



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

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

**March 2, 2009
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 – 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; Eva Peterson, Executive Secretary; Tyrell Staheli, Budget Officer; 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

City Manager Avery requested moving item number 2 as the first discussion item.

Moved by Vice Mayor Wiknich, second by Council Member Jerry Taylor TO APPROVE THE AGENDA. Carried with a vote of 5 ayes.

CLOSED SESSION – 6:00 p.m.

GC54956.9 Conference with Legal Counsel - Potential Litigation - California Integrated Waste Management Board and the City of Ridgecrest - Negotiators Michael Avery, James McRea and Nancy Ewert

REGULAR SESSION – 6:30 p.m.

PLEDGE OF ALLEGIANCE led by Mayor Pro Tem Carter

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INVOCATION Mayor Morgan called for a moment of silence

CITY ATTORNEY REPORTS

- ❖ Report out of Closed Session - Discussion regarding the California Integrated Waste Management Board (CIWMB) - No Action Taken

DEPARTMENT AND COMMITTEE REPORTS

First Council Meeting (1st Wednesday of the month)

Public Services Department Director's Report (copy in the Agenda packet)

Jim McRea, Public Services Director, presented an overview of each department in the Public Services Department. He outlined some of following activities happening in his area:

- March 17, 2009 working on Water Efficiency Ordinance with the Indian Wells Valley Water District
- The department continues to work on the Super-WalMart project, Hampton Inn and other smaller hotels
- Completion of General Plan is underway
- Completion of a Solid Waste Ordinance is in progress
- Five other studies are underway and in process
- Bowman Channel project
- Affordable housing and impact report
- Reviewing the RDA senior project and home loan program
- Reviewing Kern County's request for Park funding
- Bond issuance and landscaping for business park
- Project at College Heights will start this year while other housing developments are on hold
- Base and hospital projects are moving along
- OEA Grant question - stated money will probably be awarded to the county vs. the city

Mike Neel questioned the home loan program. Jim McRea explained that the program is available to first time home buyers through the Redevelopment Agency and has been in place at the city since the year 2000. Jim McRea stated that this is the only program the city currently has available. Mike Neel commented that he feels it is an unfortunate practice of socialism.

Community Development Committee

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

Meetings: 1st Thursday of month at 5:30 p.m.; Council Conference Room

Next meeting March 17

RACVB

Council Members Chip Holloway, Jerry Taylor
Meetings: 1st Wednesday of the month, 8:00 a.m.,
Next meeting April 1 (no meeting in March)

**Parks, Recreation and Cultural Affairs Department Director's Report
(copy in the Agenda packet)**

Jim Ponek, Parks and Recreation Director, presented an overview of the Parks, Recreation and Cultural Affairs Department. At today's City Council meeting Jim focused on the "Parks" located throughout the city using PowerPoint as a visual aid. Jim Ponek described the type of work done at each park and what the current needs are at each location. He also pointed out Kerr-McGee, city medians, graffiti/vandalism and briefly described what the department is doing in those areas. His next presentation will spotlight "Recreation" and provide more details into the "Kerr McGee Community Center."

Councilman Jerry Taylor asked about the camera that was supposed to be installed at one of the parks. City Manager Avery stated it is under design. Mayor Morgan asked about prosecution of vandals and Jim Ponek replied that the Police Department has apprehended a few.

Parks, Recreation and Quality of Life Committee

Members: Ron Carter, Chip Holloway, Craig Porter, Jason Patin
Meetings: 4th Thursday of the month at 5:00 p.m.; Kerr-McGee Center
Next meeting March 26

Youth Advisory Council

Jim Ponek had no update. Mayor Pro Tem Carter commented for the Youth Advisory Committee stating the next meeting will take place on March 19th at 5:00pm

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Infrastructure next Tuesday at 5:00pm

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

Mayor Morgan did not recess the meeting.

DISCUSSION AND OTHER ACTION ITEMS

1. Status Report On The Compliance Order IWMA BR07-07 And The Local Assistance Plan (LAP) Required By The California Integrated Waste Management Board (CIWMB) And Consideration Of An Administrative Civil Penalty McRea

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The staff report is a continuation of the interaction between the City and CIWMB staff. The County of Kern has provided invaluable assistance upon the authorization by Mr. Douglas Landon, Interim Director, Waste Management Department. Ms. Nancy L. Ewert, P.E., Sr. Engineering Manager, Kern County Waste Management Dept. has presented the position of both the City and the County to the CIWMB staff and was invited this evening for a brief presentation. The City received notice after the visitation to Sacramento, to meet with the various sections leaders that the Public Hearing scheduled for February 24, 2009 had been pulled to consider additional information and efforts by the City. The City was notified by e-mail on the evening of February 24, 2009 that a hearing has been rescheduled for March 24, 2009 and the City is invited to provide Board staff documents for review that will be presented to the Board for their consideration to revise the L.A.P. and/or to modify the existing Compliance Orders timeline as well as continuation of an Administrative Civil Penalty Hearing.

Jim McRea invited Ms. Nancy L. Ewert, Sr. Engineering Manager with Waste Management Department, County of Kern, to speak to the City Council on this topic. Jim stated he went to Sacramento for a CIWMB hearing and the Board is asking for program implementation. If the programs the Board is asking for are not implemented by their deadline date, the city could incur a fine. CIWMB felt that currently Ridgecrest programs were a diversion vs. a recycling program. Jim McRea stated the city is in fact in compliance, however, we will implement the new programs and see if the Board will accept them. We need to adopt an ordinance, we need to adopt recycling programs and we need to adopt mandatory trash pick-up. He turned the floor over to Ms. Ewert.

Nancy Ewert stated she had a good conversation with the Board on Feb 17th. She mentioned that Ridgecrest has a 67% diversion rate per the Waste Board. However, those numbers are based on 1990 base year figures and the Board used county default numbers. When using specific numbers she came up with a 53% diversion rate. However, the Board at this time is discounting numbers and looking at programs. The Board is not looking at the fact that the county implemented a gate fee program or programs at the landfill or the programs the city has implemented over the years (all these things were mentioned to the Board.) They did talk to the Board and were able to postpone the penalty phase, and have them look at the numbers, and will talk to them again tomorrow, March 3, 2009. Nancy Ewert commented that the whole philosophy of the Waste Board has changed. They use to listen to concerns however, there are different dynamics in play now than in the past. Diversion rates were shown on a PowerPoint slide provided by Jim McRea. He stated that Ridgecrest is willing to implement programs, however, he and his staff just want to make sure they are the right programs.

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Mayor Morgan asked how much this has to do with SB1016. SB1016 does a pound per capita per day ratio. Jim McRea replied that it comes down to the Waste Board not wanting to deal with numbers, they prefer programs. Mayor Morgan asked about rural counties vs. cities and has there been discussion in this area. Nancy Ewert answered not at this time, however, she will look into it. The final PowerPoint slide presented by Jim McRea was an analysis of data that will be available on the city website. Councilmember Taylor asked how this affects us and Nancy Ewert replied that this could not have happened at a better time. Our numbers are getting better across the board and these numbers are based on weight.

Mike Neel commented regarding the 70 pages he received from the Board. He feels we meet the 70 percent requirement and that they (the state) are going to force us to have programs "period." He stated that means money out of everybody's pocket.

ORDINANCES AND RESOLUTIONS

2. Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgecrest Deleting Chapter XIII And Amending The Ridgecrest Municipal Code As It Relates To Chapter XIII, Sanitation, Sections 13-1 To 13-6.2; Community Wide Universal (Mandatory) Curbside Solid Waste And Recycling Residential Service McRea

The provisions of this chapter are adopted to preserve, protect and promote the health, safety and welfare of the public with respect to sanitation and provide a community wide universal (mandatory) curbside solid waste and recycling residential service.

A Resolution for the Rate Schedule and sanitation solid waste, yard waste and household hazardous waste management program of service will be reviewed and discussed as part of the Public Hearing to be set for March 18, 2009

Mayor Morgan read the ordinance title and Mr. McRea explained the process.

Public comment - 7:32 p.m.

Mike Neel commented that he would like to reiterate his message. He encouraged everyone to write a letter to the state. He added that mandatory collection, adopting a recycling fee, a transfer station, increase recycling fee – all of these costs will be passed on to everyone in town. Mike Neel provided the address of: 1001 I St in Sacramento and asked the audience to let the Board know that you want to see the data.

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Darryl Whitten w/Cornerstone Engineering asked if there is no market for these products, how does that “jive” with what the state wants us to do with carbon footprints. Jim McRea responded that CEQUA requirements would be required.

Dennis Rowell questioned if there will be any provisions for exemptions. He has lived in the city for 55 years and has never used residential trash service since he owns his own business and uses his business bins for his trash.

Public comment closed at 7:43 p.m.

Vice Mayor Wiknich asked about the Board levying a fine. Jim McRea commented the cost is about \$12,500 per month and up to \$10,000 per day. Jim McRea did not know if the Board would waive the fee, sue the City and for how much. Vice Mayor Wiknich asked how do we make sure people in the County are identified at the gate. Jim McRea replied that the employees at the gate ask people if they are from the City of Ridgecrest. Nancy Ewert stated that they do not ask what specific city someone is from; it is up to the individual to tell them. She stated that they do not request a driver's license or proof of address. Nancy Ewert added, however, self-haul is only a very small portion of what comes into the gate.

Mayor Pro Tem Carter asked when will we know what these fees are going to be and City Manager Avery replied that the stated fees will be more fine tuned in the next 2-3 weeks.

Councilmember Taylor mentioned the ordinance states that the franchisee will bill.

Mayor Pro Tem Carter declared that he feels he does not live in a dictatorship and this is still the United States of America. Additionally, he stated that for this he is surprised this has not already gone to court. He felt this was unconstitutional and power should not be given by the state to member of a Board never elected to office. They are getting away with this and that something needs to be done. (he received applause from almost the entire Council audience)

Councilmember Taylor stated he is torn since he is looking at two letters; one stating we are in compliance and the other not. He also does not understand why the counties are not targeted.

Councilmember Holloway commented that the power this group has is from legislation action. He commented that this is not an unfunded mandate.

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Vice Mayor Wiknich added that we have a responsibility to diminish the financial impact. The Mayor needs to negotiate a reasonable settlement and legal council needs to be involved.

Mayor Morgan cautioned that this will not be the end of it; that from this legislation the numbers will increase (as high as 70%). He stated there will be no difference (imp act) for those already getting their trash picked up. We are looking into the legal issues and trying to make it as less costly as possible.

Moved by Council Member Taylor, second Vice Mayor Wiknich TO WAIVE READING IN FULL AND TO INTRODUCE, BY TITLE ONLY, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST DELETING CHAPTER XIII AND AMENDING THE RIDGECREST MUNICIPAL CODE AS IT RELATES TO CHAPTER XIII, SANITATION, SECTIONS 13-1 TO 13-6.2; COMMUNITY WIDE UNIVERSAL (MANDATORY) CURBSIDE SOLID WASTE AND RECYCLING RESIDENTIAL SERVICE Public comment heard. Carried with a voice vote of 4 ayes, 1 no; Council Member Carter voted no.

Moved by Councilmember Holloway, second by Vice Mayor Wiknich TO INTRODUCE FOR FIRST READING, BY TITLE ONLY, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST DELETING CHAPTER XIII AND AMENDING THE RIDGECREST MUNICIPAL CODE AS IT RELATES TO CHAPTER XIII, SANITATION, SECTIONS 13-1 TO 13-6.2; COMMUNITY WIDE UNIVERSAL (MANDATORY) CURBSIDE SOLID WASTE AND RECYCLING RESIDENTIAL SERVICE Public comment heard. Carried with a voice vote of 4 ayes, 1 no; Council Member Carter voted no.

3. Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter III, Section 5-703, Of The Ridgecrest Municipal Code ("Code") As It Relates To The Exclusive Right Of Trash Collection McRea

This ordinance amends Chapter III, Section 5-703 of the Municipal Code by continuing the City's right to award exclusive franchise for the purpose of trash collection.

Public Comment 8:11 P.M.

Mike Neel requested the ordinance be read and Mayor Morgan obliged. Mike Neel opposed to exclusive franchising of trash collection

Mayor Morgan read the ordinance in full.

Moved by Vice Mayor Wiknich, second by Councilmember Taylor TO INTRODUCE FOR FIRST READING, IN FULL, AN ORDINANCE OF THE CITY

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COUNCIL OF THE CITY OF RIDGECREST AMENDING CHAPTER III, SECTION 5-703, OF THE RIDGECREST MUNICIPAL CODE ("CODE") AS IT RELATES TO THE EXCLUSIVE RIGHT OF TRASH COLLECTION. Public comment heard. Carried with a voice vote of 5 ayes.

4. **Acknowledgement Of An Appeal Of Tentative Tract Map No. 6691 Of A Denial By The Planning Commission By Resolution 09-04, And The Recommendation Of Denial Of GPA/ZC-08-04, An Application To Create A 228 Lot Subdivision Know As Wild Pointe Ranch With One Park, One Park/Sump And A Commercial Site On 161 Acres To Be Zoned E-1, E-1.5, E-2 And CG On Vacant Land Located At The NW Corner Of W. Ridgecrest Blvd And N. Mahan St. APN 455-100-06,08 And 09. Applicant: Pam Ridgecrest Venture** **McRea**

The Planning Commission at the conclusion of a duly noticed continued Public Hearing adopted Resolution 09-04, denying the application, the Tentative Tract Map, the General Plan Amendment, and zoning reclassification. The application was heard before the Planning Commission at three meetings; January 27, 2009, January 13, 2009, and November 18, 2008. A copy of the Planning Commission report is provided by separate cover. The denial was appealed by the attached letters, dated 5th February, 2009 and 9th February 2009.

Jim McRea stated that this is an action to consider the appeal – not the project. Mayor Morgan asked how you do that if you don't receive information on what could or could not occur if the project is modified. The Planning Commission has denied the appeal – read Item C. Mayor Morgan asked where is the Naval Station in the General Code and Jim McRea stated it is not.

Darrel Whitten with Cornerstone Engineering representing PAM was accompanied with Mr. Fallgatter came to the podium. He commented that the project was heard three times before the Planning Commission and stated that the Commission felt that 40,000 square foot lots would be required for the entire project. That would have resulted in 90 lots and they could not satisfy what the Planning Commission required. Darrel Whitten presented Version 2 of the project depicting 10,000 square foot lots.

Councilmember Taylor asked about Version 2 and what would be done with the open areas. Darrel Whitten stated that land would be open, undeveloped land. It could be fenced off to keep off recreational vehicles.

Vice Mayor Wiknich asked how many tract maps does Darrel Whitten's client have and Darrel Whitten answered twelve. Vice Mayor Wiknich then asked how many developments have they begun and Darrel commented, none, explaining that it has been difficult for them to find funding for building. Vice Mayor Wiknich replied that local developers are building.

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Mayor Morgan stated he feels the first request (Version 1) is better that way no further fees are incurred. If the applicant goes with Version 2 and it is denied, there is additional cost. Darrel Whitten explained his reasoning for presenting Version 2. Councilmember Taylor asked for an interpretation of Version 1. Jim McRea explained that the Planning Commission approves or denies applications and re-submission made more sense. The Planning Commission has to hold a public hearing; part is a sequence as well as a process. Councilmember Taylor stated he is torn due to the fact that he likes project and would like a compromise.

Mr. Fallgatter commented that the Planning Commission cannot approve a Tentative Tract Map that does not match the current zoning. He would like to suggest hearing on an appeal. He stated the City Council can then send it back if they wish to. Cornerstone Engineering can work on it. City Council can then send it back to the Planning Commission once they have a better understanding and have some sense of what might work.

Planning Commissioner Jason Paton stated he stands on his decision to deny the project. He did his research on this project. He added that they (the developers) purchased the land with that zoning in place and they did modify the project, however, the project is just in the wrong spot for the City of Ridgecrest

Planning commissioner Craig Porter stated that he voted for this project. He feels that the sumps, parks, drainage and the project was well laid out. There are a couple of problems that still need to be discussed (i.e. sewer capacity), however, this was going to be looked at. He thought this project would be a good addition to the City of Ridgecrest.

Mike Neel commented that per zoning map the project looks correct. He feels that developers should be able to buy land and develop it.

Councilmember Holloway stated he has been the most outspoken supporter of the Navy all these years. He believes it is unfair and costly to a business to have them think that going back and forth from the Planning Commission and the City Council to hear their case will result in resolution. He feels the business needs to know up front what they need to do to resolve their issue. He feels this company has put forth a good effort to appease the concerns of the Navy. However, to get his vote, he would like have to have a reduction of about 15-20 lots.

Councilmember Taylor motioned for Option 2 and no second.

Councilmember Carter motioned for Option 1 and no second.

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City Manager Avery and Attorney Lemieux stated that if there is no second it automatically gets appealed.

Vice Mayor Wiknich feels this issue needs to go back to the Planning Commission.

Councilmember Holloway motioned for Option 2 and Councilmember Taylor second the motion. Carried with 3 Ayes and 2 Nays

CONSENT CALENDAR

5. Resolution No. 09-05, A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of March 2009 And Scheduled Date Of Presentation Avery
6. Resolution No. 09-06, A Resolution Of The Ridgecrest City Council Approving And Amending The City Of Ridgecrest Classification Plan And Amending The Job Specifications Of City Engineer Into The City Of Ridgecrest Classification Plan Avery
7. Resolution No. 09-07, A Resolution Of The Ridgecrest City Council Approving And Amending The City Of Ridgecrest Classification Plan And Adopting The Job Specifications Of Transit Services Coordinator Into The City Of Ridgecrest Classification Plan Avery
8. Resolution No. 09-08, A Resolution Of The Ridgecrest City Council Authorizing The Payment Of The Auditing Services To Be Performed By Caporicci And Larson For The Fiscal Year 2009 Sloan
9. Council Expenditure Approval List (DWR) Dated February 13, 2009 In The Amount Of \$282,032.30 Sloan
10. Council Expenditure Approval List (DWR) Dated February 20, 2009 In The Amount Of \$7,210.56 Sloan
11. Agency Expenditure Approval List (DWR) Dated February 13, 2009 In The Amount Of \$7,245.08 Sloan

Moved by Council Member Holloway second by Vice Mayor Wiknich TO APPROVE THE CONSENT CALENDAR. No public comment. Carried with a voice vote of 5 ayes.

PUBLIC COMMENT opened at 9:05 p.m.

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Mike Neel commented that he asks himself why he keeps going to City Council meetings, however tonight he was happy to see the way the voting went. Tonight he felt that City Council members were voting their minds.

Closed at 9:06 p.m.

MAYOR AND COUNCIL COMMENTS

Mayor Morgan

- Regarding appeal some people are saying that City Council is not taking it seriously yet there was a zone change so they could not approve the subdivision.
- He did appreciate the struggle with this item tonight.
- It did let the public in on how difficult these things are.
- He will not be in town for the next 4-5 days and Toastmasters is on March 6.
- He will need someone to give the proclamation in his place.
- Appreciates the City Council meeting being moved to Monday.
- CIWMB on the 24th
- JLUS & PACT meeting coming up.

Mayor Pro Tem Carter

- Is still having citizens coming to him about the front of Mesquite High School not being safe.
- The sign in front of school says 35mph and a child was hit back in the fall.
- That is a busy section.
- He appreciates the discussion with his fellow colleagues even when they disagree.

Vice Mayor Wiknich

- Attended the Police Department awards ceremony and the Open House.
- An old friend who he has not seen in 40 years came to Ridgecrest and commented on how nice the people in Ridgecrest are.

Councilmember Holloway

- KernCOG Awards are this Thursday night and he will be attending.
- SB375 letter to suspend and after about an hour and one half of a debate he finally stated it wasn't a spending issue it was a timing issue.
- This is going to be a planning requirement.
- He compared it to a hurricane – you don't know where it's going to land and you have to make a change.
- We are in a economic hurricane
- We don't know where we are going to be in 3-5 years in this community.
- His plea is wait until we know what our economic outlook is going to look like before we move forward.

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Councilmember Taylor

- Appreciates the discussion tonight and looks forward to future discussion.
- Attended the Police Department Award ceremony and Police Department Open House.
- Need to address collisions and speed in this City.
- On radio spot (impromptu) on Saturday and clarified some rumors out in the community.

ADJOURNMENT

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

Eva Peterson

Eva Peterson, Executive Secretary

