



**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**

**November 18, 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

Meeting called to order at 6:00pm

ROLL CALL

Council Present Mayor Morgan, Council Members Wiknich, Holloway, Taylor

Staff Present Interim City Manager Harvey M. Rose; City Clerk Rachel J. Ford; Dir. Of Public Services Jim McRea; Dir. Of Public Works Dennis Speer; Chief of Police Ron Strand; Dir. Of Parks & Recreation Jim Ponek; and other staff

APPROVAL OF AGENDA

- Amend Item 5 to remove
- Add new item, participation in energy efficient programs.

Motion to approve the agenda (as amended) was made by Council Member Holloway, Second by Council Member Taylor, Motion carried by voice vote of 5 Ayes, 0 Noes, 0 Abstain, 0 Absent.

CLOSED SESSION – 6:00 p.m.

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

GC54657 Personnel Matter – City Manager Recruitment – Report to Council

REGULAR SESSION – 6:50 p.m.

PLEDGE OF ALLEGIANCE

- Pledge of Allegiance was led by Mayor Morgan

INVOCATION

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- Invocation was led by Ralph Mueller

CITY ATTORNEY REPORTS

- ❖ Closed Session
 - Report from Interim City Manager pertaining to on-going recruitment of City manager
 - Report on Potential Litigation
- ❖ Other
 - None

COMMITTEES, BOARDS AND COMMISSIONS

Second Council Meeting (3rd Wednesday of the month)

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 December 9, 2009

- Council Member Wiknich reviewed items discussed in meeting.
 - College Heights Blvd. and Bike Lanes
 - Public Concerns of utilities cutting roads

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 December 14, 2009

- Council Member Taylor reviewed meeting
 - No quorum
 - Abatement ordinance and transit deviated fixed route and budget discussion on next agenda

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 January 11, 2010

- Council Member Carter reviewed meeting
 - Neighborhood watch program
 - Students from Burroughs complaints of smoking around campus

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- January 11 next meeting

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Council Member Holloway – Orlando defense communities conference update relating to BRAC.
 - Major emphasis is encroachment issues for those who did not protect their communities.
 - Used Kern County joint study as example for future solutions.
 - Potential grant opportunities
 - Planning grant
 - Future reports
- Mayor Morgan – Bakersfield Kern COG meeting
 - Kern Council Association of Cities December 3 in Ridgecrest at base museum 6:30pm dinner, representatives coming from other cities in our region and encourage Council to attend with families. No program but museum will provide personal guided tours to attendees. Looking for approximately 40 people to attend.
- Al Huey interrupted meeting asking for AdHoc committee for solid waste
 - Mayor Morgan – cannot discuss at this time

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- Interim City Manager Rose – clean energy pilot program report.
 - Member cities low interest loans for solar panel projects with no matching funds.
 - Program requires commitment letter signed by City manager in November and is requesting permission to sign the letter
 - More information about project coming December 2
 - Opt-out capabilities

Motion to participate in the clean energy pilot program was made by Council Member Wiknich, second by Council Member Carter, motion carried by voice vote of 5 ayes, 0 noes, 0 abstain, 0 absent.

ORDINANCES AND RESOLUTIONS

1. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council Approving An Application To The California Energy Commission For A Low Interest Loan To Finance An Energy Efficiency System To Supply Power To City Facilities Located At 100 W. California Avenue** **Bradley**

The City of Ridgecrest is seeking lending through the California Energy Commission for construction purposes related to the solar park located in the confines of existing city park land known as Hellmers Park. Finalized loan

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documents and contract will be presented to council for approval at a subsequent meeting.

- Craig Bradley gave summary of Loan application process which includes requirements for environmental impact reports. Lending amount 3million is cap on either 1% or 3% loan, Resolution can be used regardless of which funding opportunity is available to City, 1% being used quickly. Mayor selected as authorized signer to ensure same individual would sign both resolution and application
- Mike Neel – wants to verify, is this a new approach or were we looking at this earlier.
 - Mr. Bradley – not new, have been looking at this and funds will not come directly from ARRA funds but 1% will be drawn from federal.
 - Mr. Neel – funding is CDC dollars and ARRA distributes the funds.
- Robert Eierman – what is projected first year energy savings.
 - Mr. Bradley – approximately amount spent on regular bills, last know was just under \$200,000. 11 year pay back and 1% is 13 years. No definite answer if CSI funding can be used. Minimum borrow 2.5 million to 2.7 million at 1%.
 - Mr. Eierman – how did savings go up from \$129,500 to \$200,000.
 - Mr. Bradley – project is different, energy diversion and savings is different.
- Council Member Taylor – clarify from comments, not planning on doing TRANE project now can put in a project that will be an energy reduction

Motion to approve resolution Approving An Application To The California Energy Commission For A Low Interest Loan To Finance An Energy Efficiency System To Supply Power To City Facilities Located At 100 W. California Avenue was made by Council Member Taylor, second by Council Member Wiknich, motion carried by voice vote of 5 ayes, 0 noes, 0 abstain, 0 absent.

2. **Ordinance No. 09-05, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter XII Article 9 And Repealing Chapter IV, Article 19 Of The City Of Ridgecrest Municipal Code Concerning Water Efficient Landscape Requirements** **Rose**

Water is a limited and costly resource which is subject to ever increasing demands and the City's economic prosperity depends on adequate supplies of water. City policy promotes water conservation and efficient use of water. The proposed ordinance Amends Chapter XII Article 9 and repeals Chapter IV, Article 19 of the Ridgecrest Municipal code to include water efficient landscape requirements for new developments and existing developed properties.

This ordinance was introduced for first reading, by title only, at the regular Council meeting of November 4, 2009. At the time of first reading public comment was heard from local citizens commending the Council for taking this action and amending

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language to Section 12-9. 17 Mandatory Measures, and Section 12-9. 21 Administrative Exceptions. Council approved a motion to waive reading in full on introduction and a second motion to introduce for first reading by title only An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter XII Article 9 And Repealing Chapter IV, Article 19 Of The City Of Ridgecrest Municipal Code Concerning Water Efficient Landscape Requirements as amended.

The ordinance is brought to the Council at this time for second reading and adoption.

- Jim McRea gave update in place of Mr. Rose. Reviewed ordinance process to date and ordinance is brought to council for second reading and adoption at this time.
- Mayor Morgan read the changed language under Mandatory measures and Administrative Exceptions.
- Tom Mulvihill noted a change in mandatory measures.
- Council Member Wiknich – continued opposition 12.9.17 1.(a & b)
- Ronald Porter – request city look at placing back on calendar next year for review.
- Robert Eierman – comparing this to other cities, most have put in section pertaining to washing driveways & sidewalks have automatic exemption for health and safety and a low volume device. Also an exception regarding irrigation run-off. Seems reasonable there be an exemption relative to the cleaning of driveways and sidewalks. In the desert we have a need of that more than cities, a low-volume water broom will do the job and still not waste water. Cannot find anything about it in the model ordinance, make friendly now to the public.
- Skip Gorman – quietly watching and listening for years and wants to say thanks, this looks good in conjunction with water district. Do drive by little rivers in the city which angers me, would like a number to call when I see this. There are occasions and perhaps this will offer sensitivity of that, brooms work. Becoming sensitive to dust from solar panels. Panels get dusty and the best way to clean them is with a hose, bothered by vagrant dirt bikes driving by. Understand current statute not allowing this, amazed how we are careful to observe propriety along the road while beside the road there are dirt bikes throwing up dirt.
- Lynn Loscar – water ordinance last time was primarily on new developments, this one is on everything.
- Richard Wagner – any overspray on sidewalk, streets or neighbors yard can lead to penalties
 - Mayor Morgan – if overspray running down the street, should not be penalized if a 'flow' is not created.
 - Mr. Wagner – possible to get a quantitative report on the bill that would show if individuals are under or over the volume required.
 - Mr. Mulvihill – water district has not published a chart or specific guideline on a per person basis. Indoor use in California can be as much as 80

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- gallons per person per day. Water resource says should be 40gallons per person per day if homes are using standard devices. Between 40 to 80 gallons per person per day, average of 60 gallons but no published number
- Mr. Wagner – can we get that information and go after those who exceed the use?
 - Mr. Mulvihill – question about rate structures or mandated 20% by 2020.
 - Mr. Wagner – both, currently under those and other over, shouldn't be affected by their use.
 - Mr. Mulvihill – current rates considering took specific look at indoor domestic use. Directors will be in January workshop will look at proposals, 3 have no increase for 1st tier at 60 gallons per person per day for 2.5 people. Next tier increase less than upper tiers at 3 persons. Welcome to come to December 8 at 9am workshop
 - Mayor Morgan – water district town hall December 8 at 9am for water rates.
 - Mr. Mulvihill – workshop, not public hearing. Discussions only. Prop 218 notices will be mailed to property owners prior to hearing.
- Ron Cram – what about people with pools. Even with cover can get evaporation. How am I penalized for refilling the pool?
 - Mr. Mulvihill – pool uses same amount of water as turf, square footage of pool should be considered same as turf. Tiered system now where bottom tier is lower than top tier. 7 steps in the tier.
 - Mr. Cramm – doesn't recall it on the bill.
 - Mr. Mulvihill – bill gives fixed charge and directors are looking at fixing that but software limitations prevent it. Going on to the website.
 - Mr. Cramm – is this ordinance going to make people water criminals? Is this going to be helpful or just another revenue stream.
 - Mayor Morgan – State is putting mandates on us and we are trying to get something in place before the state does it for us.
 - Robert Eierman – do I understand correctly this tiered system is based on 2.5 persons per household? Not based on actual household?
 - Mr. Mulvihill – this is proposal being looked at and not practical to count each household, making effort to create a lifeline so certain amount of water will be allocated.
 - Mayor Morgan – has to stop the water district questions, back to ordinance.
 - Mike Neel – water district enforcement? How can the district enforce a City ordinance?
 - Mr. Mulvihill – currently has broad special district with enforcement authority and has many ordinances at this time. Will pass a mirror ordinance they will enforce with procedures and penalties, appeal process, due process. Proposal to district board. City will enforce their own ordinance, we will pass our own.
 - Mr. Neel – would like to meet and see definition of special district with broad powers.
 - Mr. Neel – other sections of concern, 1(a) impossible to comply with and 1(c) impossible to police. Need to fix before passing.
 - Council Member Taylor – specifically says 'knowingly'

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- Mr. Mulvihill – don't see any kind of enforcement unless water is running off the premises. Does happen, not looking to go into home to do a search, however clearly flowing out of home onto street. This ordinance deals with knowingly and intentionally doing it. Busted pipes and such we would turn off the water to prevent.
- Mr. Neel - 12-9.17 §1(a), (c) should be deleted. 12-9.
- Mayor Morgan – reasonable man theory
- Mr. Neel – especially with section (c)

- Joe Conway – not sure what this is about, was there notification on this ordinance sent out with bill?
 - Mr. Mulvihill – this is City ordinance, water district entered into an MOU to 2 years ago to create this ordinance. Newsletters and various public meetings.
 - Mr. Conway – this is what got city into trouble last time, not a lot went out to the public. Doesn't get the newspaper or watch the TV. Send out information to the people in other ways. Not getting message to people in the community.
 - Mr. Taylor – internet
 - Mr. Conway – yes, has started looking at city website. Reach out to the public on topics that affect public in a strong way.

- Joshua Loscar – do we know if this is mandatory?
 - Mr. Mulvihill – AB1681 states that if City does not enact an ordinance that is as effective as the state model ordinance then the state model ordinance would become in effect.
 - Mr. Loscar – if we are already conserving water, do we truly know if we will be affected by this?
 - Council Member Taylor – rock and hard place is this a better ordinance for us than the state ordinance? Tried to simplify it thru committees the past 2 years.
 - Mr. Loscar – request not pass tonight, look at some more.

- Lynn Loscar – concerned again we have 20% at 2020 mandate coming. How and when is base line being established?
 - Mr. Mulvihill – until package of water policy bills was passed last week, now have a law passed 2 weeks ago and while details are not clear, 4 provisions how to qualify to meet the bill, will be looking at that to make sure we and other desert communities will be treated fairly compared to other communities who are not as conservative as we are. Will be analyzing this bill in detail to try and get this community a fair shake.
 - Mayor Morgan – league of California cities environment quality committee will be discussing this on January 21 in Sacramento. Has document in brief case and will be reviewing it. Will be asking water districts position/opinions before January 21 and thereafter to be included in league committee discussions.

- Randall Paulson – what is authority to mandate how I use a product I purchase?
 - City Attorney Lemieux – right to use water is limited by California constitution for reasonable and beneficial use. If wasting then not a reasonable and beneficial.

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- Mr. Paulson – Public service on tax roll? compare to free health care, we pay for it. Public might be more agreeable if it was City utility.
 - City Attorney Lemieux – don't understand reason.
 - Mr. Paulson – if have a lot of grass and grossly overwatered lawn, if turn off and grass dies will get hit with other fines?
 - Council Member Taylor – talking about other ordinance and input is noted.

- Mayor Morgan – what is pleasure of council, suggested a 1 year review period

- Council Member Taylor – clarification of 12-9-17 1(a) definition of runoff? Reads that waste water if over irrigating turf to point water begins to run off the turf.
 - City Attorney Lemieux – that is the way it is interpreted.
 - Council Member Taylor – make sure the interpretation means water so much that the water begins to run off the turf, onto the street and down the sidewalk.

- Jim Rachels – live on property with sloping lawns. Can't water without water running off, only way to comply is to tear out lawn.
 - Mayor Morgan – does it run down the street around the corner and onto the next street?
 - Mr. Rachel – language doesn't say it, vague. If sprinklers are on more than 2 minutes it runs down the street.

- Council Member Taylor – understand concerns and personally struggling, is this is cut too much state will still impose their ordinance. Directed public to Administrative Exceptions section which gives opportunities for exceptions or 'grandfathering' for existing lawns. Defer to Mulvihill for interpretation.
 - Tom Mulvihill – cannot say will grandfather in all existing landscapes, if causing runoff down the street will have to be reviewed. If creating a river down the street which we have all seen, first infraction is warning and then try to work out something to fix problem so there isn't water down the street. If that is intent then language needs to be changed.

- Council Member Carter – if homes were purchased with slopes and water will runoff regardless, how is water district going to handle this type of situation?
 - Tom Mulvihill – reviewed personal home issues with solution of 'catch' areas to prevent water runoff. Don't run turf up to sidewalk, will try to work with home owners to prevent water running down the street.

- Mark Ball – ordinance lists word 'excessive' which can be a judgment call, prefer to send back to attorney to tune up a little more. Other thing that came up earlier about enforcement, 'whatever means necessary' is open-ended and should be cleaned up. Same with 'reasonable' what is offensive in ordinance is when you are cited out of context, this ordinance has areas that would be questionable. Example of leash law that he was cited while out of town for a funeral. Clarify to a point that person issuing citation can make reasonable judgment.
 - Mr. Mulvihill – last gentleman's comments there were attempts last meeting and tried to fix.

- Mayor Morgan – 2 choices, will ask for motion

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Motion to waive reading in full no motion made. Pleasure of the council?

- Council Member Taylor – next council meeting is December 2. Does 1st reading still count? Attorney 1st still good. No problem with taking back to committee and holding a special council meeting. Public comments believe more work.
- Mayor Morgan – best attempt to get information out to public of when this meeting will be so public can attend and give comments.

Council Member Taylor – City council special meeting Tuesday 24th Council Conference Room 5pm.

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.

3. **Resolution No. 09-, A Resolution Of The City Council Of The City Of Ridgecrest Approving The Parcel Map No. 11806 And Authorizing The Signatures And Filing As Required** Alexander

Parcel Map No. 11806 is located at the southeast corner of China Lake Boulevard and Sydnor Avenue. The Tentative Parcel Map was approved by the Planning Commission on February 26, 2008. The Sub-divider, K. Partners Ridgecrest II LP, a Texas Limited Partnership, submitted a Final Parcel Map No. 11806 with two parcels that are in substantial compliance with the approved tentative parcel map.

4. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of November 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

Supporting Armed Forces Day and Inviting President Barack Obama, Commander-in-Chief of the United States Armed Forces, to attend Kern County Celebrations in the City of Ridgecrest

These Proclamations will be presented on Thursday, November 19 at 12:00 NOON at City Hall

Special date to be set when recipient is available

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5. Resolution No. 09- , A Resolution Of The Ridgecrest City Council To Approve A Professional Services Agreement With Mark Thomas & Company For Engineering Services **Speer**

A Resolution To Approve a Professional Services Agreement with, Mark Thomas & Company, Inc. for the preparation and provision of plans, specifications and engineering for the reconstruction, widening, and signalization of West Ridgecrest Boulevard from Mahan Street to China Lake Boulevard and Authorize the City Manager to execute this agreement.

6. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of November 4, 2009 **Ford**

7. Council Expenditure Approval List (DWR) Dated November 3, 2009 In The Amount Of \$27,278.01 **Staheli**

8. Council Expenditure Approval List (DWR) Dated November 6, 2009 In The Amount Of \$145,341.99 **Staheli**

9. Agency Expenditure Approval List (DWR) Dated November 6, 2009 In The Amount Of \$3,432.34 **Staheli**

- Item 5 pulled for further discussion

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

Item 5 discussion:

- Ronald Porter - What is purpose of study?
 - Dennis Speer – gave summary of study purpose.
 - Council Member Taylor – widening Mahan and Downs street.
 - Mr. Porter – cost?
 - Dennis Speer – \$763,982.00 for entire package
 - Council Member Taylor – Kern COG budgeted estimated over 11 million dollars.
 - Mayor Morgan – this is putting design engineering in place so we have the project shovel ready.

Motion To Approve Item 5, A Resolution Of The Ridgecrest City Council To Approve A Professional Services Agreement With Mark Thomas & Company For Engineering Services Was Made By Council Member Taylor, Second By Council Member Holloway, Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, 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.

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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 8:29

- Carol Vaughn – first thing is about the eviction ordinance? How long council voted, 1 year. Problem is asked for a copy of ordinance, and ordinance says 6 months. Confused about the difference in time frame. Trash discussion – created havoc and confusion – personally believe in recycling, however ordinance has caused major issues in office and have questions.
 1. Bills going to owners even though tenants have had long term service, some cases both getting the bill.
 2. Cans being left at vacant houses. What do we do about the empty houses?

Bills at duplexes have tripled. Some 4-plex's have no place for bins. Some are being billed as commercial even though ordinance states it is residential. Spoke with other agencies today that are having the same problem. Some commercial buildings have dumpsters, who is held responsible if the trash is not put in the correct dumpster, how do we determine who violated the regulations? Are the owners to be penalized because people dump trash in the wrong bin. Last knowledge Mr. Parsons was working with list of vacant homes. Was told by Benz that it was the City's responsibility.

- Stan Feldman – Own 2 unoccupied residences and have received bills. Only occupied were supposed to be billed, don't know why have received the bill but don't want credit report ruined because of it. Secondly thought had been awake last 6 months then got duplex bill, expected it to double and it tripled, going to pass on to tenants but those living in multi-plex units are not easily capable of paying for their bill to double or triple. Those who are least capable of having this bill increase are the ones who will be affected by it. Would be nice in future if some people could go back to the rate structure.
- Unidentified Speaker – received bill from vacant house. Other concern is that has had trash picked up and has been recycling independently for 38 years and now forced to pay double for something already doing. Don't need a large container picked up every week, only use approximately ¼ of container each week. Don't think service was handled as good as it could have been.
- Jim Rachels – socialized trash, made a few calls, spoke with Mr. Parsons and simple question. Has copy of ordinance 09-01 making collection mandatory, purpose of simplicity, green trash cans and blue trash cans. Ordinance 09-01 very clear, green trash is mandated. Nothing for blue bin

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collection. Rate structure based on amount agreed by council resolution 09-57 sets rates. No legal mandate to participate in collection of recycles as it stands right now. Mr. Parsons could not cite the ordinance. Called Benz who refused to come get the cans. When did Benz become agent of City and enforce ordinance of City. Insurance required by State but server (insurance company) cancels service if I request it. Benz has taken on the authority in the name of the City. When did city empower Benz to enforce the ordinance?

- Council Member Taylor – Ordinance 09-01 section 13-1 includes on-site.
 - Mr. Rachels – read section 13-2
 - Council Member Taylor – Section D read
 - Mr. Rachels – statement say have to separate, does not say has to pay. Asks council to communicate to Benz they are not an agent of the City and if refuse to have their service.
 - Mayor Morgan – will talk to the attorney.
-
- Debbie Ball – has had to deal with upset owners who receive trash bills and tenants are under contract to pay the trash. Spoke with Benz and initially Recycling was to be mandatory in Ridgecrest, worked with the owners to prepare for the ordinance to go into effect, last moment trash service was included and out of the owners control. Proper notice has not been given to the owners, relying on newspaper for accurate information is lacking, opposite information between council and newspaper and Benz. Requested Benz to bill trash and recycling separately because tenants are obligated to pay for the trash. Failure to relay accurate information to the public, important to get accurate information out to every owner. Should be an explanation with every bill. No one willing to take responsibility for what is said. Benz says can't downgrade service, City says they can work it out with Benz. When did Ridgecrest Sanitation get the authority to renegotiate tenant contracts. Want to be able to give good information to the owners and it isn't available.
 - Council Member Holloway – Question for attorney, people with existing leases landlords don't have the ability to raise the tenants rates. What mechanism can be put in place to help the owners.
 - Council Member Wiknich – no doubt need to do something about the problems, suggest Council be actively involved in solving problems and work with Benz to solve the problems. Recommendation Council appoint 2 council people to work daily to handle these problems. Property Owner should be able to determine what level of service they want.
 - Stan Feldman – lives in Inyokern but owns 2 properties in Ridgecrest. Is a victim, received bills and both I and tenant have paid same bills. Met Manny Farmer who volunteered to help him out to prevent double-billing. Didn't receive anything with the bill, doesn't receive the Ridgecrest paper

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because it doesn't tell the truth. What about when a rental becomes unoccupied? When a property becomes unoccupied should be able to suspend service. Wording of 13-3.4 implies exclusive right of collection. Have always recycled in Ridgecrest and this wording implies I'm breaking the law if I do my own recycling.

- Council Member Taylor – only relative to what is placed in the blue cans. Have personally called about double billing and will continue
- Ron Cram – based on Council Member Wiknichs' comments assuming received email. In 1989 when solid waste committee was formed, should have a recycling mandate in place, not mandatory trash. That was done by Benz. Anyone who already had a contract with Benz, feel sorry for them, they will now ruin your credit. Won't sign a contract with Benz, will work with the Council. Already paying landfill fees and self recycling. Went from \$75.00 per year to \$430 per year, a 600% in trash. Where is the recycling kickback going. would write checks to City, not Benz. First idea was to put on tax rolls. Don't agree with that, it's a tax no matter what you call it. Letting Benz dictate to us. Anti-trust laws need to be reviewed. No room for citizen negotiation. Why didn't this contract go out to bid? Where were you with careful consideration on this legislation. Refuse to pay until it's right.
 - Mayor Morgan – ire toward Benz is misplaced.
 - Mr. Cram – he has a trash empire.
 - Mayor Morgan – City needed to work with someone to help us put this in place and be in compliance with the state.
 - Mr. Cram – one can for recycling to be picked up monthly, do not agree with Benz taking trash in green can mandatory. Please represent the people.
- Robert Eierman – read excerpts and case studies from California Constitution pertaining to Initiatives and their purpose and power. City Attorney's refusal to provide the people to exert their right to pursue and initiative has violated citizen's constitutional rights. Demands council to uphold their oath and disavow the City attorney's stance and direct him to follow the law and provide a Ballot Title and Summary. Provided handout.
- Deborah Toliovero – trash issue – waited for bill before speaking out and it went out 140%. Landlord now wants to raise the rent. Loaded up both trash cans and took to Benz and they said I can't do that. Left cans at Benz and will not pay the bill. Don't know what the solution is but agrees with everything heard tonight. Imperative I not hide in fear of what you will do to me if I don't pay that bill, when citizens fear you it is bad. What do we tell our children? Agree with getting the message out to the people, more people would like to participate. You have hit everyone in the pocketbook, young people starting out and elderly can't afford it.

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- Michael Kinkennon – been reading newspapers, more bad than good. Benz and council members and CIWMB are full of it. CIWMB wasted no time imposing fine on Ridgecrest and won't give extension. Reviewed state CRV program. Read statement. Past mistakes reviewed. Cardboard bailers, boy scouts, businesses, volunteers, etc could have been utilized to meet recycling requirement. Benz charging too much. Smaller bins and lesser rate with less pickups. Unoccupied homes don't need service. Freedom of choice and how we recycle as long as we are doing our part. Everyone going to have to cut budgets to pay for services with no choice.
- Mike Neel – spoke against curfews in City for minors, abandoned property ordinance, recall, constitutional government, corporate government, slavery, constitutional retardation, tyranny. Coming week initiative or recall or both.
- Al Huey – same plea as earlier this evening for explanation of solid waste Adhoc committee that is now on website.
- Bob Anderson – everything seems to come down to one word, money. Comment City of Cerritos in LA county, 3 containers, black for trash, green for lawn trimmings, and blue for recycle. 2 month bill is 16.00 per month.
- Carol Vaughn – gave daughters bill total. Comment to council, real estate offices in town manage approximately 1000 properties and offer agents as resource to speak to. Cannot solve each individual trash problem separately, need efficient and clear system with details in a way that makes sense. Need to be able to tell owners and tenants what is going on. One thing that has happened especially with commercial, owner's bill went from 158.00 to 738.00 per month. That is the kind of thing that makes us wonder what is going on. Before solving everybody's problem, get together with board of realtors and whomever to get input about all the problems at once rather than one at a time. If we had more meetings to clarify these problems, perhaps this would not have happened. If you talk to enough people, someone will bring up new a different issues. These are the good things about committees, it brings up questions other may not think about. Use their problems to come up with something that makes sense. Most people run on a tight budget and when bills go up it becomes a financial hardship. Goes all thru the ranks from the commercial on Balsam to the tenant. Please talk to bottom line uses so we can figure out how to fix it.
- Mark Ball – trash bills total \$585.36 bi-monthly on rentals. Shocked on tri-plex units, provide good home, trash service and pest control service for sanitation to tenants. Trash for 47.50 bi-monthly to 183.12 bi-monthly. Not sure how rate was calculated. Is there a franchise fee to the City? 5% of gross or net. Guilty of being asleep at the wheel, rates originally

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heard were smaller so did not worry about it, trusted council. Sorting facility in Tehachapi, what about 7 million facility here to reduce cost. Does fee reflect collection of monies to build that facility.

- Mayor Morgan – currently yes, but hope study will convince board don't need large facility only transfer facility and cost would be lower.
 - Mr. Ball – CIWMB is arm of CalEPA. Be fearful of anything that says EPA. If facility has to be built, would city own the facility or will city give it to Benz, don't want it to go to Benz.
- Ray Taylor – outstanding emails to 3 council members. Morgan stated Benz is not the whipping post here, council to blame. Who is responsible for frequency of pickup?
 - Mayor Morgan - City.
 - Mr. Taylor – checked several neighbors' cans and most blue bins are almost empty. Why can't we go down and pick a plan that works for us. Take offense when someone says they will punish me if I don't comply, not against recycling. Why do I have to pay Benz to do something I am willing to do myself. Benz is the only one making money on this deal. Want to know why I can't pick a plan, monthly that fits my life. If gone for 6 months want to be able to suspend my service until I return. Not been given any choices. Did not sign a contract with Benz, I owe them nothing.
- Joe Conway – thanked Mayor for responding to email. We aren't the only ones affected by this, this is a hidden taxation that will grow. First barrels, then RFID tags and they weigh the barrels and you have to pay a tax on that weight. This is already being done in other countries and we need to watch out for it. States and cities are working with this sensor on the barrel and people get coupons for discounts at local businesses, but real intent to get you used to the weigh and then a tax will be applied.
- Walter Maurer – positive note, without daily independent this community would not have know that CIWMB denied telling city to do mandatory trash. No one is perfect. It is important to keep up with what is going on in this community by using the newspaper. Remind community this council in July when property tax hearing was held pertaining to trash fee, council listened to community and did the right thing. Give them credit for what they are doing right, not an easy job. Shifting gears, handout to council. Citizen earlier mentioned possibility of recall, not because of action or inaction on trash issue, but made because number of people seeking to do an initiative have been told they cannot do it by City Attorney. You have opportunity to contact City Attorney and disavow decision and direct him to provide Ballot Title and Summary or get and explanation from him. Read thru handout of Election Code pertaining to initiative process.

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- Richard Wagner – originally planned on citing constitutional stuff but after listening to what was said tonight changed mind. Has been using blue bins and was surprised with the changes in trash. Would rather have done it voluntarily and been able to set level of service. Reviewed processing fees. Total rough estimate \$180,000 annually for processing and Benz is not planning on hiring new employees with the increase in service. Feel they are gouging us.
- Marilyn Neel – echo husbands sentiments in all issues, noticed sign above the Diaz 'in God we trust'. Don't know your personal faiths but believe our founders understood God had a lot to do with government. The God of the bible, reading today about what God had to say about people who oppress widows and the helpless. After listening to these issues these past months there is a lot of oppression going on. History supports that societies who oppress the people, God wiped them out. It's happened repeatedly. You have said your hands are tied but God will hold you responsible for your decisions. I care about this place. Intent is not to offend anyone with personal religion. Quoted scripture from the book of Jeremiah of the bible.

Public Comment closed at 10:00pm

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.

- Morgan – Council has decided to do 2 things.
 1. Carter & Wiknich will be a committee to meet with Benz Sanitation to talk with them about how this situation got out of hand, billing, rates and any other issue directed by council.
 2. Holloway & Taylor will be in charge of a new Adhoc committee on solid waste. Public session to get public input. Hope to get more time from CIWMB to avoid fines in January. Goal is to put together a system or diversion program the community will agree to. Issues will be whatever system is in place, CIWMB must buy off on and meet the 50% diversion requirement with a progressive nature to meet the 70% required for future. Mr. Rose will put that committee together and notices will be put out. Idea is to put together a system we can all agree on.
 - Need clarification on previous question to attorney including the initiative.

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- Entire council and staff has tried to get us into compliance. This whole thing is a mess. Thought we had a partner in CIWMB which was false. Will move forward until we come to a solution.
- Council Member Carter – helps to have citizens give specific examples. A lot of these things we didn't hear a few weeks ago. Guarantee to represent you and put these forward to Benz. Don't respond to threats, do what you want to do but don't come here and threaten me. I am as upset as you are. Regardless of outcome here at city, hope everyone with concerns will work together to change things at state and federal level. Tired of federal and state telling us what we can and can't do. School board has same issues. We have elected officials, have to do what we can with current situation but picture is much larger as you have talked about. Changes need to be at state and federal level. Hope to get other cities involved.
- Council Member Wiknich – thank you for input. Thanks for those who stayed to hear Council respond because we aren't supposed to during public comment. There are times we would like to respond to your questions but have to wait for our comment section to do so, appreciate those who stayed here. Problem is so big that much has to be done. Can't say how angry I got with printed report from CIWMB. Because of that council has gotten more involved. Do have management and staff who does most of the work but plan on being more directly involved. All of us are to blame but will still work on this to make something that is palatable, bitter but palatable. Lot of problems Mr. Carter and I will try to take care of and Taylor and Holloway will work to make it better for the future. Positive note, glad Mr. Rose is back. Out shooting at the range for a 4 day competition.
- Council Member Holloway – leaving in the morning for meeting. Utah Senator stated everything that could be said has been said but not everyone has said it. Nothing said tonight was new, agree Benz is taking more heat on this than they should, many cases you have entry level employees trying to interpret the ordinance. Easy way out could say look on last page of ordinance and I voted no, but once decision was made all rallied to make the best on it. I voted no because I wanted to stand up to the state. Scenarios are wide and more will come up as we get this committee going. try to get into compliance and get a major component solution. This toughest issue ever dealt with as council member. No explanation that makes sense. State has 5 year multi-billion dollar deficit that they will try to take out of us. One good thing come out of this is the public participation. Asked people to stay engaged and continue to participate. Have same concerns as you and is available and willing to listen. When frustrated and want to walk away because I am one of the best people to solve this problem because I created it.

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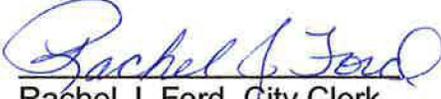
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- Council Member Taylor – emails sent to me rather than copy list and I will answer. Council will continue to work to make this better. Number current at 36% but need more. Using my blue bin, disappointed with some of the neighbors, we as community have caused this problem too. As a community we did not do enough, concern now is if we go to voluntary then people won't recycle out of spite. Amazed at the amount of anger in this town. Interesting community right now, believe in your opinions. Relative to the initiative, no problem directing City Attorney to move forward. Difficult time for all of us, when citizens show up council listens to you. Want your input to make these ordinances better and comply with state law.

ADJOURNMENT

Adjournment at 10:25 PM


Rachel J. Ford, City Clerk