



**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**

**October 21, 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.

- Meeting was called to order by Mayor Morgan at 6:00pm

ROLL CALL

PRESENT: Mayor Steven Morgan, Mayor Pro Tem Ronald Carter, Vice Mayor Thomas Wiknich, and Council Members Marshall and Holloway

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

APPROVAL OF AGENDA

- Potential Litigation – Diana Moon was pulled from the closed session agenda and rescheduled for the regular meeting on November 4, 2009.
- Added a Need Arose potential litigation item for unidentified party.
- Added Public comment for closed session agenda item Personnel matter – City Manager
- Pulled Item No. 2 – Water District presentation.

Motion to approve agenda as amended made by Council Member Carter, Second by Council Member Wiknich. Motion carried by voice vote of 4 Ayes; 0 Noes; 0 Abstain; 1 Absent (Council Member Taylor).

Public Comment for Closed Session Agenda:

- No Public Comments

Adjourned to closed session at 6:05pm

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CLOSED SESSION – 6:00 p.m.

GC 54956.9 Conference with Legal Counsel - Liability Claim of Diana Moon, Claim No. 09-06

- Item pulled and rescheduled for November 4, 2009 regular meeting of the Council

GC 54957 Public Employee Personnel Matter Retirement/Release/Recruitment - City Manager

REGULAR SESSION – 6:30 p.m.

Resumed Regular Session at 6:35pm

PLEDGE OF ALLEGIANCE

- Led by Mayor Morgan

INVOCATION

- Led by Rev. Ralph Muell

CITY ATTORNEY REPORTS

- ❖ Closed Session
 - Clarified amendments to closed session agenda
 - Unidentified potential litigation report only
 - Personnel matter – given direction to negotiate for Interim City Manager to be brought back to public agenda if successful
- ❖ Other
 - No other reports

COMMITTEES, BOARDS AND COMMISSIONS

Second Council Meeting (3rd Wednesday of the month)

Public Works Department Director's Report - copy attached

- Director of Public Works Dennis Speer gave Power Point presentation to Council.
 - Part 1 – update of various street projects
 - Part 2 – Sanitary Sewer System Overview – full report is available for public in Public Works department

Police Department Director's Report

- Chief of Police Ron Strand gave presentation to Council
 - Item 1 – overview of Curfew Ordinance

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Youth Advisory Committee

- David Murphy 1st Vice President and Josh Woods 2nd Vice President gave brief summary of projects the committee will be focusing on this year.
 - Recycling Campaign - Kaitlin Roberts & Jessica Wood – goal is to promote public involvement to help recycle public areas
 - Skate Park – David Murphy – addition to Skate Park, public knowledge October 29 at 6:00pm meeting at Skate Park to begin implementation of the project. Public welcome to attend.
 - Reduce smoking campaign.
 - Youth hang-out night sponsored by local youth pastors November 13.
 - Fund-raiser at tennis courts at Kerr McGee sports complex snack shack. Maria Wilcott is leading this project.

Finance Department Director's Report - copy attached

- Director of Finance Tyrell Staheli gave Power Point presentation to Council
 - July-August financials 2009 review
 - Association of Public Treasurers press release congratulating City of Ridgecrest
 - Bond Rating has been upgraded to BAA2

MIS Report

- Information Systems Manager Craig Bradley gave presentation to Council
 - Service Requests reviewed
 - 2009 Project Accomplishments
 - 2009 Current Projects with primary focus on new IWW TV Booster/Channel 6 Broadcast project

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 November 11, 2009

- Council Member Wiknich gave summary of Infrastructure committee meeting
 - Benz carts – Green trash carts delivered per ordinance and have begun distributing blue cans in front of each residence. Merging property addresses from several sources. Trying to get equipment out and Council recognizes mistakes will have to be corrected. Ask community to bear with them for another month then will work with public to correct mistakes in deliveries. Potential of smaller cans for residential. Ask public notify Benz of special circumstances and if don't get adequate answer then notify city hall. Public/Private partnership. Benz is first step. City setting up hotline for calls and should be set up by tomorrow. City recognizes this was not handled as well as it could have been, will be sending out informational flyers, advertising, possibly a mailer.

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- City Manager Avery – clarified did not use water records for information.
- Council Member Wiknich – will look at moving next meeting due to holiday

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 November 9, 2009

- Council Member Wiknich – ordinance pertaining to abandoned property is being reviewed.

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 November 9, 2009

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Mayor Morgan – Town Hall Meeting, October 28 at 6:00pm, everyone is encouraged to attend.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- None

STUDY SESSION

1. Landscape Ordinance (Water Conservation)

Avery

The Ridgecrest City Council is dedicated to help preserve the local water resource for future generations by adopting a water conservation ordinance compliant with State of California regulations which provides guidelines to the public for conservation in landscaping and water use

- City Manager Avery – gave overview of recommended draft water conservation ordinance. One minor change on sec 12-9.11 sub 1 & 2 to read the same then water district will support ordinance as written. Hope to bring back next meeting for first reading. Currently on website and paper copy available on request.

Council Comments

- Council Member Wiknich – numbering sequence?

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- City Manager Avery – if amended don't have to come back to renumber entire document.
- Tom Mulvihill – professional geologist who make up advisory committee agree using more water than natural replenished. Natural recharge valley using 30,000 ft. per year and recharge only approx. 10,000 ft. per year. Dr. Bass study quotes. "the bad new is we are using more water than being recharged. Good new is lot in aquifer. Using the best water now. Least expensive water is being used now. The cost to treat brackish water cost is 10X cost of treating good water being used now. Solution is to conservation. Most practical and least expensive solution. Not at crisis now but are at point time for us to begin to manage our water resources effectively and responsibly. Both boards recognize and in 2007 MOU signed to create water efficient landscape ordinance with focus on new development in City. Proposed ordinance presented earlier and concerns. Subcommittee work with boards to make changes and generate this draft. Intention is for Water district and city to enact same ordinance so requirements are the same. Both would have capabilities of enforcing same ordinance and water district committed to enforce if adopted. Summarize ordinance for council, 12-9-59 single family landscape – recommendations only. 12-9.11 multi-family landscape procedures – new and industrial/institutional have mandatory provisions for new developments restriction to 50% of area. Low volume irrigation and low water plants. 12-9.13 – swimming pools and bodies of water. Recommended plant list in 12-9.15 on file in planning division. 12-9.17 mandatory measure pertain to water waste and pertains to everyone including water run-off from irrigation, overspray is major culprit to sidewalks and asphalt. Prohibited to use water to rinse exterior paved areas and water leaks for plumbing. Restriction can't water between 8am-8pm May – October with exception of hand watering and drip irrigation. Penalties are set by the City in resolutions with administrative exceptions. Water district general manager may provide exceptions. Any commercial/residential that conforms will not have to be retrofitted in future and does not impair economic growth. example: Las Vegas, Reno, Phoenix. Can enhance property values. Not complete solution but one piece of puzzle. District is working on other alternatives like treating brackish water but conservation is the most important and least costly part of water conservation in the valley.
- Mayor Morgan – thanked Mulvihill for time and overview.
- Council Member Wiknich – what about area served outside Ridgecrest?
 - Tom Mulvihill – district is going to enact identical ordinance and Kern County has requested copies of this ordinance for similar ordinance.
- Council Member Holloway – what point is 12-9 recommendation only rather than requirement? When will this become a requirement? Had trouble with ordinance until found out the ordinance was written by state. Would like to be ahead of the recommendation. Also article (f) requirement is ridiculous. Penalties refer to City resolution, who has jurisdiction over penalties.

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- Tom Mulvihill – Governor has issued directive that citizens reduce water use by 20% by 2020. Proposed legislation has had requirement in it; expect reduction of 20% by 2020. Baseline discussed is 2005 or 2008. Easy for reduction where a lot of usage but more difficult in desert areas that have already been conserving.
- Second question – design capable of watering every second day, trying to encourage drought tolerant plants that don't have to be watered every day. Compare turf to drought tolerant landscape turf 73gallons per sq ft per year vs. 17 gallons per sq ft per year. Significant savings. Third question – jurisdiction – same ordinance with penalties that would be assessed. If district is issuing a citation, then district penalties imposed. If City issuing citation then cities penalties would be imposed. City currently burdened with nuisance so district would be primary jurisdiction. Want to be consistent with City's planning depart.
- Council Member Holloway – cash for grass program?
 - Tom Mulvihill – very interested in cash for grass program. Talk stage right now but working on proposals that would give citizens a boost for converting high water use landscape for drought tolerant landscaping.

Public Comment

- Bud Klamp – question for Mr. Mulvihill why new solar plant won't use closed system where won't be using water, even brackish will use our water.
 - Tom Mulvihill – is a closed system
- Joshua Loscar – not against water conservation landscape ordinance, is this going to be taking more liberties and will we ever get them back? Just new buildings or all would like it in writing. Will I now be told when and how I can water? Lose our rights in the name of conservation. Punish the many because of the few. Is it just? Cash-for-grass, how about the parks?
- Dorothy Brown – recently put grass in front of house which is drought tolerant. None in back yard. What bothers me is a 10% reduction after paying more for delivery of water than for the water. Truly worried about 20% reduction. Losing more of income which is down almost to desperation now. Appreciate what Council has to do, but now our living is coming from the top down and we should be telling them, not them telling us. Buck stops with me, because if I can't afford it you aren't going to get it anyway. Speak for retired, low-income widows/widowers.
- Ron Porter – who would emails go to? City Manager. Problem with hand watering isn't addressed for those who are elderly can't get out after 8pm to water.
 - Tom Mulvihill – suggest morning watering.
 - Mr. Porter will send to Mr. Avery what he is talking about. Also washing off driveways, sometimes have to wash off car leaks or other

- spills. Also swimming pool covers should include solar blankets on pools. Is this for all use including private wells?
- Tom Mulvihill – includes everyone within the boundaries of water district including private wells.
 - Mr. Porter – When the state or other organization gets into percentages it ends up hurting those who have already cooperated. Suggest look at average per person rather than overall community use.
 - Tom Mulvihill – not going to try to defend what has already been done by governor but after workshops it does not affect people who have been frugal. Will look at total consumption from community and then divide by number of hookups. Someone like Mrs. Brown is already less than that number and understanding that those with larger usage will be the one impacted. Biggest concern unfair for a same percentage cut compared to locations like Fresno, Bakersfield. Porter – if we do something right and bring our down, don't want to get cut again.
- Toby Cramm – ask to explain a heavy user and who would that be? Mulvihill – referring to Mrs. Brown who is not a heavy user. Anyone who is in excess of the target usage would be affected.
 - Mayor Morgan – numbers have not come out yet.
 - Mrs. Cramm – who will make the determination and is it residential or commercial and will it include community services?
 - Bud Klamp – We had grass imported and although we have a sprinkler system, still water once a week by hand.
 - Howard Auld – twice have heard about website <http://ci.ridgecrest.ca.us> council agendas.
 - Betty Sembach - Will we get straight guidelines to understand what you're talking about and explanation of penalties. Can we get those sent to us?
 - Tom Mulvihill – district will be advertising, sending out mailers, broadcasting information over entire district.
 - Mrs. Sembach – is this from the state?
 - Tom Mulvihill – anything we receive from state will be sent out to the community.
 - Joshua Loscar – Thank City Attorney about article 10 section 2 & 5. Why are private wells included? And thank council for taking action now rather than later. Does this usage include large families, which is a class, where is it regulated?
 - Mayor Morgan – not part of our ordinance.
 - Mike Neel – wondering back when lobbying for BRAC and influx of jobs which equate to new households, have there been calculations on how much more usage new households will impact the current water?

- Tom Mulvihill – has projected water usage for next 20 years and has been discussed in open meetings. Refer again to Dr. Randall Bassett comment.
 - Mr. Neel – figures?
 - Tom Mulvihill – will send copy to him.
 - Mr. Neel – over last 5 years has heard comments from well owners about water level decreasing. Makes one want to think forward and project water district wells being re-drilled.
- Mayor Morgan – will be brought back, look up on website, send questions to City manager and Mr. Mulvihill.

2. Presentation - Indian Wells Valley Water District - Tom Mulvihill

Mr. Mulvihill from the Indian Wells Valley Water District will be presenting a Cost of Service study with regards to proposed water rates.

- *This item was pulled prior to agenda approval.*

3. Solar report

Bradley

Craig Bradley will present an update of the proposed Solar Energy plan.

- Craig Bradley gave power point presentation of the Energy Modernization and Efficiency Project update.
 - Option 1 Diagrams from TRANE options for solar park at Helmer's Park.
 - Option 1 Photos with overlays of proposed location.
 - Option 2 Arial view with overlay of solar carports
 - Option 3 Arial view of freedom park w. solar carports
 - Suntech diagram
 - Various photos
 - Rough cost and kilowatts estimates for all three options
- Mayor Morgan – have you determined a security system or cost of security system that may or may not be required for either park options? Any idea including cameras, surveillance, what would an approximate cost be?
 - Craig Bradley – cost would be same for either solution and would be provided in-house so cost would be reduced.
- Mayor Morgan – way power is relayed to grid? Helmer's park concern would be more costly to get power to grid?
 - Craig Bradley – cost included in those shown in presentation. All plans include rebate. Some concern that helmer's park has street between which may prevent rebate. Doesn't allow residence to string lines across public property but we own both sides would have to apply and deal with exceptions that may apply.

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- Mayor Morgan – original goal and plan for Ridgecrest was to put another building in Freedom Park, has always been a plan. Wipe out grass and put another facility. Are we abandoning that plan for facilities for community?
 - Jim Ponek – answer to that is with current quality of life committee plans and resources have no active plans for freedom park but helmet's possible pool. Discussed for pool at freedom but not planned.
- Mayor Morgan – still have question needing answered with Helmet's park. Once again in general for the public, amount of years required to get payback on project.
 - Craig Bradley – option 2 immediate, option 1 is 1% financing from CDC has first 5 year return. No negative cash flow depending on financing. 6th year small dip.
 - Mayor Morgan – still a point where project has paid for itself in electricity and will occur before lifecycle of project. Bradley – yes.
- Council Member Carter – appreciate hard work, option 1 seem most cost effective.
 - Craig Bradley – yes.
- Council Member Wiknich – public comment could put anywhere we wanted to and get full credit.
 - Craig Bradley – governor's bill allows entities to build renewable energy up to 1 megawatt annually and then put on the grid and offset any aggregate bills we may have. Issue with that is, not determined transmission rates for energy created, issue is whether rebate can be applied to that build. Has to be one-time within geographical area. Has looked at building a full megawatt field in other parks but problem is do we give up 1.5 million rebates in doing so? Let's succeed at this project then look at future projects. Don't want to risk the rebates. Whichever option chosen will work on obtaining rebate forms, security deposits.
- Council Member Holloway – looking at option 1 as most viable when last time was the least preferred.
 - City Manager Avery – Craig always endorsed Helmet's park but showed other options.
 - Council Member Holloway – step 1 with numerous options for future, next option would be to get the pool addressed. Concerned about cash flow throughout the project that we are lowering our plans rather than building the right plant which will give a 30 year payoff rather than a 5 year savings even if we go into a negative cash flow for the first few years. Want to look at the long-term gains. Keep in mind when working on this. Technology changes and more room to play in Helmet's.

Public Comment

- Ron Cramm – what was design plan? Make money right away with income for City?

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- Nellavan Jeglum – excited about Helmet's park because freedom park activities like 1000 flags would be lost and negative impact to community. Pow wow last weekend with good participation which will grow through the use of freedom park. Town Hall planning commissioners will be present.
- Jason Patin – support for option 1 Helmet's park.
- Joshua Loscar – supports Option 1 Helmet's park. Keep the life going and include maintenance for long-term.
- Howard Auld – original design for civic center did include conference building and multi-use building. Agrees with option 1 Helmet's park
- Melanie Neel – what exactly are panels for? Just city hall buildings? Bradley – yes, entire single meter for all buildings on this property. Makes sense to move City building to other vacant buildings in town. Sell city hall and save rather than spend another 3 million to support this.
- Bud Klamp – reiterate option 1 helmet's park, largest kilowatt hour annually with lowest cost to build.

Council direction to staff is to pursue option 1 – Helmer's park option.

CONSENT CALENDAR

All items on the Consent Calendar are considered to be routine by City staff and will be approved in one motion if no member of the Council or the public wishes to comment or ask questions. If comment or discussion is desired by anyone, that item may be removed from the Consent Calendar and be considered separately, with public comment, before action is taken.

4. **A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of October And Scheduled Date Of Presentation**

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

- Supporting Armed Forces Day and Inviting the Secretary of the Navy The Honorable Donald C. Winter to attend Celebrations
- Supporting Armed Forces Day and Inviting the Secretary of Defense Robert Gates to attend Celebrations

TO BE PRESENTED AT CITY HALL ON THURSDAY, October 22, 2009 AT 12:00 NOON

5. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council To Award A Contract To The Lowest Responsible Bidder In The Amount Of \$73,850.25 To Innovative Concrete For Installation Of New Sidewalk And Curb Ramps At Various Locations In The City** **Speer**

On Thursday September 17, 2009 bids were received and opened for the subject TDA Article 3 Sidewalk Improvements at Various Locations. A total of five bids were received and are as follows:

<u>Bidder</u>	<u>Bid</u>
Hondo Engineering	\$73,187.50
Innovative Concrete	\$73,850.25
Pacific Engineering	\$63,338.10
Maverick Asphalt	\$88,539.00
Cali Concrete	\$86,405.00

The total grant funds received from TDA Article 3 were for \$123,602.00

The City has found the two lowest bids to be considered non-responsive as the result of failing to provide required documentation within the bid package. Therefore, City staff recommends that the City awards the contract for construction to the third lowest bidder, Innovative Concrete

6. **Resolution No. 09-, A Resolution Of The Ridgecrest City Council Approving The Sewer System Management Plan As Required By The State Water Resources Control Board Order No. 2006-003-Statewide General Waste Discharge Requirements For Sanitary Sewer Systems** **Speer**

On May 2, 2006, the California State Water Resources Control Board adopted statewide Waste Discharge Requirements (WDRs) 2006-0003 for Sanitary Sewer Systems. The ultimate goal of the WDRs is to reduce the frequency and volume of sanitary sewer overflows (SSOs) by requiring agencies to properly operate, maintain, and manage their wastewater collection system.

A consultant, Papros, Inc., was retained and prepared a SSMP for the City. The SSMP was completed in compliance with the WDR. Following the completion of the SSMP, it must be approved by the City Council. The completed document is then required to be available for review by the State Water Resources Control Board.

Staff recommendation is for Council to approve the proposed Sewer System Management Plan and authorizes the Director of Public Works to make future changes as needed.

7. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council Proposition 1A** **Staheli**

Emergency suspension of Proposition 1A was passed by the Legislature and signed by the Governor as ABX4 14 and ABX4 15 as part of the 2009-10 budget

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package is on July 28, 2009. Under the provision, the State will borrow 8% of the amount of property tax revenue apportioned to cities, counties and special districts. The state will be required to repay those obligations plus interest by June 30, 2013.

Authorized under ABX4 14 and ABX4 15, the Proposition 1A Securitization Program was instituted by California Communities to enable Local Agencies to sell their respective Proposition 1A Receivables to California Communities. If the City sells its Proposition 1A Receivable under the Proposition 1A Securitization Program, California Communities will pledge the City's Proposition 1A Receivable to secure the repayment of a corresponding amount of the Prop 1A Bonds. The City's sale of its Proposition 1A Receivable will be irrevocable. Bondholders will have no recourse to the City if the State does not make the Proposition 1A Repayment.

Upon delivery of the Proposition 1A Bonds, California Communities will make available to the City its fixed purchase price, which will equal 100% of the local agency's Proposition 1A Receivable of approximately \$215,000.

- 8. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of October 7, 2009 Ford
- 9. Council Expenditure Approval List (DWR) Dated October 9, 2009 In The Amount Of \$153,388.74 Staheli
- 10. Agency Expenditure Approval List (DWR) Dated October 9, 2009 In The Amount Of \$7,432.28 Staheli

- Ron Carter will present proclamations on October 22, 2009 at 12:00pm
- Item 7 pulled

Motion to approve the Consent Calendar as amended was made by Council Member Holloway, Second by Council Member Carter. Motion carried by voice vote of 4 Ayes; 0 Noes; 0 Abstain; 1 Absent (Council Member Taylor).

Item 7 discussions – Tyrell Staheli gave overview of states SB67 which allows bond issuance and sell our receivable, we get the money and the risk transfers to the bond issuing company should the state not repay the money. California communities, we need to get the money now due to cash flow problem.

- Randy Winehaus – what is the premium the city pays?
 - Tyrell Staheli – nothing. We get 100% of the funds.
 - Council Member Holloway – this is one advantage to participating in League of California Cities.

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Motion to approve Resolution authorizing the City to sell receivables was made by Council Member Wiknich, second by Council Member Carter. Motion carried by voice vote of 4 ayes 0 noes 0 abstain 1 absent (Council Member Taylor)

PUBLIC COMMENT

Persons wishing to address the Council on matters that are within the Council's jurisdiction and do not already appear on the agenda, may do so at this time. Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on this Agenda. Speakers are limited to five (5) minutes. The PUBLIC COMMENT section of the Agenda is limited to a total of sixty (60) minutes. Speakers are asked to provide their name and address for the record.

- Opened 9:16 pm
- Al Huey – batting cage business which recently closed, 2007 council voted to loan funds with 4 year payback? What is the status of the loan?
 - Mayor Morgan – secured against the sale of property.
- Betty Rivera - Sembach – many questions pertaining to recycling program, picked up some papers tonight and will ask questions and deliver to city hall later. Why did council not get 2 or more bids for recycling program? Don't let a monopoly come in and give whatever price they want to, already being cut nationally and statewide from pensions and not sure how many of us are going to survive. Going to be personally difficult and for those who are ill going to be difficult. Go into building small house or shed you get more than one bid so is there a reason why the council didn't get more than Benz.
 - Mayor Morgan – the council did speak to other haulers who were not interested unless they could have the entire waste stream. No reason to go out for bid so they weren't going to bid unless they got the entire contract. Will have staff give you a more in-depth answer.
 - Mrs. Sembach – also understand the governor wanted to eradicate this program.
 - Mayor Morgan – eradicated the board but the program lives on.
 - Mrs. Sembach – will finish jotting down concerns and send in letters.
- Cecil Brumley – gave letter to council that was sent to Kevin McCarthy was wondering why they figured this income figure for low-income figure. It's unrealistic because the cost of living doesn't leave a lot of money. What are you to do with leftover garbage?
 - Mayor Morgan – recyclables will go in blue can and more information to be given out. Food waste will go in the regular can as always.
 - Mr. Brumley – does his own recycling.

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- Ronald Cramm – outraged because of poorly executed and communicated program. No instructions, time or friendly person dropping can in driveway. Beseech council to relax mandate to weekly pickup and retrain Benz from gouging customers. Yes recycle but don't license thievery.
- James Maur – recycling, possibility of amendment to ordinance to allow variance to individuals who recycle and have been recycling for years. 130 per month for twice week pickup to 186 to weekly pickup. Recycle several products already and are doing newspaper and junk mail. Has reports of what has been done in past. Also variance for those who are getting it twice both commercial and residential. Also reduction in charge for landfill? Seems like double charge even though landfill is not city but county. All residential is taken to business and recycled there, container is well under half full weekly isn't practical.
- Joshua Loscar – chuckles when say everyone recycles this law was put in 6 month before birth but suddenly have to do it now. What happened to past recycling plant plans. Mandatory paying Benz to take care of things already recycled. Told we didn't have enough trash to build recycle. Build our own plant and keep it local.
- Mike Neel – (1) land acquisition to expand ball park, no safety fence on perimeter, one car damaged and requesting council look at putting up safety fence in ballpark to prevent balls from landing on parking lot or in street. (2) nighttime curfew applies to every person under 18 putting them in criminal class after 10pm. Hope doesn't have to go to court but can almost guarantee council will see again. Parents should not rely on police to round children up. (3) recycling comments made at last council and in swap sheet to put name on the group. Statement was out of line and accusations were not based on fact. Read press release that was presented at 4:30pm in front of City Hall. Distributed information to council.
- Richard Widner – issue with recycling and ask amendment to include pro-rated service, double container size so only needs ½ the pick-up. Ask the charges be cut in half as well. Does not agree that council has right to mandate who I do business with. Is part of the fee to pay for fines imposed or does it all stay with Benz.
 - City Manager Avery – 5% franchise fee used to maintain streets and pay salary of recycling coordinator thru city.
- Brian Garcia – issue with trash service, would like to see letter sent to those who received cans. Doesn't even know what day it was delivered. Would also like to find out if there is a way to reduce number of pickups as won't do 200 gallons of refuse per week.

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- Toby Cramm – why are we mandated to pay money to recycle when we can do the recycling ourselves? If don't have to use it why should we have to pay. Council talk to Benz, if the person doesn't use the can why pays the full price, why not a reduced price.
 - Mayor Morgan – nothing in the can?
 - Mrs. Cramm– if I'm taking my recyclable to Pearson, why should I have to pay full price? Also believes there is price gouging going on. Also, cans are being left on sidewalk which interferes with handicap. Bins will stay there until Benz determines nobody live in those homes. Confused about charge when taking stuff to landfill. Asked if the rubbish is County or City, property taxes to pay for the landfill, why are we being charged by county if we have to use city service? Sign up forms? Has anyone seen the form? Is council saying they have not seen the contract customers are being required to sign? Not approved by the city? Believe this is invasion of privacy, they want social security, account numbers, telephone numbers, and they want access credit history every 6 months to monitor credit. One good point, told couldn't have a 3 cubic foot bin removed and Benz said could be done. Mr. McRea worked with Cramm McCall to get theirs removed and smaller buckets. Many other businesses have 2 bins. Cramm McCall used to have 25 employees but now only has 2 so there isn't as much. Needs to be fair and equitable, but isn't. Having to pay for a large bin. Will not sign the contract except to give permission to pick up cans. Social security number is used in limited amounts. Appreciate Mr. McRea for his help. Hopes this closes out by November 2. Can other come get it fixed like she did and if so needs to be put out to the public?
- Gabriel Flores – works with youth in town. Things currently teaching them will be with them the rest of their life. Discussed with them tonight about what is happening in this town. My son recycles, now you are taking it from him. Example discussion with son. Hard to explain to youth that you have a voice but sometimes no one listens. We are speaking and no one is listening.
- Ron Cramm – Benz is making money on recycles, shouldn't the taxpayer get a rebate?
- Council Member Wiknich – would like to invite everyone to stay after council and discuss questions
- Lee Wood – same issue, recycling. Every other Friday takes recycling to Pearson. Less than third full and new dumpster is 2 ½ times more cost for something left empty. Business in town but lives in Inyokern, business could be moved.

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- Bud Klamp – against mandatory trash and recycling, something already do now being forced to pay for it. Thank Mr. Avery for pointing out some things wasn't aware of. Triplex with 3 cans and only trash for 1. If lady at Benz would have said get a hold of us later we can work it out rather than nothing we can do, ask council to help straighten out.
- Walt Maur – wants name address, signature, on petition. Let the people decide on issue. Trash cans and motor vehicles have in common. Read dissertation about ticket on vehicle issued at 2am because back 2 feet were extending over side walk line. Violates motor vehicle code. Trash bins deposited on sidewalks. Friend called pd and was told no because not a motor vehicle. Came to tonight's meeting. White vehicle with 3 feet extending into white zone. Should a ticket have been issued? Don't know, but would say no. pd didn't give ticket, were just and reasonable. Very polite. Gave advice to have friend come talk to pd tomorrow about ticket. Reasonableness, many people who recycle and many who don't know where city hall is. This has been issue for month, where has everyone been. Hopes this incident will cause more people to pay attention. Speaking to Sacramento oversight, tyrannical action. Time for citizens to put on ballot, if initiative qualifies and passes the people will have a vote. Encourage people to put it on the ballot.

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.

- Council Member Wiknich – anyone wanting to stay and talk about trash, will stay here after council meeting, town hall next Wednesday at 6pm; Holloway and I attended disaster training, very important which pointed out that Council has responsibilities in the event of a disaster. Back east you would have 224 sworn officers for this population on the east coast where we only have 35. Training was good, recommend we make sure when each of us are away from town in the event of a disaster.
- Council Member Holloway – will be at League of California Cities meeting October 30 in Sacramento for pension reform. November 4 at DOD Council for BRAC so won't be at regular Council meeting. Trash issue is frustrating because I can't disagree, we all feel that way. My trash went up in commercial and residential, hasn't heard anything outlandish. Comments of council not caring, we do care. Looking for new technology that gives us hope for the future. Such as biomass facility which can

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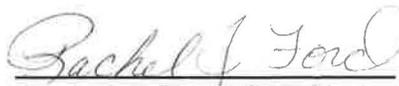
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produce diesel fuel from the trash. Trying to turn lemons into lemonade. We are all available to talk about this. Will help as much as we can, each day hear new scenarios that need to be considered. Let's get into compliance then see what we can do.

- Mayor Morgan – Desert Empire Fair Thursday thru Sunday. Dollar day on Thursday for entry and rides, demolition derby on Sunday. Trash issue, thank folks who stood up and wish names were with advertisement. I'm accused of not being open, so do expect organizations to be open also. I agree with you and have from the beginning, but state is looking for us to recycle more. State has been working on this for over a decade and most of the state complies, those that don't are putting in programs so board gives them time. Some of the same people who come up and discuss this helped us put a recycling plan on the shelf a long time ago. Fully admit we were not prepared and we are suffering for it now. Will be interested to see the initiative process go thru its form. City attorney will make sure it is legal. Ask those who sign the petition do they understand the baseline city is under and do they have a solution? Hope when this is said and done that we get under their diversion rate and come into compliance and go on as a community. Fighting to do the best I can, with the information I have to the best of my ability.
- Council Member Carter – thank everyone for coming out tonight, feel the same. Concern is I don't want to bankrupt this city. That is what basis my decision. Think this is wrong and is just as mad as you are but will not bankrupt this city. When representatives come to the community need to fill the room, Jean Fuller was here and very few people showed. Thank you for being here. Good week for me, 4 kids served duty in Iraq, all home, safe and be here in December. All military are heroes and proud of young people from our community who entered the service knowing we were at war.

ADJOURNMENT

Mayor Morgan adjourned the meeting at 10:15 p.m.


Rachel J. Ford, City Clerk