



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

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

**April 15, 2009
6:30 p.m.**

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

CALL TO ORDER – 6:00 p.m.

ROLL CALL

PRESENT: Mayor Steven Morgan, Mayor Pro Tem Ronald Carter, Vice Mayor Thomas Wiknich, and Council Member Jerry Taylor

ABSENT: Council Member Marshall Holloway

STAFF: Michael Avery, City Manager; Keith Lemieux, City Attorney; Rita Gable, City Clerk; Tess Sloan, Administrative Services Department Interim Director; Jim McRea, Public Services Department Director, Jim Ponek, Parks, Recreation And Cultural Affairs Department Director; Ronald Strand, Chief of Police; and other personnel

APPROVAL OF AGENDA

City Manager Avery requested removal of item 5 from the agenda.

Moved by Council Member Carter, second Council Member Taylor TO APPROVE THE AGENDA WITH ITEM 5 REMOVED. No public comment. Carried with a voice vote of 4 ayes, 1 absent; Council Member Holloway absent.

CLOSED SESSION – 6:00 p.m.

GC54956.9 Conference with Legal Counsel - Liability Claim of Denise Black, Claim No. 09-01

REGULAR SESSION – 6:30 p.m.

PLEDGE OF ALLEGIANCE let by Vice Mayor Wiknich

INVOCATION – Silent Moment

CITY ATTORNEY REPORTS

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- ❖ **Closed Session** – Council received information on the Claim of Denise Black - claim was rejected.
- ❖ **Other** - none

DEPARTMENT AND COMMITTEE REPORTS

Second Council Meeting (3rd Wednesday of the month)

Public Works Department Director's Report - Mr. Speer ABSENT

Infrastructure Committee

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

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

Met April 14

- Universal trash pickup discussed
- W.. Ridgcrest Boulevard contract discussed
- Committee decided to **move the Committee meeting to the 2nd Wednesday** of the month at **5:00 p.m.** and **Town Hall meetings to 4th Wednesday** if Council concurs - they did
- Discussed 1B money – decisions still to be made
 - Next meeting May 13

Finance Department Director's Report - report read and copy in Clerk's agenda packet

Chief of Police Report – report read and copy in Clerk's agenda packet

IT Manager Report – report read and copy in Clerk's agenda packet

City Organization and Services Committee

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

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

Met April 9

- Report on Code Enforcement
 - Update on TRANE phase I and II 8.8M
 - Still working through the process
 - Engineering is 100% complete – copy available
 - Have slowed down to making it 2 phases
 - Presentation on reverse auction process – going on line
 - Postponed the maintenance on vacant properties around town
 - Discussed the business license fees for street vendors
 - Question of collection of sales taxes from the vendors
 - These vendors have to get full business license with the City
- Next meeting May 14

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

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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 May 11

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Council Member Wiknich noted that the last town hall meeting went very well with lots of feedback afterwards. About 20 people attending. Subject and discussion was on City budget. A gentleman at 1120 Yorktown, phone 371-4991, has a vacant lot next to his house and has volunteered it for a community garden. Anyone wishing to participate please call him.

Next town Hall meeting will be May 27 – no subject at this time - it will be decided before that date.

Note change of day to 4th Wednesdays of month

Council Member Taylor reported he attended the League of California Cities Policy Committee meeting. Discussed Prop 11 - redistricting. Also SB 711 which was put forth by newspaper industry to try to get negotiations out of closed sessions.

Mayor Morgan - Tomorrow night is KernCOG in Bakersfield and will be discussing TDA funding. City has quite a lot of funds built up to use or they will be rescinded. We do have a 1 year extension to get it done.

League of California Cities Desert Mountain Division meeting in Barstow on April 24th

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS - none

DISCUSSION AND OTHER ACTION ITEMS

1. Status Report On The Compliance Order IWMA BR07-07 And The Local Assistance Plan (LAP) As Modified And Required By The California Integrated Waste Management Board (CIWMB) And Authorization Of Four State Mandated Programs By Consultants And Establishing A Protest Hearing For Property Related Fees To Be Placed On The Kern County Tax Roll By A Resolution Of Intention McRea

Public Services Director McRea

- This staff report is a continuation of the interaction between the City and CIWMB staff
- The CIWMB staff for the most part was supportive, except in relation to the base year and presenting a report of lacking good faith effort
- Compliance Order dated 2nd April, 2009 notifies the City of its requirements

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- Staff is developing a program based on the CIWMB staff report and implementation of a curbside residential pick-up with a potential of a two barrel waste stream
- The City is now under an even stronger mandate from the State that the community will provide residential mandatory refuse service including a blue cart recycling element and on-site commercial recycling
- The Universal Pick-up (mandatory) is proposed to be billed to individual property owners annually by placement on the Kern County Property Tax Roll
- The Commercial accounts will continue to be billed by the franchisee, Benz Sanitation
- Property owners will still be permitted to self haul to the Ridgecrest Sanitation Landfill and recycle at any approved drop off center or buy back center
- We have to June 30 to establish the fund and need to hold protest hearing on service etc.
- By August 17 it need to get to the Kern County Auditor-Controller to appear on October tax billing
- Also need to authorize the City Manager to engage a consultant to complete the Waste Generation/Characterization Study and establish a New Base Year by October 1, 2009 to start the process
- Staff recommends City engage NBS as the professional services consultant based on an existing RFP by Kern County with California Waste Associates

Public comment

Dorothy Brown

- When you refer to fees is it what it will cost property owner for the service
 - Yes
- Do you have ballpark amount
 - No
- But you will approve it anyway
 - Yes
- Understand you are on a timeline but heartedly protests this
 - City Manager Avery though the fee increase will be approx \$13 per bill

Walt Maurer

- Glad you said that – it is official
 - No
- People have been saying that all along and now they have heard it
- Asked if it was not permissible for the citizens to pay by billing by Benz such as it is now
- This appears to be the best solution You have only one option here and that is to put it on the tax roll
- Do not see option to have it put on billing cycle
- This should not be hidden on anyone's tax bill-it should come from the company providing the service
- Would appreciate it if you did not go to the tax roll and not pass this resolution

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Mayor Morgan explained why tax roll as opposed to Benz billing – if property owner does not pay Benz for the service the City will be held liable which would result in City becoming involved in liens on property and lawsuits.

Mike Neel

- Agrees with what Mr. Maurer said
- Noted the TAX TEA Party at City Hall earlier tonight
- Looks like you (Council) are anticipating a lot of people not paying their trash bills
- Let the people pay the bill as they are doing now
- He thinks this stinks
- Have a whole issue about the protest hearing and all this other stuff
- The notifications will go out and If no response is received from the citizen it is counted as a yes
- Cited Government Codes 53755 and 53753
- Final statement was - Just don't pass this resolution

City Attorney Lemieux stated Mr. Neel has confusion himself between assessment and property related fees. City is required to send out a notice with the fee amount and to have a protest hearing for public input.

Dave Matthews

- The more he hears this the more confused he gets
- Heard the attorney say it is a fee for services or a property related fee
- Hoping it was a service but it is still one he did not ask for
- Heard Mr. McRea say we could still take our recycling to whoever we want

City Attorney Lemieux stated If it is a service fee a simple resolution would do – if property related we have to follow the California Constitution and Prop 218.

Ms. Loscar

- If you own more than one piece of property you will get a fee on each
 - Yes if there is a residence on the property

Brian Waterman

- Totally confused also
- You say this is a fee so why not is gas and electric
 - Mayor Morgan stated he had no clue
- Why is this not a service
- Doesn't make any sense

Timothy Byers

- As local business owner has to pay a fee for disposal of TVs and charges \$10 more when he sells a TY because of the State mandate for their disposal

Mike Neel

- This was talked about in Infrastructure Committee this week

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- You are not tracking this close enough
- Each can will cost you more
- And there are some classes of citizens in town who will get special rates and we will have to supplement their discounted fees

David Dial

- Words that are ambiguous or unclear are to be construed against the party that uses them
- Read the transcript of the Board and it is clear their goal is compliance based on their interpretation of the data as opposed to our interpretation
- Compliance is the key word
- There is no middle of the road here

Deidre Patin

- Understand the positions of Maurer and Neel
- We have several pieces of property so will be hit hard
- Has commercial properties so currently have contract with Benz
- Who is profiting from this – who is making money on this

Mayor Morgan stated Benz will not profit as they will need more employees, will have more work, more equipment and will have to look to having a transfer station. City will only benefit from not having to make more fine payments to the State if this goes through.

Josh Loscar

- You said the additional fee will be about \$13 a month
- Do you have the number of services currently with Benz
- Approximately cost will be \$300 more per year

Walt Maurer

- Using the Constitution is your guide for not giving discounts for specific classes of citizens
- City's hands are not tied
 - Mayor Morgan reiterated the tax roll vs. Benz billing as benefitting the community as a whole
 - City will be responsible for the ones in non-compliance
 - Council Member Taylor spoke to him as being an engineer he should be able to work out the costs for non-compliance.
- If we, all good citizens, put out our trash we should be able to pay our bills by Benz billing

Maria F

- Heard someone say we do not have cardboard recycler but we do
- Golden Empire – they take paper, cardboard - they take anything
- People do recycle – taking things to DART, Salvation Army, etc. is recycling
- What she sees is that property owners are the ones who are being hit

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- Should charge those that are generating the nuisances in the first place – home town phone book and newspapers, etc. are thrown on everyone's lawns
- They toss things out when not subscribed to

Resolution No. 09-17, A Resolution Of The Ridgecrest City Council Authorizing A Resolution Of Intention To Establish A Fund And Place The Universal Trash Rate Fee On The County Of Kern Equalized Property Tax Roll

Moved by Council Member Wiknich, second Taylor TO ADOPT RESOLUTION NO. 09-17, A RESOLUTION OF THE RIDGECREST CITY COUNCIL AUTHORIZING A RESOLUTION OF INTENTION TO ESTABLISH A FUND AND PLACE THE UNIVERSAL TRASH RATE FEE ON THE COUNTY OF KERN EQUALIZED PROPERTY TAX ROLL. Public comment heard. Carried with a voice vote of 4 ayes, 1 absent; Council Member Holloway absent.

Concept is to move ahead with a residential two stream with blue bin with Benz as initial collector and to authorize City Manager to engage NBS to begin the process.

Maria F

- Stated this should be put out to bid
 - Vice Mayor Wiknich stated we had too tight a timeframe to put out to bid
 - Benz is already on a 10 year renewable yearly contract for trash pickup and hauling.
 - Council Member Taylor added more clarification stating we have the ability to audit the contract process
 - Not the way we would prefer to do this but our time line with the CIWMB would not allow the bid process

Dave Matthews

- Has 2 large bins now
- What he puts in those will not decrease with mandatory recycling

Moved by Council Member Wiknich, second Council Member Carter TO AUTHORIZE THE CITY MANAGER TO ENGAGE NBS TO COMPLETE THE WASTE GENERATION/CHARACTERIZATION STUDY AND ESTABLISH A NEW BASE YEAR. Public comment heard. Carried with a voice vote of 4 ayes, 1 absent; Council Member Holloway absent.

Mayor Morgan recessed the meeting at 8:35 p.m. to reconvene at 8:45 p.m.

CONSENT CALENDAR

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2. **Resolution No. 09-18, A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of April 2009 And The Scheduled Date Of Presentation** Avery

DMV/Donate Life California - Month of April - requested by Mayor Don Bankhead, City of Fullerton - proclamation has been mailed

The following proclamations will be presented on Friday, April 17, 2009 at City Hall

Blues and Jazz Appreciation Month, April 2009 - request by Bob Peoples

National Day of Prayer - May 7, 2009 - requested by Kiwanis Club

Mayor Morgan will be there to present the proclamations and invited any Council Members who could to please join him.

Item 3 removed for discussion

3. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council Authorizing The City Manager To Sign The American Recovery And Reinvestment Act Of 2009 Expansion Of The Workforce Investment Act (WIA) Grant Agreement** Shaver

Employers' Training Resources is offering a onetime stimulus grant under the American Recovery and Reinvestment Act of 2009 as an expansion to the Workforce Investment Act of 1998. The grant period begins April 21, 2009 and ends September 30, 2010 or expended funding.

Youth Employment Services has been recommended an award amount of \$247,320.00 to serve 50 In-School Youth and \$163,337.00 to serve 30 Out-of-School Youth. (Attachment A)

This grant provides funding to complete Work Readiness Training and Paid Work Experiences to youth ages 14-24. This grant also provides full staff salaries, benefits and overhead necessary to operate the program. Current part-time position will need to become full-time during course of program operations to meet increased demands and compliance of grant. (Attachment B)

This is a Reimbursement Grant that requires NO MATCHING FUNDS.

4. **Resolution No. 09- 19 A Resolution Of The Ridgecrest City Council Declaring The Redemption Fund Of The Assessment District No. 10 As Surplus, Ordering The Disposition Of Surplus Amounts For The Assessment District And Approving The Assessment District Closeout Analysis And Findings Report**

Sloan

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Item 5 was removed from the agenda

5. Resolution No. 09- , A Resolution Of The Ridgecrest City Council Rescinding Resolution No. 08- 37 , And Approving The Expenditure Of Proposition 1B Funds In The Amount Of \$449,460.21 For Repaving Sunland Drive Between E. Ridgecrest Boulevard And Upjohn Avenue **Speer**

The City of Ridgecrest had been allocated \$449,460.21 in funds from Proposition 1B (Phase I) which was approved by Resolution No. 08-37. These funds were allocated for capping the existing pavement of Norma Street between Las Flores Avenue and West Ridgecrest Blvd and the West Bound Lanes of Ward Avenue Between Downs Street and Mahan Street.

However, to be able to receive new Economic Stimulus Funds, ARRA, the City needs to produce a project that is bid ready within a short period of time. Since these projects are eighty-five percent (85%) bid ready, staff is recommending that the City Council by Resolution reallocate the Proposition 1B (Phase I) funds to another project and use the ARRA funds for the Norma Street Project and the Ward Avenue Project.

Staff is recommending that the Proposition 1B (Phase I) funds be reallocated to a different street project. This proposed project encompasses Sunland Drive from East Ridgecrest Blvd. to Upjohn Avenue.

6. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of April 1, 2009 **Gable**
7. Council Expenditure Approval List (DWR) Dated March 27, 2009 In The Amount Of \$266,372.43 **Sloan**
8. Council Expenditure Approval List (DWR) Dated April 3, 2009 In The Amount Of \$207,287.40 **Sloan**
9. Agency Expenditure Approval List (DWR) Dated March 27, 2009 In The Amount Of \$500.00 **Sloan**

Mike Neel requested removal of item 3

Moved by Council Member Taylor, second Council Member Carter TO APPROVE THE CONSENT CALENDAR WITH ITEMS 3 AND 5 REMOVED. No public comment. Carried with a voice vote of 4 ayes, 1 absent; Council Member Holloway absent.

3. Resolution No. 09-20, A Resolution Of The Ridgecrest City Council Authorizing The City Manager To Sign The American Recovery And Reinvestment Act Of 2009 Expansion Of The Workforce Investment Act (WIA) Grant Agreement **Shaver**

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Mike Neel stated this is a stimulus grant to employ youth. There will be a lot of young people all across the country who will be disappointed with the cities accepting these funds as they will have to work and scrimp most of their lives to help pay for these handouts. Should never accept these funds.

Josh Loscar

- Asked "since when is youth ages 14-24"
 - City Manager Avery answered that is what the Federal standards for this program dictate - ages 14 through 24.
- Asked - how many youth 14-24 are interested in this kind of program and then answered it himself by saying none

Council Member Carter thanked Starla Shaver and staff for assisting the youth of this community through the WIA Program. He pointed out that this program gives them part time work within the community while still getting an education in most cases. Said he is proud to have this money so we can help more youth.

Moved by Council Member Carter, second Council Member Taylor TO ADOPT RESOLUTION NO. 09-20, A RESOLUTION OF THE RIDGECREST CITY COUNCIL AUTHORIZING THE CITY MANAGER TO SIGN THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 EXPANSION OF THE WORKFORCE INVESTMENT ACT (WIA) GRANT AGREEMENT. Public comment heard. Carried with a voice vote of 4 ayes, 1 absent; Council Member Holloway absent.

PUBLIC COMMENT 8:53 p.m.

Dave Matthews

- ❖ I hope you gentlemen dropped off your tea bags before you came in
- ❖ He brought 3 tea bags – each had a significant – one was black symbolizing the policies of the country the last 60 or so years
- ❖ Second was green – signifying he has had enough of all the green crap going around making us do what we don't want to do
- ❖ The third was slightly used herb tea – a laxative maybe if the legislators used it it would help their reasoning

Walt Maurer

- ❖ Putting it on the tax bill saves him spending about \$3 a year on stamps
- ❖ Have seen the value of talking to people with different points in view
- ❖ Lamar CO article stimulating their own stimulus package with general funds
- ❖ Does not know too much about the founding rules of the City in 1963
- ❖ Asked if the City has received an audio tape of the CIWMB hearing
- ❖ Disappointed that the trash fees will be higher

Maria F

- Can this be put on the May 19 ballot to vote
 - It is past the time to qualify for a ballot measure

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- Can it be put on a ballot
 - Not unless it is a special use

Mike Neel

- During the TEA party outside saw something that upset him
- Chief Stand it looked suspiciously like Mr. Ponak
- Appreciated Dave Matthews input out there
- Does not appreciate the socialistic practices taken here tonight
- This is just runaway spending and paying a lobbyist to get it for you

Marilyn Neel

- Don't do this
- We are very displeased with continued taxation
- Men we want our children to respect makes it hard to do when they want to tax and spend
- Not here very often because she wants to stay home taking care of her children and family
- Not articulate like her husband and Walt and Dave so this is hard for her
- This should not be on the tax rolls
- Don't believe this is to save us more money
- Not happy with the WIA grant either
- Raised 5 children teaching them to get up and be responsible in their actions and earn their own way and don't expect someone else to pay for them
- Encouraged the citizens of Ridgecrest to get up and do their job
- Mr. Lascar's mother had her children out there at the TAX TEA Party with chains going from one to another
- All the taxes you spend keep those chains on children from generation to generation

MAYOR AND COUNCIL COMMENTS

Carter

- ❖ Think we have to realize that ever though we have difference we are still proud citizens of the United States
- ❖ Helping youth does not take away from anyone
- ❖ Appreciate all the comments even if he disagrees
- ❖ We of the Council are doing the best we can for all the citizens

Wiknich

- ❖ Planning Commission brought up the fact that the new General Plan is going to impact many areas
- ❖ Brought up a sub-committee to look into these things
- ❖ Suggested all the committees should look at the project
- ❖ Thanked everyone for their comments
- ❖ We are trying to make decisions for the best of the community and keep the City fiscally sound
- ❖ Our aim is to give back to the City the best we can for the funds available

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Taylor

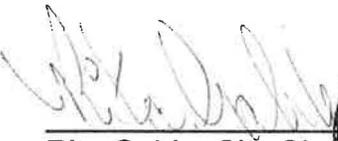
- ❖ Interesting debate again this evening
- ❖ We, the Council, are here to manage the affairs of the City the best way we can
- ❖ You have the right to protest so protest
- ❖ A cost effective solution was reached tonight
- ❖ We would like to have bid this but we have gotten into a time bind so we do what we have to do
- ❖ If you are really concerned where federal funds are being spent you should have protested taxes with your tax TEA PARTY at the main gate of the base
- ❖ That's where it is being spent not on the WIA program
- ❖ State of California is only receiving 80 cents on the tax dollar so it is not comparable to Texas
- ❖ Noted the Cerro Coso Community College fund raiser coming soon

Morgan

- ❖ Denim and Diamonds at Cerro Coso Community College is April 24 and celebrates the College's 25 anniversary
- ❖ He is looking for enough interested persons to fill a table at the gala
- ❖ Assemblywoman Jean Fuller hosting water meeting April 17 at Indian Wells Valley Water District
- ❖ Thanked her for speaking up for Ridgecrest at the CIWMB hearing
- ❖ David Burdick, Friends Of The Library, is looking for stimulus funds to expand facilities
 - City Manager has assigned this endeavor to Gary Parsons
- ❖ Always difficult to make hard decisions and harder still when you don't agree with the process
- ❖ Have tried to do the best we can in this issue
- ❖ Truly do agree with much that has been said
- ❖ Will do everything we can to keep it as cost effective as possible
- ❖ Have tried to keep tight rein on City finances
- ❖ Reflected on having a young person stand at the lectern few weeks ago and call him a liar and a traitor - he is neither of these
- ❖ Hope that person knows that was strictly out of line for meeting decorum

ADJOURNMENT

Mayor Morgan adjourned the meeting at 9:20 p.m.


Rita Gable, City Clerk

