meeting of March 3, 2010 at which time Council will act in accordance with EC9111.***

- Council Member Taylor – understand anger of those here and have talked to some who don't want to come down here. Represent other people in City; don't agree with current direction tonight. Don't have all the facts, asked for report.
- Mayor Morgan – believe there are issues in report to public that need to be made.
- Council Member Carter – want to see a report, originally voted no on mandatory trash pickup, want a report that won't harm time frame.

Motion to approve Resolution made by Council Member Wiknich; Second by Council Member Holloway. Motion did not pass by roll call vote of 2 Ayes; 3 Nays; 0 Abstain; and 0 Absent.

Motion to order a report on the initiative to be delivered to Council at the March 3, 2010 regular meeting was made by Council Member Taylor, Second by Council Member Carter. Motion carried by roll call vote of 5 ayes, 0 noes, 0 abstains, 0 absent.

- Council Member Holloway – this will be on June 8 election,
- Council Member Wiknich – this information won't change inevitable, support getting report at this time.

### CONSENT CALENDAR

Item no. 8 pulled

Motion to approve Consent Calendar as amended was made by Council Member Taylor; Second by Council Member Holloway. Motion carried by voice vote of 5 Ayes; 0 Nays; 0 Abstain; and 0 Absent.

6. **Tentative Tract No. 6731: Utilization Of Development Impact Traffic And Drainage Fees For Off-Site Improvements For A 40.6 Acres Project Located**

**North Of The Northwest Corner Of Kendall Ave And S. Norma, (Kern County)** **McRea**

The City Council considered Tentative Tract Map 6731 relating to pre-zoning and annexation of the proposed project into the Corporate Limits of the City. The recommendations and conditions of approval of the Tentative Tract map made by the Planning Commission by PC Resolution 09-08 required two public access routes and a linear 30 foot parkway and park sump within the project. The Taft Corp has been working with the City Engineer in regards to these conditions of approval and reached tentative design standards and acceptable improvements.

The Developer has requested an agreement to utilize a portion of the Development Impact Traffic and Drainage Fees for these off-site improvements. It would be appropriate to receive the request and any presentation and authorize the City Engineer and Public Works Director to authorize a reimbursement credit agreement, not to exceed the Impact Fee for approved offsite improvements.

7. **Resolution No. 10- , A Resolution Of The Ridgecrest Redevelopment Agency Authorizing The Payment Of Fiscal Year 2010 Supplemental Educational Revenue Augmentation Fund (SERAF) Assessments By The State Of California In Conformance With Health And Safety Code 33690 And The Amendment Of The Annual Ridgecrest Redevelopment Agency Budget For This Payment** **Staheli**

As part of the State of California budget package for the FY 2010, Redevelopment Agencies are required to shift \$1.7 billion in property tax revenues to Supplemental Educational Revenue Augmentation Fund (SERAF)

8. **Resolution No. 10- , A Resolution Of The Ridgecrest City Council Authorizing Retainer Services In Connection With The City Of Ridgecrest's Interests Before The California Integrated Waste Management Board Or It's Successor State Agency Or Department** **Staheli**

City Council previously authorized the City Manager to secure the services of Flannigan Law Firm to represent the City's interest before the California Integrated Waste Management Board recently reorganized as CALRecycle. The City has a purchasing policy and procedure which requires a resolution of Council to authorize purchase orders above a designated dollar amount.

- Ron Porter – when did council hire this firm.
  - Keith Lemieux – done under previous city manager authority. Not done thru formal resolution, informal under city manager authority.
  - Ron Porter – what are we getting for our money
  - Mayor Morgan – intermediary between us and CALRecycle.
  - Ron Porter – contract?
  - Harvey Rose – purchase order needs to be approved so we can pay the existing contract. This is not the contract; it is for a purchase order.

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- Ron Porter – contract already signed this is just the purchase order to pay them.
  - Harvey Rose – yes.
- Robert Eierman – internet said one year contract, is there a math error.
  - Harvey Rose – a month already covered, this is the balance.

Motion to approve Item 8 was made by Council Member Holloway, second Council Member Carter. Motion carried by voice vote of 5 ayes, 0 nays, 0 abstain, and 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.

#### Public Comment Opened At 10:28pm

- Dave Matthews – would like to call attention to meeting for Engineers Week, would like to see this continued. This afternoon stopped by papers with letter to editor, read letter to council about not being happy with price and implementation of recycling program. Many people not paying bills and Benz turning charges over to City. Urging citizens to pay their bills but include written protest. Requesting levels of service for recycling. Mention of burdening city with additional work and money problems.
- Joe Conway – Councilman Wiknich seem to have doubt about voluntary, why?
  - Council Member Wiknich – it isn't doubt in people and willingness to recycle, problem is not enough people are recycling. To get to 50%, all asking are people willing to help us get into compliance with the law. No preconceived idea of how we are going to do this, are people willing to help us?
  - Mr. Conway – last number?
  - Council Member Wiknich – 36%
  - Mr. Conway – how was this derived
  - Council Member Wiknich – went thru largest contributors and brought the numbers down.
  - Mr. Conway – in best interest to have mandatory so takes problem out of their hands and puts in yours. Have participated for years on front end. Taken months to get 2 small trash cans. City of Berkley is voluntary and city having to lay off employees because working so well. You seemed to be unsure in knowing other programs. Did city have place to divert recycles too? Same people listening to this argument will step up. Can't imagine citizens won't do it.

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- Deborah Taliaferro – disappointed, felt threatened about not paying bill, if city is upset, send it to state for payment. Outflow can't be greater than inflow, they will tax us some more. We are going to be working poor. Don't know who is thinking this stuff up. Also upset with city streets, major issues, when will they get done? Disappointed in tonight.
- Russ Mathewson – thank you for having courage to stand up to fringe elements of the community, silent folks of city are watching, you are asking for help and applaud you are getting the report, not popular but the right thing to do. Lawsuits and not paying bills is not getting us to the other end, active participation will get us there. Is possible active majority is silent. Encourage you to make the best decisions for us. Good luck.
- Mike Neel – say no to tyranny speech. Read written article. No copy provided to clerk. Don't think this was right and will see it through.
- Walter Maurer – respect those who disagree but when called fringe element chuckle. No initiative qualified in 12 hours of signature collection. Couple words about study; is this council ready to admit exceeded 50% diversion rating are wrong? Plan has been laid out, first decide is there a problem. Assume Sacramento is correct; they have not convinced community their studies are wrong. Look forward to day when you publicly concede CALRecycle was correct. Look at numbers and can we meet with true voluntary measures. How does council intend to morph ordinance into voluntary? Appreciate good intentions but unless those provisions are stricken is still mandatory. another subject, police in paper showed arrested photos. Commend police department for job well done, keeping us safe. Gubernatorial candidate was here today, appreciate cities policy. Candidate came, met with policy at no charge to sponsoring organization. A good policy and will be used again.
  - Harvey Rose – welcome candidates, is a \$35.00 charge per hour for room.
- Marilyn Neel – respond to statement made on fringe element, those opposed to trash mandate. People might need to take note; we are a part of growing number of Americans that don't see that government has a place in every part of our lives. Past notes over 2 months 33 states have made resolutions on 10<sup>th</sup> amendment. Proper response to aggressive expansion to national authority. States standing up on national level. Quote from court. Americans realize we love our liberty and regardless of what is said and name-calling, government has limitations. When people fear government, we're slaves.

### 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.

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- Council Member Taylor – here to represent all, get information that isn't in tune with just the people who came down here. Came in here after some council members had already signed agreement with state. City signed up to implement program, ill designed at the time, little late to be suing someone. Will vote my conscious.
- Council Member Holloway – most people frustrated including me. Several of us disagree on this issue, I disagreed from day one on principal, yet at same time we will discuss things and move forward to get thing done for the city. Not personal. Been told because I'm against the council, attacking the mayor. I'm not, hold out hope there are other option. No reason to attack council when everyone is clear on where they stand. Be confident and happy that everyone is concerned about what's best for community based on the information they have and their level of expertise. Community tearing itself apart, a gift we know where each council member stands, not seen in other cities, can't talk to them, can't get a response. Never had a problem getting dialogue with any council member here. Hurts when I see Jerry Taylor get attacked in the ways he gets attacked. I know for a fact they all care about this community. Ok, to disagree, debate and keep it respectful.
- Council Member Wiknich – tonight's agenda dealt with ERAF payment, school district owes us a large amount of money. Read states letter regarding ERAF 2.6 million dollars. Notify state we will apply to school district bill. Have staff look into and get report.
  - Harvey Rose – interesting thought, rule used to be if the monies committed to debt services, protected from state. Gov. Gray Davis changed and policy has not been reversed. State association of redevelopment agencies has sued and failed, new suit and feel there is better chance of winning this time. To suggest to state to use in different fashion won't get us anywhere.
  - Council Member Wiknich – they say to be used for school district, let's use it that way. Anyway would like it looked into. Thank Mr. Benz and Jr. for being here tonight.
- Council Member Carter – Working hard to stay in reality, part of solving problem not part of being problem. We need to work together, stop splitting community, start working on solutions. Not always what we want. Voluntary service we have to be able to document what is being diverted. Need help from county and citizens. Thank Benz for attending.
- Mayor Morgan – congratulation to IWV volunteers for declaration from Roy Ashburn. Council members came up with plan and citizens have been arguing against, to say they have a plan is a lie, not enough to say we're going to voluntary and then deal with it there. Go back in time, council created 2 solid waste committees in past, especially second one had opportunity to put recycling element on shelf. Group filed report didn't need to do anything because we meet standards. Council realized problem, thought this could occur, put together group to create plan that we didn't get. Bullet points are taken out of text to be put on radio, that's fine. City is now awake, have been on a voluntary report since last committee said we were doing fine. City gave out information at public meetings, recycle encouragements;

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council didn't beat into head because you are intelligent. Not placing blame on anyone but me, been mentioned we have intelligent community and we'll do it. I still believe that and maybe we'll get there now. Hope we do. As much as my integrity, love for community, listening to people. Always questioned by certain group and they have won, my integrity is shot, but I'm still not going to stop working for this community. They can still talk about me. Initiative unnecessary.

**Reconvened into closed session at 11:12pm**

**Report out of Closed Session at 12:30pm**

- Council received reports only, no action taken

**ADJOURNMENT**

**Meeting was adjourned at 12:32pm**

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Rachel J. Ford, CMC  
City Clerk

**7**

**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

<b>SUBJECT:</b> Minutes of the Regular City Council/Redevelopment Agency Meeting of March 3, 2010
<b>PRESENTED BY:</b> Rachel J. Ford, City Clerk
<b>SUMMARY:</b>  Draft minutes of the Regular Council/Redevelopment Agency Meeting of March 3, 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: March 17, 2010



**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**

**March 3, 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 6:00 pm**

**ROLL CALL**

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

Absent Chip Holloway

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

**APPROVAL OF AGENDA**

**Add**

- Closed Session Item – Michael Nichols – Claim No. 10-01 – immediate action

Motion to add Closed Session Item, Claim No. 10-01 made by Council Member Carter, second by Council Member Taylor. Motion carried by voice vote of 4 ayes, 0 nays, 0 abstain, and 1 absent (Chip Holloway)

- Presentation – Desert Valley FCU President Eric Bruen
- Presentation – CMC Designation award to City Clerk

**Move**

- Item No. 8 moved to item no. 1 under ordinances & resolutions, depending on audience but may reserve to later time for more audience participation

**Pull**

- Item No. 3 – Naming of Denny's Park

**Amend**

- Ord. 10-02 language
- Resolution – elected mayor section 1

Motion to approve agenda as amended was made by Council Member Carter, Second by Council Member Taylor. Motion carried by voice vote of 4 ayes, 0 nays, 0 abstain, and 1 absent (Chip Holloway)

**CLOSED SESSION – 6:00 p.m.**

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GC54957 Personnel Matter – City Manager Recruitment – Update Report

GC54956.9 Conference with Legal Counsel – Potential Litigation – Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest

GC54956.9 Conference with Legal Counsel – Potential Litigation – Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest

### **REGULAR SESSION – 6:30 p.m.**

Convened out of closed session at 7:08pm

Council Member Holloway joined meeting during closed session.

### **PLEDGE OF ALLEGIANCE**

Led by Mayor Morgan

### **INVOCATION**

Led by a member of the public.

### **CITY ATTORNEY REPORTS**

- ❖ Closed Session
  - Added liability claim of Mark Nichols, council received report, council rejects claim, city clerk send out notice of rejection
  - Potential litigation – report give, no action taken
  - 2 other matter continued to end of regular meeting
- ❖ Other

### **PRESENTATIONS**

- CMC Presentation to Rachel Ford
- Eric Bruin, President of Desert Valley Federal Credit Union gave presentation of current changes in the financial institutions, especially credit unions and legislation that credit unions are mandated to follow. Recent changes and the effect of those changes on financial institutions. Credit Unions are legislatively required to maintain 7% capital, 2 ½ time above other bank reserves. If they drop below that level, they are legally mandated to take action to bring the capital back to the level required. Due to current economic downturn, credit unions have struggled to maintain this level and the regulator has the legal right to dictate actions to the credit union that will bring the capital back up to the required level. Credit union have independent decisions on setting their goals for achieving the capital levels needed and encouraging customer to use their financial institution.

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- Mayor Morgan – regarding Kern Schools Federal Credit Union closure in Ridgecrest. Letter has been sent to the credit union president, offering use of council chambers for a meeting to explain their closure. Response received and read. Align expenses with expected income. Least distasteful choice was Ridgecrest, citing other credit unions are available to community members.
- Council Member Taylor – same form letter received
- Council Member Holloway – Kern Schools website, board of directors should be contacted.
- Eric Bruin – direct letters to both chairman of the board and president.
- Council Member Holloway – regulators don't care which branches close so long as capital goes back to 7%. Next time you decide which choice for financial institution, keep this in mind. Reserve is larger for credit unions.
- Council Member Wiknich – how long before regulator steps in and forces decision?
- Eric Bruin – reasonable time frame and plan approved by regulator, sometimes 12 months, sometimes 5 years. Addresses ability to control growth and improve income. Been in a plan since 2001 but has continued to grow. Strategic plan of organization, relationship with regulator... Desert Valleys had a case of embezzled fraud which took capital reserve down to 2%, been building ever since, still haven't reached that level.
- Council Member Holloway – write the board. Kern schools board members did not want to close branch but regulator tied their hands.

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

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

##### **Public Services Department Director's Report**

- Jim McRea gave brief update of curbside and recycling program, billing issues, hotline, website, and Benz contact. Brief description of items which may be put into blue recycling bins. Drop-off locations listed. Household hazardous waste and toxic round-up schedule monthly second Saturday. Program delinquency analysis from November 1, 2009 to December 31, 2009. Current staff workload responding to calls, emails and letters. Continued discussions with CALRecycle and Benz.

##### **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

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Next meeting March 4, 2010

- Mayor Morgan – met and discussed first-time home-buyer loan modification program on agenda tonight.
- Next meeting April 1 at 5pm in council conference room.

### **RACVB**

Council Members Chip Holloway, Jerry Taylor

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

Next meeting March 3, 2010

- Council Member Holloway gave report of today's meeting. Read Dough Lueck meeting report
- Next meeting April 7, location to be announced.

### **Parks, Recreation and Cultural Affairs Department Director's Report**

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

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

Meetings: 3<sup>rd</sup> Thursday of the month at 5:00 p.m.; Kerr-McGee Center

Next meeting March 18, 2010

- Ron Carter – have not met, next meeting April 1, will discuss recommendations for names of Denny's Park.

Youth Advisory Council

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

- Wiknich - Infrastructure April 14 at Council conference chamber
- Taylor – city org, Monday, vacant property ordinance on agenda
- Morgan – Kern COG awards dinner in Bakersfield, one recipient of award is Michael Avery for public service.

### **CITY MANAGER/EXECUTIVE DIRECTOR REPORTS**

- None

### **PUBLIC HEARINGS**

#### **1. A Public Hearing for CaliforniaFIRST Energy Efficiency Grant A. Taylor**

Public Hearing, Notice of Proposed Participation by the Ridgecrest "City" in the California FIRST program of the California Statewide Communities Development Authority. Participation in the California FIRST Program will enable property owners to finance renewable energy, energy efficiency and water efficiency improvements on their property through the levy of contractual assessments pursuant to chapter 29 of division 7 of the Streets and Highway Code ("Chapter

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9”) and the issuance of improvement bonds under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) upon the security of the unpaid contractual assessments. Chapter 29 provides the assessments, may be levied under its provisions only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied. There are two resolutions required for this item:

- Ann Taylor – gave report to council. California FIRST program for property owners to finance renewable energy project thru bond purchases.
- Mayor Morgan – only if members of public wish to participate, limited amount of funding. Entire documentation available

### **Public Comment: 7:42pm**

- Betty Bassinger – this issue, new technology, power pipes, narrow down with turbine, generates power. Would be good use for this money.
- Mike Neel – took time to look over program information. Exhibit A very informational when consider how much money going into and what people will be getting out of it. Grant up to 16.5 million dollars used for operational costs, further down funding structure, fees; administration totaling 1 million 110 thousand dollars, administrators taking it away. Cost will be to those taking out loans and taxpayers. Perhaps credit unions could give these loans rather than government.

### **Council Comments**

- None
- a. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing The City Of Ridgecrest/County Of Kern To Join The CaliforniaFIRST Program; Authorizing The California Statewide Communities Development Authority To Accept Applications From Property Owners, Conduct Contractual Assessment Proceedings And Levy Contractual Assessments Within The Territory Of The City Of Ridgecrest; And Authorizing Related Actions  
  
Motion to approve resolution made by Council Member Taylor, second by Council Member Carter. Motion carried by voice vote of 4 ayes, 1 no (Chip Holloway), 0 abstain, and 0 absent
- b. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing The County Of Sacramento To Apply For State Energy Program Funds On Behalf Of The City of Ridgecrest

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Motion to approve resolution made by Mayor Morgan, second by Council Member Carter. Motion carried by voice vote of 4 ayes, 1 no (chip Holloway), 0 abstain, and 0 absent.

- Council Member Taylor – program no cost to City
  - Council Member Holloway – agree except infuriated with overhead costs. Sample given not true numbers at this time. Too much administrative cost.
  - Council Member Taylor – disagree.
  - Ann Taylor – positives will give homeowner better percentage rate for loan of 7% or 8%.
  - Council Member Holloway – agree with that part, financial institutions wouldn't finance.

### **ORDINANCES AND RESOLUTIONS**

#### **8. recycling initiative discussion and action. Report.**

- Harvey Rose – introduction and comment from grand jury system. Explanation of function of grand jury. Kern County grand jury investigation of mandatory trash and recycling in Ridgecrest. Met in Ridgecrest and submitted report made available today. Conclusion of report is staff and officials demonstrated sound knowledge...all issues identified by committee satisfactory answered. 2 recommendations made by Grand Jury. At request of Council, report of initiative prepared and presented. One minor correction, references to past requirement of commercial accounts to recycle is not correct. Commercial accounts have been served, not an ordinance requirement. Council has reviewed report, if council finds initiative ordinance to be lawfully submitted, council must adopt or order for election.
- Keith Lemieux – major component of report is legal analysis of initiative. Clear that role is not to be impediment to political process, how can we facilitate for people and help to move forward. Other problems with initiatives changes were made to correct. Had long conversation with Robert Eierman who disagreed with analysis. What are obligations tonight and what are legal ramifications should it pass. Report contains legal problems which is different than should this go to voters. Two significant problems tonight, both deal with form, rather than substance. How presented. Is this initiative or referendum? Timing limitations on referendums not initiatives. Initiative creates new law, referendum amends law passed by council. Described as new law and some do exist, however modifications are majority. My opinion is referendum. Secondly, form of initiative, law requires entire text of law considered for adoption, in the proposal. The way this was drafted, only sections, sentences or paragraphs that contained changes were present, creates sections of missing text. Example, section of definitions. Original contains franchisee and several others. Current form of

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initiative does not contain them. Proponents may say they intended to keep those portions, however not included. Voters would therefore not know what they are voting. Binding rule is entire sections, once revised, must be presented. Other example, chapter 13 paragraphs A,B,C,D,E. referendum eliminated B & E. court doesn't want voters to do legal research to find out what's missing. Other possibility is the proponents want this to be the entirety of law, problem with this approach is repeals large majority of chapter 13. Unintended consequences. You need to make decision tonight of whether form is legal for ballot. You need to decide should this go forward, my opinion is it is incomplete.

### Public Comment: 8:02pm

Limit to one time and 5 minutes. If questions posed that staff could not answer tonight would need to respond at another time.

- Wince Baluster – if anybody heard what city attorney said and understood it, you are a genius. City Council members, this issue boils down to whether trash collection is mandatory or voluntary. Majority people don't want mandatory service. Please understand it, it's simple.
- Betty Bassinger – 20 pages to say mistakes were made. The whole thing is matter of mandatory recycling, not mandatory trash. Separate issue, rates for Benz doubled. Timing is suspicious. Everyone confused about mandatory trash they didn't realize rates were doubled. Need mandatory recycling, trash can be voluntary. I pay for trash services. Building at dump should be for recyclables we put in bins, not taken to Tehachapi. Need mandatory recycling, transparency of why rates were doubled. Don't tread on me is confusing, should be don't trash our rights. Admit mistake was made and start over.
- Ronald Porter – not an attorney, can say attorney's report. Not an referendum, is an initiative. Standing is illogical, California constitution states can change existing law. If review legislation presented in California is presented in same format. Review, no one puts entire ordinance there when they file a bill, if a problem, simply say will attach where it says will change an existing section. Attorney misled under definitions, says add definition. States this is new stuff, and what is strikeout. Makes no sense.
  - Keith Lemieux – first, you are correct that portion of constitution refers to legislation however on page 5 Glendale and Oceanside case that rule applies to other legislation. When we pass an ordinance, we show the entire ordinance, not just the section that was changed. You have to state the whole thing; a voter doesn't understand what sections are not there.
  - Mr. Porter – if you check state legislature, they don't show the whole thing.
- Walt Maurer – appreciate city attorney concern. Discussed reference a website which has both parts of the initiative. Quoted from report. Takes exception to that statement. Children could understand. More bearing on decision tonight.

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Text of election code 9215. Asked council or attorney to read. Read section with independent comments. Does not say anything about council or attorney opinion, legality, nobody given opinion at all, must do either A or B. Adopt or submit resolution. March 12, which is also the deadline for elections office to receive the resolution? Opinions don't count here tonight.

- Keith Lemieux – when I describe this as poorly written, not casting dispersion on you. As far as legal points, agree that section does say however presumes that it is lawfully presented. Report page 7, discusses situation which may be taking place tonight where initiative failed to contain all language to be voted on, court said City should reject.
- Robert Eierman – point is once court decided, you as city attorney and council, had opportunity to take this to court. Chose not to. City attorney made argument twice before, if he truly believed it then responded to your demand to give title and summary, he violated ethical duties as attorney. If not, then not being truthful now. Mayor and Council, simple choice to make, only lawful decision at this point is to adopt or place on ballot, no other choice complies with law. Right of citizens to vote and election law is most important law in this state. Read EC9215 again. No qualifiers or caveats. City manager added inappropriate words before recommendation. No place for that. Should not pay attention to it, neither Mr. Rose nor City Attorney can make new law. Law is clear, adopt or place on ballot. Matters not how you feel, what you think of initiative, consequences of initiative. Duty and oath to obey the law. Do not allow sun to rise on community knowing elected leaders violated the law and election process. Vote to put on June 8 ballots.
  - Keith Lemieux – have been accused of violating ethical responsibilities and called me a liar. Both are unfounded. Referred again to previous conversations, effort was to help the initiative process to move forward and you chose not to follow.
- Joe Falgetter – cities and countries destroyed by earthquakes, physical things that man has no control over. What I have observed with yellow shirted group and city of Ridgecrest is man-made earthquake that has shook our city for various reasons. Caused us to spend so much volunteer time to do justice to concerns and loud voices of righteous position to vote on such a matter. Can't tell you how tired I am and how unrepresented you are of people in my neighborhood who like their trash and recycles picked up. Making a big deal out of something... better ways to spend your time. Ill-prepared and incomplete proposition and you want these people on this dais to put on ballot for our citizens to try and figure out. Get your act together and put forward something that works. Urge council to reject this and take advice of attorney. Would hate to see this on ballot, if your group would like to do homework and bring something back, that's your right. This is ill prepared.
- Doris Lafoom – don't know who your neighbors are but mine don't feel that way. Been coming several months, excited, now losing heart cause don't see much of

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change. People aren't stupid, don't have to have every word correct. Not dumb, understand problem. My bill went up 400%. Think council should use common sense, get rid of lawyer, and do what is right.

- Cecil Nordic – would like to know why we weren't allowed to vote for mandatory recycling before city made law? Seems like shoved down our throat and doesn't settle well.
  - Council Member Taylor – City agreement in 2007
- Brian Waterman – don't know where you think your rights are but I have rights too. Read article from paper quoting statement made by Lemieux. If choose not to do anything, you are violating my rights. You say you have to act in the best interest of people, don't disagree, I am one of the people. I say I am the only one that matters. Not egotistical, each person is the only one who matters. Read declaration of independence. Asserting my right and I don't consent, you are to protect my rights given to me by creator. Let voters have a say.
- Bud Clamp – something being forced on public. Forced to work with sole provider who won't work with customers. Anything that precludes Benz from working with customers on level of service. They have been given monopoly and forced on public that public has to participate in. how many of the council thinks it is right for any business to have monopoly. People are speaking, please listen.
- Mike Neel – Mr. shillings gave good lead in for something said last week. What more can a report tell us? Page 15 presentation for state mandates cost \$60,000, CALRecycle claim \$60,000; claiming contract buy-out forces city to spend \$60,000,000 to nullify contract with Benz. One year trash agreement for 6,000,000 and lost franchise fees of 3,000,000. Page 16 – fines are \$5,000 per day, never going to get \$5,000,000 in fines. Can't possibly predict. Could be 5 million or could be zero. This is political scare tactics. Unbelievable. Page 18 state attorney, contractual obligation. Just a smoke screen, been reading between the lines for years.
- Paul Benz Jr. – address issue from Mr. Clamp. Insinuation that Benz is difficult to deal with. Have been at previous meetings and this gentleman has not come up. Any issue we can solve, we will try but you have to let us know. Easy to point finger at Benz, take exception to it. Been here for most meeting and 5 top members of staff including owner. Sometimes we don't have the power. More at stake including state laws. Council can't supersede state law.
- Dan Clark – don't know where to start. Gentleman, Socrates was wonderful gadfly, appreciate efforts and council is in constant change trying to make this program work for us. Understand feeling of community, CIWMB didn't give us a choice. Gentleman, my concern now is I don't feel you are part of solution, just part of problem. Should work with council to make this problem right, don't know if that is your goal. Initiative you wrote won't fly. Responsibility to community. Not to tie up lawyers to make this thing work. Personal assassinations aren't

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going to work. Will end up in court, love this community and this is tearing community apart. Work with council.

- Betty Rivera Sembach – would like to remind us that any government is of the people, by the people, for the people. We elect people to represent us but don't mean those same people will make a decision without coming back to the people. They have to be considered. There is a problem here, always taken trash and never had problems. Benz has customers everywhere. How many people want to be demanded to do something? None of you including the attorney. Nobody in world wants to be demanded to do something they don't want to do. A lot of older people, young people, even children not even born will be affected. Hurts to see dissension in community. Let's get together. Money spent on travel time to Sacramento, Washington, etc. that money could be spent on education. Been here since '60's, people know how to vote. Agree they are putting things complicated, this community doesn't want mandatory anything. Most of us and especially those in work force, fought for freedom. City council is trying to take those freedoms away, want not to be demanded. Especially the way it was done. Council has said these was a bad deal, if a bad deal then work with our people and get it to be the right deal. Let's not try to fool anyone or befriend somebody for brownie points.
- Vonda Hill – problem is that program is mandatory and people trying to correct by making it voluntary are being criticized. More than 3000 people signed the petition and more are willing. Important. Don't oppose people's desire for freedom of choice. Applaud people standing up for my freedom. To say this shouldn't go to voters because we won't understand. We want voluntary trash.
  - Keith Lemieux – not suggesting that people are stupid. Problem is the issue of form. If form is not proper, then court believes some people won't have all the information to make an informed decision. That is the rule. Understand people are concerned, not saying there is no form; suggest variations and they chose not to go that way. If anybody has an initiative we will make effort that it can go forward if possible.
- Deborah Taliaferro – thanked proponents. Feel they are on my side for my voice to be heard, don't feel council is on my side. Feel disheartened about what is going to happen here, written on the wall. Be nice to go home with different outcome than what I think is coming.
- Kurt Bullock – when came here tonight didn't know what to expect. Lived here for 45 years and first council meeting ever attended. Got the biggest kick out of pledge and prayer. Not going to badger anyone, don't know much about this issue. However, leaders held to higher standard, don't know which way you stand, but you need to pray on this to try and come up with the right thing to do. This is really getting forced down throat. Don't know what you can do about it.
- Al Huey – want to remind everyone including council, when portrayed as not wanting to work with council to resolve this issue. This began over a year ago,

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people pleaded with council to fight the state. They stood behind the numbers, 2006 diversion numbers, city claimed to be in excess of 50%. County confirmed and so did independent contractor. Citizens pleaded council to fight, council ignored. Don't tread on me people evolved after that. Goes back to 2007, discussions with Mr. McRea who said he was opposed to state's opinion of our numbers. What's been going on with initiative is political two-step between proponents and council. Anticipated this, not surprised. If you do not do one of 2 options before you tonight and decide to take into court we are prepared. Not threats, just saying are prepared just as you are prepared. What would be better is put on ballot and if passed by people then challenge. Not an attorney and haven't studied case law but any judge would probably not hear it cause mute issue until voted into law. Please put on ballot. Don't continue dance any longer.

- Jeff Sanchez – Benz Sanitation employee – watched meeting several times and hasn't said anything, but need to now. Needs to stop, council trying to do their best, let's move forward and give us and council a chance to do what needs to be done. Nobody had choice in matter. Best at time and trying to improve. Benz isn't demanding anything. We put together contract with all of us doing the best could at time. Does need to be tweaked. State is demanding, not Benz or Council. Mr. McRae's spreadsheet showed how many calls received. City takes 100's of calls today and I personally take 30 per day. If it is something we can take care of then we do it, unless prohibited in contract. We are not a monopoly, just a franchise. We pay a fee for the franchise. Trying to be part of community and quit tearing down council and staff. If you don't agree with situation, call me. We are there. Voluntary, if we could go voluntary we would, have to do what is before us now as a mandate of the state. These gentlemen need your support to go down the avenue before them and see what we can come up with. No one on the council is trying to sneak anything over on anyone. Be patient and civil.
- Mayor Morgan – started before last year. Started in 1999. 2005-06 council notified about diversion concerns by state this community was notified. Currently state is trying to make diversion 75%. Now you are all aware. There is an amount whether you self-haul or have service that goes to dump and is weighed. In 2006 state came up with number of how much is going to dump and we had to reduce it. Programs, cans & bottles, and other programs enacted by city and brought out to the people, tried to cut number back so amount of garbage weighed and calculated from trucks and CRV. Now those local facilities are taking more product, paper; cardboard, etc. all of that counts as diversion. City council put together 2 solid waste committees; I specifically asked the second committee come up with plan for universal mandatory recycling. When someone comes up and says I ignored you, public statements in 2005-06. How come he won't tell you that? How come that committee said we meet our requirements, so we should do anything? Council listened to you. Anybody remember Ridgecrest Recycles program, flyers, meetings, booths at fairgrounds, pencils, cups and other freebies. Told community to please recycle voluntarily to meet AB839. Some people took to heart and have come here and said they recycle everything, not enough of us did. I can't argue what state did to our numbers. We said we met it, county, contractor said we met it. State took things out.

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Proponents said we should fight that. Courts and other communities who argued their cases were fined like we did. We were fined 27,000. Part of this initiative says we will no longer pay those fines. Will make the court tell us to pay those fines. That is illegal. Subverting state law and legislation. You talk about supporting or defending the law, our job is to listen to you and try and deal best we can with the law. This initiative tells us to break the law. I can't sign that, I took an oath, this initiative tells us to break the law, that's a problem. We are desperately trying to put together a program allowing people to opt out but we have to get you on board, state on board, county on board. Later we have a little poison pill also, county found out we allowed commercial to go to smaller carts, county said we aren't getting out tipping fee, county increasing fee. This program involves a lot more detail than we can go into this evening, we are listening and trying to work on different solution. Meeting with state and county and taking what you told us to them, yet you have been led to believe that we are some trout on a hook and not defending you. I take great offense to that, I did not ignore the public. I am caught in a trap, we are going to get to a solution but you cannot ask me to sign an illegal document. I would have to put my signature on this initiative that is not legal. This dance talked about, would you really rather it go to election and then to court and waste another 8 months of dancing or rather go to judge now and get a decision, All the while continue to modify this program. Since day voted in, been trying to adjust it, firmly believe county is afraid to talk to us until they get a legal opinion of their own, therefore a partner we need to work with won't talk to us. Without county and dump involved, cant' create a solution. Have to have facilities at dump for self-haul and self-separate. We need that for it to work, have to get it weighed and get that number to put with our diversion rates, for those who don't want a service to help us reach our diversion requirements. That is not part of the initiative and if you will recall I asked the initiative individuals for their plan, wasn't trying to be cute but trying to see if there was any rocks we hadn't turned over. One response received was not happening, another response was here's my email address. Another case asked a proponent to come to a meeting with us and he stood up there and flatly said no. I'm not ignoring you, not on a lectern on high, I am you, I am for the people, and I'm trying my hardest just like the rest of these gentlemen. We admit we made mistakes. We are taking your suggestions and trying to build a program. I can't sign this, everything in my being tells me when something isn't right, I can't do it. Doesn't mean I'm not working for a solution. Don't know why you don't believe that. Do all of you truly believe I'm just flopping around and not trying to help you? Mr. Eierman believes that, that's what you are voting for.

- Council Member Carter – been at this long time, many months. Been fighting for what you want and to tell me I'm not, you are wrong. I don't like what's going on just like you don't like it. Don't have a lot of option. We are getting movement from state and trying to work with all ideas given, trying to put that so we can move forward and working with Benz. Have to show diversion rate, need supervisor McQuiston help, have to have things happen with county so we can have rate. Have to document it, can't just say I recycle. Have pictures that show this community isn't doing what it can do. All in this together. Problem isn't going away, need to work together to solve. Don't divide me out from

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community; I represent you and doing it with proper authorities. A lot of pieces to come together before final conclusion. Will not vote for something I believe is illegal. At beginning when presented if listened to attorney who tried to guide you so wouldn't be a problem now. You got angry and wouldn't listen and I believe if you had listened we wouldn't have the problem we have tonight. In present form, this referendum could cause harm to community. If passed, all will say why did we do it, you knew problems and loose ends, why did you put on ballot. This is no win for us, doesn't matter what we do. When faced with that, as educator taught kids whatever you have in front of you may all be bad and still have to pick one. All of our choices right now are bad, still have to move forward, state doesn't care what is in our plan, just bottom line of diversion rate, right now can't do it, and need your help and counties help so asking McQuiston to help.

- Council Member Wiknich – when elected didn't know about this problem either, maybe wasn't watching city hall close enough. Mayor gave good history of what has been done over the years. Went forward trying to figure out what to do. To those who say this started years ago and city wasn't listening, at one time we did not have options from state. Only thing state would accept was mandatory recycling program including trash to capture entire waste stream. During that time voluntary was not an option, now with activities and opposition; CALRecycle has become more open to some form of voluntary recycling. This came after program was adopted. Are trying to find solution and move forward. I want you to know that as a businessman I was nailed with bill too, bitter pill mayor mentioned is mine also. Another bill every pickup not from us, or California but from the county. We will continue to try and find a way to change this program to be fairer. I really believe people have chance to vote on this at same time deeply concerned with how flawed, guaranteed to end up in court. Still believe in listening to people and want to hear your opinion. Would like to see this go on the ballot
- Council Member Holloway – first Benz sanitation, frustrating that for 33 years as a vendor had glowing reports from community, I voted no when no wasn't cool, so if Benz should be upset should have been me, never had any issues with them. Customer service issues and miscommunication, yes, but to destroy reputation of business that has served for 33 years is misplaced. Have talked to other people, just changing haulers isn't solution. A little disappointed tonight, lawyer was trying to help you, and you said absolutely don't need his help. When this report came out it took the wind out of my sails. Passion, lack of information, desire to stop a tyrant makes you do crazy things. 1984 scar and adult beverages when female friend accosted by 6 ft. 3 in. tyrant, I forgot my size and tried to stop, now have scar. Passion you had to move forward to stop Sacramento tyrant, may not get there from here. This has gotten too personal between council and Treaders. June and January meetings had difference in attitude from state so you are to be credited for that. Confused in goals, community wants levels of service and choices. Can be achieved but Benz and State need to give some wiggle room. Agree with Tom, think in spite of flaws people have right to vote on it. Emphasis is on Don't Tread On Me to answer why they aren't concerned about the potential of 76 million at risk? Until

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somebody convinces me we don't have to fear this will actively encourage community not to vote for this, meantime council committed to changes program so this wouldn't be necessary.

- Council Member Taylor – before us is interesting constantly told to uphold the law and when it isn't in favor of the people we get it thrown back in our faces. Trying to keep us out of hot water with state diversion reports, we all understand what you want and most people signed the initiative wanting voluntary. Difficult to pass this on and then try to fight it, counterintuitive. Public wants to vote and tell us where to go. Things people don't appreciate it. Simple question, do you want something or don't you? Voluntary or mandatory? if this is a referendum, they are too late. Understand why a lot of congressmen are lawyers. Willing to put forward by march 12 is to allow citizen to vote do they want voluntary or mandatory trash/recycling. I still have people on my block protesting, and appreciate those who are participating. I feel bad I didn't do it sooner; I now fill up a blue bin every week. People who did sign, willing to take to voters, but not what has been put forward. Not asking the simple question, had you done that we would be voting it in right now.
  - Keith Lemieux – could pass resolution calling for initiative but meeting would have to take place prior to March 12.
  - Council Member Taylor – I know what that vote would be, want people to be satisfied. Throwing out as ideas to try to build community and work thru for everybody. Do not have time to write new ordinance. Mayor initiative is not an ordinance, just a question.
- Mayor Morgan – how do you want this to be broken down?
- Council Member Taylor – people don't want word mandatory in vocabulary. Don't like what I see in this report, in hard place. Mandatory/voluntary recycling yes or no?
  - Keith Lemieux – can put something together like that
- Council Member Taylor – don't think reasonable to put on ballot knowing will turn around and sue.
- Council Member Carter – a lot of meeting with public and Benz. Council has recommendations to put forward but need county and Benz and can put together and pass what was previously put forth.
- Council Member Taylor – also proposing can we fix ordinance 09-01?
  - Keith Lemieux – absolutely, nothing ties your hands from doing that.
- Council Member Taylor – don't want to be perceived as not allowing public to vote, willing to listen to public but simply ask question of do you want it or not.

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Just as frustrated as the rest of you and this could untie our hands and move forward. Allows people to shove it down our throat.

- Council Member Carter – same wavelength. Already gave recommendation to staff, take care of what you are doing and still bring back to staff.
- Council Member Wiknich – what are we going to do with this thing?
- Council Member Taylor – cannot stop fellow council members from making motion, just proposing ask staff hold special meeting to place the question on ballot.
- Mayor Morgan – does council have to make a determination that they believe initiative is illegal?
  - Keith Lemieux – current proposed action is to place initiative on ballot. Second item of direction to staff.

Motion to approve resolution made by Council Member Holloway, Second by Council Member Wiknich. Motion failed by voice vote of 2 ayes, 3 nays (Council Members Taylor, Carter, and Mayor Morgan against.)

Direction to staff to create a ballot item question voluntary/mandatory. Keith Lemieux to prepare for special meeting.

***Scheduled Special Meeting March 5 At 8am Closed Session Approximately 11am. Public Notice To Be Posted.***

2. **Ordinance No. 10-02 An Ordinance Of The Ridgecrest City Council Amending Chapter IV, Article 7, Section 102, Of The Ridgecrest Municipal Code As It Pertains To Alcoholic Beverages In City Parks** **Ponek**

This ordinance was introduced for first reading, by title only, at the regular Council meeting of February 17, 2010. it is brought to the Council at this time for second reading and adoption.

Harvey Rose gave description of comments made at last meeting. Invited a representative from ABC to discuss how this special use of alcohol in park would work.

Armando Gonzalez – here to answer questions or discuss concerns of daily licenses in parks. State department has exclusive right to regulate alcohol sales in state. Gaming and non-catering licenses for 1,2, or 3 days for social gathering of non-profit organizations. Application filed in department, make sure city approval is there, work well with Ridgecrest police department. Concerns are discussed prior to approval. Enforcement is by ABC investigators, police department and attached conditions such as guards and hours. May also create a beer garden to contain the alcohol. Easy process for non-profits. Also caterers

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licenses for events away from their normal location. Violations are penalized with administrative action.

- Harvey Rose – concern if used to facilitate beverages in special events in park with booths, are we exposing children to alcohol.
  - Armando Gonzalez – confined area to no one under 21 in the beer garden.
- Harvey Rose – those who serve alcohol must be trained to identify underage drinkers or other problems.
  - Armando Gonzalez – yes, we have training programs for the public.
- Council Member Taylor – policy issue only.

### Public Comment

- Dave Matthews – want to propose scenario of individuals in park with picnic. If have wine or beer at picnic would I be violating state laws?
  - Armando Gonzalez – not to my knowledge, not sure of county or city ordinance regarding drinking in public.
  - Harvey Rose – city does have ordinance that prohibits alcohol in parks, special events allowance. Your scenario you are violating city ordinance.
- Richard Wagner – do like idea of beer gardens. Do you have time restraints such as not before 12 noon or after 10pm? Recently went to park event for costume parade and don't want him around alcohol. Area where children are present can alcohol not be permitted? Do we need to sell alcohol at 9am?
  - Armando Gonzalez – every application discloses hours of operation, concerns would be discussed if time disclosed is too much. Look at what is best for community and event. Can condition the hours and location. Application discloses a highlighted area where alcohol would be permitted, consumption and sales can only take place in that area.
- Jake Easley – each non-profit has to fill out application, do they have to provide insurance or does that fall on the city? I think we should think about morals. As a business owner, we know providing alcohol brings in more business. The morals of it, same people want children kept away. Some state events and parks provide alcohol and they still take their children to those places.
  - Mayor Morgan – non-profits have to self-insure and indemnify all other partners such as property owner.
  - Armando Gonzalez – ABC doesn't require insurance but have seen it done.

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- Mike Neel – first, desire is as little consumption in parks. Second, ordinance is at request of Maturango Junction, wasn't a lot of money made and they have requested this ordinance go thru to make more money. Read excerpt from constitution regarding 'class of people'. Special interest is highlighted. Leave it the way it is or make available to every group that might want to do this. Probably don't want to have the perception that you are extending to one special interest group.
  - Harvey Rose – agree on one point, special event permits, one group comes in and gets license, another group can come in and also get a license. Council is amending language to require report from chief of police to council for transparency.
  - Mike Neel – criteria written into the ordinance?
  - Harvey Rose – special event permit outlines use of public parks and insurances required.
  - Mike Neel – by ordinance or staff direction.
- Mayor Morgan – if he wants to see that permit?
  - Harvey Rose – police chief will draft a new application.
- Dave Matthews – was hoping this ordinance would be amended to take into exceptions for family outings and such. I am unhappy this is going forward because did not know it is prohibited by family unit.
- Bud Clamp – does this ordinance contain or could it have an amendment for such an area such as beer garden?
  - Mayor Morgan – in the permit?
  - Harvey Rose – when alcohol is served, it is required to identify an area within the alcohol is served, could be small are or could be description of entire event area?
  - Armando Gonzalez – yes
  - Mayor Morgan – in particular, if there is an area where children are present that area would be excluded.
  - Harvey Rose – to get the license, that area is identified.
  - Council Member Holloway – don't think this is written properly, intent is to allow alcoholic beverage sales in park, how can you enforce it?
- Council Member Taylor – are each individual vendor going to be selling alcohol?

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- Jim Ponek – intent is for event organizer to invite caterers, such as Tommy's. They will be selling the alcohol.
- Mayor Morgan – take back to staff.
  - Keith Lemieux – will work with staff to re-write and bring back.
- Armando Gonzalez – can only license one vendor at an event.

Item 3 pulled

3. **Resolution No. 10- A Resolution Of The Ridgecrest City Council Naming The Park Property At The Corner Of China Lake And Ridgecrest Boulevard, Formerly Referred To As Denny's Park** Ponek

This item is brought to Council for discussion and possible adoption to formally name the new park property at the corner of Ridgecrest Blvd. and China Lake Blvd. At the request of City Council to recommend a name for this Park, the Parks, Recreation and Quality of Life Committee is making the recommendation to the City Council to name the property Rose Varga Park recognizing her years of community service and financial contributions to the community of Ridgecrest. Several other suggestions have been made including Pat's Park; and Betham's Corner.

### DISCUSSION AND OTHER ACTION ITEMS

4. **CalPERS Optional Two Year Service Credit Purchase (Golden Handshake) Estimated Employer Cost Report** A. Taylor

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.

- Ann Taylor gave staff report to council. Previously brought before council and PERS did not guide that this step must be done prior to adopting resolution. Will rescind previous resolution and adopt new after announcing the cost at a public meeting.
- City does not pay cost for 2 years and paid after 2 years. 37,940 X 2 savings for city. This is discussion item only. Government code says to announce cost then resolution in 2 weeks.

5. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council Requesting Consolidation With Kern County Board Of Supervisors For The General Election Of June 8, 2010** Rose

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Request for consolidation with Kern County for Election Services for the General Election of June 8, 2010 and naming of certain officers.

- Harvey Rose – gave staff report, this resolution only requests county services. Each initiative that goes to the ballot will have it's own individual resolution.
- Council Member Taylor – up to 2 initiatives?
  - Mayor Morgan – this resolution simply state there shall be a consolidated election.

Motion to approve resolution made by Council Member Taylor, second Council Member Carter. Motion carried by voice vote of 5 ayes. 0 nays, 0 abstain, and 0 absent.

**6. Sufficiency Report of the Elections Officer On The Petition Initiative To Submit To A Vote Of The People The Question Of Whether The City Of Ridgecrest Mayor Should Be An Elected Mayor Ford**

The Elections Code requires the Elections Officer to submit a report as to the sufficiency or insufficiency of an initiative petition circulated within the jurisdiction of the legislative body.

- Walt Maurer – when first submitted it fell short of signatures and supplemental signatures were gathered and submitted.
  - Keith Lemieux – how was it, whose decision to allow extra signatures.
  - Walt Maurer – is this a case by case or for all future petitions.
  - Keith Lemieux – policy was to get things voted on by the public, 23 signatures short and still had time to gain more, so seemed fair to allow. City has obligation to treat anyone else the same way.

**7. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Ordering Elected Mayor Initiative To Be Placed On The Ballot For General Election Of June 8, 2010 Rose**

Having received the sufficiency report, this item is brought to Council for discussion and action pursuant to Elections Code. Council may take one of the following three actions:

- a. Adopt an ordinance immediately or within 10 days.
- b. Order the item to go to election at the next general election.
- c. Order a report on the initiative.

Harvey Rose – gave staff report including 3 options open to council with regard to the petition initiative to be placed on the ballot.

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- Council Member Taylor – when we will see the structure of the ordinance.
  - Harvey Rose – this is a vote asking people if they want a direct elect mayor.
  - Council Member Wiknich – petition is only telling council to put on the ballot the two questions. June is that question. In November will be the two questions.
  - Council Member Taylor – intent to have council to create an ordinance
  - Council Member Wiknich – intent is to satisfy the people and allow council to create the ordinance.
  - Harvey Rose – this is only to compel the council to put the issue on the ballot in November then it would allow council to come back and do an ordinance.
  
- Barbara Auld – this is complicated for voters to figure out. Hope that initiative comes out so people understand that is all it is rather than what was in the paper. I think voting public needs to know what will be on the ballot.

Motion to approve resolution made by Council Member Holloway, second by Council Member Wiknich, 4 ayes, 0 nays, 1 abstain (Mayor Morgan) and 0 absent.

8. **A Discussion And Action Item Of The Ridgecrest City Council Regarding An Initiative Ordinance To Repeal And Amend Certain Portions Of The Ridgecrest Municipal Code Related To Recycling And Sanitation Services**

Rose

At the February 17, 2010 Regular meeting of the City Council, a sufficiency report was presented verifying that an initiative petition to repeal and amend certain portions of the Ridgecrest Municipal code related to recycling and sanitation services was submitted by the Elections Officer. Pursuant to Elections Code 9215, Council ordered a report be prepared by staff regarding the impact of the initiative to be presented at the next regular meeting of March 3, 2010.

9. **Discussion Item Regarding SERAF Payments To The State Of California**

Wiknich

This item is brought to Council to discuss the possibility of remanding SERAF payments required by the State of California directly to Sierra Sands Unified School District

- Council Member Wiknich – made comment about this and wanted to have potential for real discussion of money going to the state. Specific reason state is taking funds from us is to fund schools k-12. If sierra sands owes us money, we should tell the state that we will honor that amount in funds to sierra sands. No financial impact to school, doing what state says they want us to do and want us to write a letter to state.

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- Council Member Taylor – understand and current fight is intent to get the money back. Still sitting here with our money and school still owes us. Not sure want to condone it right now.
- Council Member Wiknich – how much has state taken in ERAF in past years.
- Harvey Rose – today about 1.3 million average of 1million per year from general fund. Redevelopment different story. In addition to 2million have put another 600k from redevelopment.
- Mayor Morgan – ERAF educational relief augmentation fund, now supplemental educational relief augmentation fund.
- Harvey Rose – had conversation with Dave McEwen and waiting on a list from him. Suggest table and bring back. Appears better chance this battle will succeed.
- Ron Porter – when are the payments due?
- Council Member Holloway – May 10. Court date is in March and payment not due till May.
- Ron Porter – usually when you pay something, league of California cities should ask money put into escrow or impound account until ruling and immediately paid to city.
- Council Member Holloway – sent that question to league, still waiting for answer. Good point.
- Harvey Rose – both league and California association of redevelopment agencies are bring forward suits. Similar suits like governor davis borrowing from public retirement system. Davis opted to pay the entire sum in one or two payments nearly bankrupting state.
- Ron Porter – that’s the reason to have it in an impound account.
- Dave Matthews – having trouble tracking what is going on here. Sounded to me like state is taking or demanding we pay them money to go to schools and the school already owes the redevelopment agency money from a loan and you are saying that money should go to the loan?
- Harvey Rose - number of years ago, state passed ERAF and paid out of state general fund, so they decided to take monies or property taxes to pay schools releasing general funds. Counties, cities etc lost billions and school got less money. State is looking for additional ways to take local government’s money so now they are applying ERAF to redevelopment agencies. State laws prohibit the taking of that money but state took it

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anyway. Governor Davis said if agency can't pay it then city will pay out of general fund. Been in court ever since. As far as the loan, a number of years ago 1980's, redevelopment agency put up money for a number of projects including 4million for building gateway elementary school, supposed to have been paid back, calculation made by auditor of county was so small wouldn't pay principal. Current with interest would be 9 million, we are asking for original 4 million back and argument is who pays. If ERAF is for purpose of funding schools anyway, why don't we keep that money and call is partial payback from school district.

- Mayor Morgan – this will be coming back with McEwen's information.

**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.

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

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various events and observations. The resolution lists proclamations that have been processed and will be presented at City Hall on the date and time shown.

Honoring Ridgecrest Citizen – Ken Kelley

***TO BE PRESENTED AT CITY HALL ON THURSDAY, MARCH 4, 2010 AT 1200 NOON***

11. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing Ratification Of Rate Change For Bin Disposal For Non-Residential Waste In 96 Gallon Carts** **Rose**

Resolution presented to Council to ratify the current rate for solid waste bin disposal for non-residential waste in 96 gallon carts.

12. **Ridgecrest Redevelopment Agency 2010 First Time Home Buyer Loan Program Modifications** **McRea**

The Ridgecrest Redevelopment Agency has funded a First Time Home Buyer Down Payment Assistance Loan Program for several years to assist both low and moderate income first time home buyers in purchasing single family homes. The program requires meeting income limitations and borrower's participation. The Agency goal is to provide

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additional low income housing units as well as assisting in the improvement and preservation of affordable housings. The program is being requested to be modified to increase participation and provide better assistance to low and moderate income first time homebuyers during the current economic downturn.

13. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council To Enter Into Negotiations With The Consulting Firm Of Provost And Pritchard As The City Advisor Owner's Representative For The New Wastewater Treatment Facility** Speer

The City of Ridgecrest desires to have a new wastewater treatment facility capital improvement completed no later than December 31, 2012. The total expansion project costs are estimated at approximately \$45 million. The City Advisor will be an integral partner to ensure the successful outcome of the Design-Build contract, from project conception through initial operation monitoring period.

14. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council Approving And Amending The City Of Ridgecrest Classification Plan And Adopting The Job Specifications Of Senior Bus Drive/Dispatcher To Senior Transit Dispatcher** Speer

The city of Ridgecrest formally adopted into the Classification Plan a job specifications for the position of Senior Bus Driver/Dispatcher by Resolution No. 04-10 on January 21, 2004. This resolution amends the job title and scope of work for the classification.

15. **Quarterly Investment Report For Quarter Ending December 31, 2009** Staheli

Government Code Section 53646 and the City's Investment Policy require that Treasurer of the City of Ridgecrest submit a quarterly investment report to the City Council on a quarterly basis. The attached report shows the summary of investments for quarter ending December 31, 2009. The report shows where the City's money is invested, value, yield and interest accrued.

16. **Minutes of the Special City Council/Redevelopment Agency Meeting of February 2, 2010** Ford

17. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of February 3, 2010** Ford

18. **Minutes Of The Special City Council/Redevelopment Agency Meeting Of February 10, 2010** Ford

19. **Council Expenditure Approval List (DWR) Dated January 29, 2010 In The Amount Of \$ 473,336.24** Staheli

20. **Council Expenditure Approval List (DWR) Dated February 2, 2010 In The Amount Of \$ 223,558.68** Staheli

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21. Council Expenditure Approval List (DWR) Dated February 12, 2010 In The Amount Of \$ 477,027.16 Staheli
22. Agency Expenditure Approval List (DWR) Dated January 29, 2010 In The Amount Of \$ 4,972.50 Staheli
23. Agency Expenditure Approval List (DWR) Dated February 12, 2010 In The Amount Of \$ 10,680.00 Staheli

**Pulled items:**

Items 11, 12, 20,

Motion to approve Consent Calendar as amended made by Council Member Wiknich, Second by Council Member Carter. Motion carried by voice vote of 5 ayes, 0 nays, 0 abstain, and 0 absent

**Item 11 discussion:**

- Council Member Holloway – this the resolution is wrong, says 4.34 per month but rate changes depending on number of pick-ups
- Harvey Rose – going by copy of letter sent by county to Benz.
- Council Member Holloway – you are reading it right, that’s assuming everyone gets only 1 pick-up per week.
- Mayor Morgan – if pass tonight, need to make sure it is correct.
- Ron Porter – any other documentation that came with this from anybody?
- Harvey Rose – no
- Ron Porter – assuming one a week pickup rate. Explained current billing and doesn’t understand the extra tipping fee. According to county this was there all along and no reason for additional amount, not a new fee.
- Council Member Taylor – fee built into 3 yard bin, not a cart. Rate for commercial cart, density and location was more difficult to get to so purpose for fee.
- Council Member Holloway – residential is paid for dump fee, rare for commercial to have 3 gallon cart.
- Ron porter – has seen for years and cost already included tipping fee.
- Mayor Morgan – need to ask the county if tipping fee was already included.
- Ron Porter – calculation explained.
- Council Member Holloway – they just completed an audit. Can’t play games with this fee.
- Ron Porter – my question is, is the fee already included in the cost.
- Robert Eierman – this fee instituted in 1993, not a new fee. Aurora Rush telephone conversation. What is that 9.48 fee already being charged by Benz and how could they deserve another 4.43? this is not a new fee and has been in place for commercial using the 96 gallon cart since 1993. Why are we approving to give Benz another 4.43? did Benz ask for it?
- Mayor Morgan – county asked for it. Will send your question to county.
- Council Member Taylor – state’s approved fee

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- Robert Eierman – year before it was \$2.05 and went up in July due to California index increase.
- Ron Porter – don't have letter but my recollection is it was just explaining the calculation of the fee, not asking for more money.
- Council Member Taylor – that is correct. I think the citizens have asked a valid question. Need more information.
- Harvey Rose – will bring back at next meeting.
- Jim McRea – you are not talking about a gate or tipping fee, but a bin disposal fee. Disposal fee broken out separately, march 1 bill would have had bin fee plus bin disposal fee or a billed container and disposal fee of container. Is on the bill people will receive this week.
- Mayor Morgan – make sure Benz is not asking for more money.
- Council Member Taylor – agreed with Jim McRae's interpretation.
- Unknown speaker – seems to be a .26 cent increase.
- Mayor Morgan – is there a motion to approve resolution, no motion, send back to staff.

### **Item 12 discussion:**

- Council Member Holloway – had privilege of hearing presentation earlier and great program but has major flaw, 35 years before property can be sold unless low income. We have potential of taking same 3million for rehab of low income in community. Ask we do that rather than this program.
- Council Member Carter – we have had this program for first time home buyers and not in favor of abandoning it.
- Council Member Holloway – this can stay in place but allocate funds for other programs.

Motion to approve resolution was made by Council Member Taylor, second by Council Member Carter. Motion carried by voice vote of 5 ayes, 0 nays, 0 abstain, and 0 absent

Direction to staff to work on secondary program to direct some funds to rehab low income properties.

- Jim McRea – state requires substantial rehab or it doesn't qualify.

### **Item 20 discussion**

- Robert Eierman – 3 payments to Benz, Residential 164,000, one commercial 78,000 and another 38,000 commercial. why is commercial broken into 2 lines.
- Tyrell Staheli – one commercial is business and the other is apartments.
- Robert Eierman – paid on past due accounts

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- Tyrell Staheli – correct
- Robert Eierman – how many accounts each.
- Tyrell Staheli – give me a call and I can give it to you. Tomorrow afternoon.

Motion to approve item 20 by chip, second by taylor, 5 ayes.

### 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.

#### Opened at 11:36pm

- Dan Brady – Southern California Edison – updates of what is happening in community. Environmental Protection Agency award to SCE for energy efficiency and major factor to receiving the award was the partnership with City of Ridgecrest. Appreciate your partnership, does have an impact. SCE April 14 Kerr McGee 6:30-8:30pm Solar Class, Free to public. Educate on incentives for homeowners register at website [www.sce.com/solartraining](http://www.sce.com/solartraining) class will speak on benefits, tax credits, and upfront costs. Cerro Coso college green jobs initiative and college received 100k to fund scholarships for students in green jobs. Glad to serve you.
- Dave Matthews – last council meeting read letter to editor that got published in both papers, discussing the way I was handling my trash bill. One thing said was that program was in state of flux, think we saw evidence that statement is true. Still urge citizens to be patient and work out. Suggest state get their act together. Brought in two identical plastic bottles however one has no CRV. Why aren't these treated the same, still the same product. Same with milk. This is food, my water I need and I pay CRV. Recycle everything the same way. Use funds they receive to find ways to bring businesses back into California. Finally, would like to offer public sympathy to Etoch family for tragic loss of son. Everyone of us can violate the laws of man, state, and God but can't violate the laws of physics.
- Richard Wagner – happy to see flyers in trash bills. Agree with grand jury report and re-evaluate our billing. Mr. Taylor, don't think we need a vote for voluntary, with petition numbers and those not paying their bills speaks that we want a voluntary system and until we have a plan in place, since we as a community aren't complying with state requirements, place more city bins around for people, also all waste picked up should go to Tehachapi and be sorted and then weighed. To citizens, if my 4 year old son can identify what is recyclable, so can you.

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- Walt Maurer – report content on trash initiative. Bulk of report is on cost to city, potentially 75 million. Vast bulk is about 60 million to potential litigation with Benz sanitation. As we watched your proceedings tonight, largest contingency of Benz ever seen present. Lacking was large elephant of cost of Benz services. I asked one representative tonight during the break why none have said anything of revenue neutral, what does that mean? It means as long as you pay us the money we don't care whether you put out your bin. I have enjoyed good service from Benz for 20 years, he said do I have to talk about it? I asked if Benz would sue the City if mandatory is abolished? He said will jump off that bridge when we get there. If they have the intent to sue the city, that is the issue, money. I didn't get a sense that they are not really going to do it. They have the city over a barrel, I did not get the sense they were willing to work with the city. Suggest you ask them that question when they are here in the room, change it all you want, I might be interested in it.
- Ronald Porter – want to be clear that CIWMB and council, the council worked with them in good faith. Comments later made regarding legality of initiative. Written to give authority to give them equal venue and help the City get out from under the tyrant. A lot of talk about city being divided, there are difference of opinion. Always given support to government and council, may have difference of opinion and that is all it is. Not a division of community, good government for people to look at things, decide on it and put it forward. If ever was disrespectful, then I apologize.

### 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 – Mr. Porter, agree you have treated me with respect and hope I have done the same for you. One yellow-shirt did come to me and said the decision made was evil, not by you. That is when it changed from a discussion to another level when I was accused of making an evil decision. The council set up two committees to move forward on the trash ordinance. Asking do we need to get involved to try and get something voluntary back to council. Looking for direction.
  - Mayor Morgan – at this time no, things you brought forward is now being worked on between staff and Benz. If find we need you back in there will ask.
- Council Member Wiknich – town hall on 24<sup>th</sup> and volunteers to attend. Condolences to Etoch family and young Mr. Etoch.

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- Council Member Carter – My condolences to Etoch family, Evan was a fantastic young man, I was his principal. I've worked with 1000's of students and he was in top 1% of all students. A leader at school and community, youth advisory committee. Regardless of what was happening always had a smile, brought the rest of us with his presence. Will miss him, he was an inspiration to everyone at the school.
- Mayor Morgan – echo sentiments and grieve for the Etoch family. KernCOG awards in Bakersfield tomorrow night to honor Mike Avery for years of service. Friday historical society luncheon will be attending. March 6 is PACT dinner and will be attending also. If you need to reach me to discuss issues, cell phone will be turned off March 10 until March 13 to attend out of town meeting Quad state and celebrating 49<sup>th</sup> birthday. Come Saturday morning more quotes and beratements will occur, very emotional when perception placed out to public that I am ignoring you. I want with all my heart to do the best I can to represent you as your council member. Don't do it because I think it makes me special, do it to try and make things better. Everything I have worked for for years has been destroyed in the last few months, not fair that certain groups or individuals have been constantly telling the public that I don't care and I'm not listening, not true.
- Council Member Taylor – new day, appreciate everyone's comments, will make this better, timeline here, work faster. Understand comments about cost issue, oversight on state's side. Appreciate SCE being here, Cerro Coso program last year, good program if interested in solar. Attended fundraiser for school musical group. Keep eye out, good for community, citizens contributing back into community. Will be attending award dinner for Mike Avery. Also our condolences to Etoch family, been here since 1963, certain names well-recognized in community, directly affects the kids playing basketball. Our sincere sympathy goes to family.
- Council Member Holloway – president statement everything that could be said has been said. Thanks to Ridgecrest police department for their good work. Involved with youth ministries and youth in community have started some incredible positive programs out of this tragedy. Thoughts and prayers go out to Etoch family.

### **ADJOURNMENT**

**Adjourned to closed session at 12:14am will report out of closed session.**

Report out of closed session

- No Action Taken, Report Only

**Meeting Adjourned at 12:20am**

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Rachel J. Ford, CMC - City Clerk