



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

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

**June 17, 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 Members Marshall Holloway and Jerry Taylor

STAFF: Michael Avery, City Manager; Keith Lemieux, City Attorney; Rita Gable, City Clerk; Tyrell Staheli, Finance Department Director; Jim McRea, Public Services Department Director, Dennis Speer, Public Works Department Director; Jim Ponek, Parks, Recreation And Cultural Affairs Department Director; Ronald Strand, Chief of Police; and other personnel

APPROVAL OF AGENDA

Moved by Council Member Holloway, second Council Member Taylor TO APPROVE THE AGENDA. No public comment. Carried with a voice vote of 5 ayes.

CLOSED SESSION – 6:00 p.m.

- GC54957 Public Employee Performance Evaluation - City Manager
- Gc54957.6 Labor Negotiations - Police Employees Association of Ridgecrest (P.E.A.R.) and Confidential - Negotiator Michael Avery
- GC54957.6 Labor Negotiations - United Food and Commercial Workers Local 1036/8 (UFCW), Management, and Mid-management - Negotiator Michael Avery

REGULAR SESSION – 6:30 p.m.

PLEDGE OF ALLEGIANCE led by Council Member Wiknich

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INVOCATION – Silent Moment

CITY ATTORNEY REPORTS (reported by City Manager)

❖ **Closed Session**

- In closed session Council received information on negotiations with employees bargaining units - PEAR, UFCW 1036/8, Confidential, Management, and Mid-management.
- Evaluation of the City Manager's performance deemed above average; Council gave him permission to liquidate a portion of his sick leave

❖ **Other -none**

DEPARTMENT AND COMMITTEE REPORTS

Second Council Meeting (3rd Wednesday of the month)

Public Works Department Director's Report - none

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 Thursday June 18 at 5:30 p.m.

Finance Department Director's Report - none

Chief of Police Report

City Organization and Services Committee

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

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

Next meeting to be announced – Thursday June 18 at 5:00 p.m.

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 July 13

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Mayor Morgan will be going to KernCOG June 18

Carter – noted meeting re La Mirage

- Attorneys from Bakersfield, Tenants Together, Housing Authority of Kern County

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- Main reason for meeting was to give information to tenants
- Getting caught as a city as there are no laws to grab to help these folks
- Realtors were here and they too are concerned
- City Organization Committee will look at an ordinance done by City of Richmond but even if we do this now it cannot help for 60-90 days
- Asked for letter to California Attorney General Brown about what is happening

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

4th Wednesday of Month – Town Hall Meeting – no subject yet – Morgan and Holloway

DISCUSSION AND OTHER ACTION ITEMS

1. Resolution 09- 38, A Resolution Of The Ridgecrest City Council Approving By Reference And Authorizing Execution Of An Amendment To The Memorandum Of Understanding With The Police Employee Association Of Ridgecrest (P.E.A.R.) And Confidential Groups Avery

This Resolution amends the Memorandums of Understanding and Agreements between the City of Ridgecrest and the Police Employee Association of Ridgecrest (P.E.A.R.), and Confidential Groups.

These amendments are a result of negotiations for contracts and agreements ending June 30, 2009 and take into consideration the current economical situation of the City of Ridgecrest. All group memorandums of understanding and agreements will be re-negotiated in full, for FY11.

Moved by Vice Mayor Wiknich, second Mayor Pro Tem Carter TO ADOPT RESOLUTION 09- 38, A RESOLUTION OF THE RIDGECREST CITY COUNCIL APPROVING BY REFERENCE AND AUTHORIZING EXECUTION OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE POLICE EMPLOYEE ASSOCIATION OF RIDGECREST (P.E.A.R.) AND CONFIDENTIAL GROUPS. No public comment. Carries with a voice vote of 5 ayes.

2. Resolution 09-39 , A Resolution Of The Ridgecrest City Council Approving By Reference And Authorizing Execution Of An Amendment To The Memorandum Of Understanding With The United Food And Commercial Workers (UFCW Local 1036/8), Management and Mid-Management Groups Avery

Two Council Members will have to abstain from voting on this resolution as their spouses are City Employees

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This Resolution amends the Memorandums of Understanding and Agreements between the City of Ridgecrest and the United Food and Commercial Workers (UFCW Local 1036/8), Management and Mid-Management Groups.

These amendments are a result of negotiations for contracts and agreements ending June 30, 2009 and take into consideration the current economical situation of the City of Ridgecrest. All group memorandums of understanding and agreements will be re-negotiated in full, for FY11.

Moved by Council Member Holloway, second Vice Mayor Wiknich TO ADOPT RESOLUTION 09-39 , A RESOLUTION OF THE RIDGECREST CITY COUNCIL APPROVING BY REFERENCE AND AUTHORIZING EXECUTION OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH THE UNITED FOOD AND COMMERCIAL WORKERS (UFCW LOCAL 1036/8), MANAGEMENT AND MID-MANAGEMENT GROUPS. No public comment. Carried with a voice vote of 3 ayes, 2 abstentions; Mayor Morgan and Council Member Taylor abstained.

3. Status Report On The Compliance Order IWMA BR07-07 And The Local Assistance Plan (LAP) As Modified; And The California Integrated Waste Management Board (CIWMB), Mandated Programs Of Consultants; And The Public Protest Hearing Of July 01, 2009 For Property Related Fees To Be Added To The County Of Kern Residential Property Tax Roll McRea

Public Service Director McRea read the staff report which is a continuation of the interaction between the City and CIWMB staff.

- Public Protest Hearing is set for July 1, 2009, 6:30 p.m., Council Chambers
- Protest letters will be received up to the end of the Public Hearing
- Total will be \$26 per month – actually \$13 extra
- Wet signatures are necessary on the protest letters – no emails
- Have followed the letter of the law in this process
- Totally untrue that this Council has kowtowed to the CIWMB
- City representative went before the Board and explained and argued with them about this issue
- Thanked the business owners who have been supportive who have suffered for years with persons dumping residential trash in their dumpsters
- Will cost more to have Benz process the billing than putting on tax bill
- Please come to the Council and ask questions

Vice Mayor Wiknich had email from person writing letter to the editor

Public Comment

Dorothy Brown

- Not arguing the increase or mandatory recycling
- Protesting putting the fee on her property tax bill
- Believed it was to go to property owners not residents

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- Questions the accuracy of any results
- Still lots of misunderstanding about this issue within the community
- Have not been told anything about the contract between the City and Benz
- Once the City takes it over any complaints will end up in the trash can
- Expects a written answer to her questions
- She wants to know how many property owners there are
 - It is currently being worked on – approximately 8000

Mr. McRea noted that the brochures announcing the Public Hearing were sent to more than just property owners

Dave Matthews

- The State of California has robbed the citizens of the state for years and years so why would you believe that what you have is true
- \$26 on brochure is the total tax bill or just for recycling
 - Total
 - It will be for a green bin and a blue bin
- This is not what he has believed and what other in the community believe

Mike Neel

- Protest letters – 70% of those he has talked to have not gotten their notices
- It was supposed to be verified that they went to the right people
- Commented on the notice to the DI regarding the hearing
- If you don't get 50% or better protest letters but you get a hall full of persons protesting will it make a difference
- Most think it stinks
- Read section from the California Constitution regarding trash – cannot put recyclable on property tax
- Charging fee on property bill starting in July but the service won't start until January 2010

Mayor Morgan stated again that the City Attorney has assured that we doing this legally

Penelope Cruse

- Confused about this issue and asked - are you having an election
- Are you counting the letters of those who support the recycling
 - Council Member Taylor replied the only thing up for debate on July 1 is the method of collecting the fee
- If you have 100 letters that oppose and 50 who show up who like it do you assume that those who did not protest are in agreement
 - Council Member Taylor – correct
 - Mr. McRea the last Kern County equalized tax roll is what is being used for mailing purposes
- What will go into the blue bins
 - Just about everything except green plants
 - You will still be able to turn in you CRV items

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Dan Peterson

- Noted the \$26 would be put on tax bill and if billed by Benz would be \$32

Mayor Morgan asked that this be looked into so accurate figures can be put forth

CONSENT CALENDAR

Item 4 was removed for discussion

4. Resolution No. 09- , A Resolution Of The Ridgecrest City Council And the Ridgecrest Redevelopment Agency Adopting The Budget For Fiscal Year 2009-2010, Establishing Appropriations, Estimating Revenues, And Establishing The Policies By Which The Budget May Be And Shall Be Amended Avery/Staheli

The Fiscal Year 2008-2009 was budgeted with knowledge that the economy was in a state of contraction. Use of one-time-only revenue was used to end fiscal year 2009 with a reserve of \$2 million. Unfortunately the economic decline was worse than projected. Midway through the year we took steps to prevent fiscal problems as we saw revenues decline due to economic slowdown. Through the use of hiring and expenditure freezes we have estimated a general fund ending reserve of \$1 million

This document has been created upon assumptions that revenue streams will not be affected by State budget balancing. With the State budget facing a \$21 billion deficit, local government revenues may be placed at the mercy of the State of California. The Budget will be carefully monitored and if such changes take place the budget will be revised and brought before the **Council for discussion**.

5. Resolution No. 09-40, A Resolution Of The Ridgecrest City Council Authorizing The Application For And Acceptance Of The United States Department Of Justice, Byrne Program Grant Strand

In order to maintain our FCC license, and our ability to use police radios, the Police Department must upgrade its radio system to operate in narrowband by 2013. Our current radio infrastructure functions in wideband mode only and must be replaced. We plan to use this grant funding to purchase narrowband handheld radios, which will assist us in a phased upgrade of the radio system.

6. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of June 3, 2009 Gable

7. Council Expenditure Approval List (DWR) Dated June 5, 2009 In The Amount Of \$192,328.53 Staheli

8. Agency Expenditure Approval List (DWR) Dated June 5, 2009 In The Amount Of \$5,864.98 Staheli

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Council Member Taylor requested removal of item 4

Moved by Mayor Pro Tem Carter, second by Vice mayor Wiknich TO APPROVE THE CONSENT CALENDAR WITH ITEM 4 REMOVED. No public comment. Carried with a voice vote of 5 ayes.

4. Resolution No. 09- 41 A Resolution Of The Ridgecrest City Council And the Ridgecrest Redevelopment Agency Adopting The Budget For Fiscal Year 2009-2010, Establishing Appropriations, Estimating Revenues, And Establishing The Policies By Which The Budget May Be And Shall Be Amended

Council Member Taylor had questions about the fee structure
Senior Center rates raised
Penny Pool and guard raised
We discussed potentially closing these facilities
Soccer field fee went down

Parks, Recreation and Cultural Affairs Director Poniek stated some fees were changed but these are not totally final – still working on this

Council Member Taylor - If adopted now what is the option to change the fees
City Manager Avery stated it is a living document and can be adjusted or changed by reso

Dave Matthews

- Was wondering about the discussion of closing Senior Center – apparently that is not happening
- What percentage of reduction does this budget contain
 - It was great that the 20% requested of all departments was met but have not run the figures to verify it

Vice Mayor Wiknich feels we should change that figure on the pool right now to take advantage of the summer

Council Member Taylor regarding softball fields – should amend to be at least what FY 09 was

\$100 per hour pool - \$18 for guard - do not decrease any fee for any parks or ball fields – will not affect any contracts already paid

Mike Neel

- Asked if any part of the budget could be questioned
- Noted Mr. Winegardner's comments of not being able to verify revenues for RACVB
- Requested he get info about the figures from the RACVB

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Moved by Vice Mayor Wiknich, second Council Member Taylor TO ADOPT RESOLUTION NO. 09- 41 A RESOLUTION OF THE RIDGECREST CITY COUNCIL AND THE RIDGECREST REDEVELOPMENT AGENCY ADOPTING THE BUDGET FOR FISCAL YEAR 2009-2010, ESTABLISHING APPROPRIATIONS, ESTIMATING REVENUES, AND ESTABLISHING THE POLICIES BY WHICH THE BUDGET MAY BE AND SHALL BE AMENDED. Public comment heard. Carried with a voice vote of 5 ayes.

PUBLIC COMMENT 7:44 p.m.

Dave Matthews

- News Review article on Governor's change of heart may provide inkling of hope
- Anytime you can take the time to come in and amend the agenda to address these last minute issues
- Give you a chance to speak about some of these things
- From what he is hearing it is a tax that they don't have to pay back -it is robbery
- Wants the Council to do their part also
- Also noted article about DUI check point – a quote that they were going to be looking for those driving under the speed limit – why
- Said SGT Obergfell asks for this in some of his radio spots

Mayor Morgan stated he has signed several letters and sent to the California Legislature protesting the actions being taken by the state robbing the cities and counties.

City Manager Avery noted a study conducted years ago found that those driving 10 MPH under the speed limit had a Blood Alcohol Count of 1.0 %.

Mike Neel

- Congratulated Mayor Morgan for those letters
- Rest of Council should do it too
- Part of their job is to defend the citizens of Ridgecrest
- Stimulus funds – May report shows 22 individuals going to work on those funds
- What businesses are getting free workers and labor

Andy Blue, from Tenants Together

- It is a statewide organization working for renter rights and only one in California
- Have hot line for tenants in foreclosure all over the state
- Got lots of calls from Ridgecrest and found out it was the La Mirage issue
- This is part of a statewide mortgage scam that started in San Diego
- Read an open letter drafted to the City and the residents of La Mirage
- Urged city adoption of a renters protection ordinance

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Bob Norstram

- Did 20 years in the Navy is disabled as is his wife
- Paid rent but it was not going where it should
- In full support of the tenants ordinance
- Over 300 tenants with over 180 already displaced
- Cash for key deal offers up to \$1000
- Can get 60-90 days if bank is foreclosing
- We have to have something done
- There are a lot of people out here who don't have anything
- Did find out who the owner is
- Thinks this bill should be passed
- There have been two hotels built in the city but can't build more low cost housing
- Will give Council two weeks to do something then he will start something himself
- Will write to Governor and Congress if necessary

Cora Campbell

- Takes care of three people
- Have worked in foreclosures before and it is terrible
- Sister has fallen 14 time and aunt with dementia and a sister who hurt her back
- 300 people and you say there is a tax bill more important that this
- Asking Council to help us by getting this bill started
- Can't afford a house until she gets a job

Sara Woodridge

- Looking at demeanor of you on the panel - just sitting there being so passive
- Like you are looking down at us

Council Member Taylor apologized for comment he made earlier as being done the wrong way. Council has to have to have the protest hearing that was planned quite a while ago.

Mayor Pro Tem Carter

- Thanked all who came here last night and for those speaking on the problem with La Mirage
- We are already starting the process and will do it as fast as we can
- Lot of ideas and comments happened last night
- We are not ignoring this as it is important to us

Vice Mayor Wiknich

- Had questions for Andy Blue
- Is this happening all over the state of just here and San Diego

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- It is widespread but this is unusual that there is a high concentration here in Ridgecrest with 300 + foreclosures
- There is low vacancy rate here and nowhere for them to go
- At least a 1/3 of properties affected in California are occupied by renters probably close to 40%
- May 20 Congress pass the law regarding tenant protection – SF LA Oakland Glendale
- Who will they pay rent to – the banks
 - If they have a valid lease they may remain in the property and pay rent to the new owners
- Asked if he was active in the Richmond issue and what was the opposition
 - Yes– not very strong because the law was well done
- Will he be at meeting tomorrow
 - No but contact him any time

MAYOR AND COUNCIL COMMENTS

Taylor

- ❖ Wants item regarding committees or no committees on July 15 agenda
- ❖ Apologized about the statements he made earlier
- ❖ Apologized to city staff as he did not mean to blindside Mr. Ponak
- ❖ Will not be here for July 1 meeting as he had made arrangements for a vacation over 6 months ago and purchased airline tickets
- ❖ Ordinance is very tight
- ❖ Will definitely try to be more attentive

Holloway

- ❖ Can't be at Town Hall meeting
- ❖ Plans to be at meeting tomorrow evening but cannot open his mouth

Wiknich

- ❖ Will try to do the Town Hall to help
- ❖ Has not seen the renters ordinance yet
- ❖ Sympathized with what is happening at La Mirage
- ❖ Does take time to do an ordinance
- ❖ Was out of town and got here about 4:30 today

Carter

- ❖ Apologized to Mr. Ponak
- ❖ To Citizens of La Mirage he stated he intends to put letter into California Attorney General

Morgan

- ❖ We try to do things as fast as we can
- ❖ Please continue to bring things and issue forward
- ❖ Intend to work quickly on the ordinance and review by City Attorney
- ❖ Questions on trash please contract issue contact City Hall

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- ❖ Would love to have the info on those who have not received the public hearing notice and asked Mr. Neel if he could provide it to him
- ❖ Staff should be prepared for overflow on July 1
- ❖ Difficult times within the City for entire city staff
- ❖ Cannot express his feelings for what employees did for each other to help save jobs for others
- ❖ Says thank you to all for their dedication
- ❖ We will probably encounter more difficulties depending on what the state does or takes from cities
- ❖ Change may be coming in the state dependent on what the Legislature doe
- ❖ May have a state convention to look at things
- ❖ Could not possibly convey all the things that we have been working on

ADJOURNMENT

Mayor Morgan adjourned the meeting at 8:35 p.m.



Rita Gable, City Clerk