

MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

April 21, 2010

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

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

**April 21, 2010
6:30 p.m.**

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

CALL TO ORDER – 6:30 p.m.

ROLL CALL

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

ABSENT: Council Member Marshall 'Chip' Holloway

STAFF: Harvey M. Rose, Interim City Manager; Rachel J. Ford, City Clerk; and other personnel

APPROVAL OF AGENDA

- Request to Move 6 to 3

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 Nays, 0 Abstain, And 1 Absent (Holloway)

Adjourned to Closed Session at 6:05 pm

CLOSED SESSION – 6:00 p.m.

GC54957

Personnel Matter - City Manger Recruitment - Update Report

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GC54956.9 (B) Conference With Legal Counsel - Potential Litigation - Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest

Regular Session Reconvened Out Of Closed Session – 6:50 P.M.

PLEDGE OF ALLEGIANCE led by Council Member Jerry Taylor

INVOCATION led by community member

CITY ATTORNEY REPORTS

- ❖ Closed Session
 - Council did not discuss first item
 - Did discuss item 2 and received report, no reportable action taken.
- ❖ 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 May 12, 2010

- Council Member Wiknich – meeting may 12 and encourage public attendance

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 May 10, 2010

- Council Member Taylor – next meeting may 10

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

Members: Co-Chairs Ron Carter, Chip Holloway, Ron Strand

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Meetings: 2nd Monday of odd numbered months at 6:00 p.m., Kerr-McGee Center
Next meeting May 10, 2010

- Council Member Carter – next meeting may 10

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Council Member Wiknich – exclusion zones for air quality AB35. Certain exceptions may be added, asked for Solar facilities to be included as exceptions.
 - Mayor Morgan – describe city selection committee action
 - Council Member Wiknich – 2 cities on board, 2 year rotation, plus alternate position. Recommended that be changed so 2 cities on board not attending they provide their own alternates.
- Mayor Morgan – Environmental quality committee, met in conjunction with tax and revenue to discuss league policies. Appears that from recommendations a document going before board of league, suggested language would be to suspend 2 bills due to economic conditions. Will watch to see what happens.
 - Council Member Wiknich – AB375 no AB35
- Council Member Taylor – water agency interagency meeting tomorrow. Also attended fair board regarding motocross track.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- None

ORDINANCES AND RESOLUTIONS

1. **Introduction and First Reading Of Ordinance 10-, An Ordinance Of The Ridgecrest City Council Amending Chapter IV, Article 7, Section 102, Of The Ridgecrest Municipal Code As It Pertains To Alcoholic Beverages In City Parks** Ponek

This ordinance was introduced for first reading, by title only at the regular meeting of the City Council on February 17, 2010 and then again on March 3, 2010. After more revisions it is now being brought back to City Council for first reading and introduction.

- Jim Ponek – gave staff report. Highlighted language changes made in concurrence with City Attorney.
- Council Member Carter – been working with at committee level, council had input and now bringing back so Maturango Junction can plan.

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- Council Member Taylor – what this really means is for special events only, does not open up for individuals.
- Unknown Speaker – what is the point of having alcohol at Maturango Junction?
 - Jim Ponek – recommendation has been a different location and always had beer at the event to help pay for the event. The event has now switched to Freedom Park.
 - Unknown Speaker- drivers should not be able to drink, get a cab.

Recommended Motions – 2 motions

Motion To Waive Reading In Full And Adopt By Title Only, Ordinance No. 10-02 Amending Chapter LV, Article 7, Section 102, Of The Ridgecrest Municipal Code As It Pertains To Alcoholic Beverages In City Parks. Made By Council Member Carter, Second By Council Member Taylor, 4 Ayes, 0 Nays, 0 Abstain, 1 Absent (Council Member Holloway)

Requires A Second

Motion To Adopt, By Title Only, Ordinance No. 10-02 Of The City Of Ridgecrest Amending Chapter LV, Article 7, Section 102, Of The Ridgecrest Municipal Code As It Pertains To Alcoholic Beverages In City Parks. Made By Council Member Carter, Second By Council Member Taylor, 4 Ayes, 0 Nay, 0 Abstain, 1 Absent (Council Member Holloway)

Requires A Second

2. Introduction and First Reading Of Ordinance 10-, Amending Chapter XIII Of The Ridgecrest Municipal Code As It Pertains To Residential Curbside Trash Pickup **Rose**

This ordinance was discussed at the regular meeting of the City Council on April 7, 2010 and direction to staff was given for more revisions. It is now being brought back to City Council for first reading and introduction.

- Harvey Rose – gave staff report of ordinance and answered question from Jim Rachels regarding adopting the rate structure for trash collection. July 15, 2009 rate structure considered at meeting, September 10, 2009 rate structure adopted by resolution in attachment to franchise agreement.
- Council Member Wiknich – address one question from Mr. Rachels email. Read question in full pertaining to low-income fees. This is question asked most often for seniors who cannot afford rate. Want on record that in committee, didn't want someone saying had to choose between trash bill and prescriptions or food or rent. Low income rate for seniors or disabled will be recommended for future. Who will pay for it? Recommendation is someone does have to pay for it just as we do for

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telephone or electric bills. Want it clear there are people against the idea of 'specific class' of people, but am in favor of helping low income people.

- Mayor Morgan – read question from Mr. Rachels email. Don't want to stand in way of sound businessman from making decisions, right-size cans available. Also reviewed handout from state Environmental Quality Committee.
- Mayor Morgan – asked Mr. Lemieux to review changes made to this ordinance
 - Keith Lemieux – reviewed changes made to this version of ordinance.
- Council Member Taylor – wording but wait for public comment.

Public Comment Opened at 7:18pm

- Betty Bassinger – 1st page 5th bullet – what about at the landfill rather than in the landfill.
 - Mayor Morgan – refers to our best effort to prevent people from throwing recyclables in the large hole.
 - Ms Bassinger – understand – in or at is important. Other question inability can't have a new business in town that recycles. Taxi isn't exclusive. Problems. Rate in approved amendment on September 9th is 2 cans once per week, being charged the wrong rate. 2 bills today, 2 different account numbers, both delinquent. Act of god comment should be act of nature, freedom of religion. Exhibit A charging wrong. Reason Benz got contract is because they were always the hauler. Contract is void.
 - Mayor Morgan – please contact finance department about account numbers.
- Dave Matthews – remind people that in restaurants have senior menus or discounts, many businesses have senior discount, Benz used to offer senior discount. Submit seniors are not a class, will happen to everyone, if not a senior now will be someday. Submit we need to quit bickering about seniors. They aren't only low income, able-bodied people with low income or no income in this economy. Must now include myself as one of the upset individuals, paid trash bill 2 cycles in December, as stated here on same day submitted letters to editors about necessary to pay bill rather than city. Check cleared in February with 2 month lag, have not received another bill until today and received it from the City. Why I do not know, did call and left message. Will pay bill if receive but don't remember receiving it, possible was placed in a pile but at least if that happens with others you receive a second notice, chance of 2 bills being buried unlikely. Been looking for bill, trouble in the accounting. Not certain what new ordinance will do for self-haul or options for residents.
- Mike Neel – in past discarded bills from Benz, now received a bill from City. Never signed up for service from private entity. (tore up bill and placed on clerk's desk). Don't contract for service, not obligated to pay for it. Revision

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requested at last meeting. Violations reference to misdemeanor. Still mandates commercial have mandatory trash pick-up. Creating separate class of citizen with commercial. claims 200 businesses in town are tearing up their bills and not paying. apparently will have to get the trash initiative thru.

- Mayor Morgan - 13.6.3 paragraph A
 - Mr. Neel – not ok with that.
 - Council Member Wiknich – you are correct, will follow up on it.
 - Council Member Taylor – has to do with properly disposing with trash, has nothing to do with paying the bill.
- Stan Retoraj – discussed issue of putting multi-plex units as a single unit. Briefly discussed and heard nothing negative, did not see as proposed change.
 - Council Member Taylor – 13.2.6(c) outlines the units.
 - Mr. Retoraj – not what was discussed, originally was to be considered a single residential unit, not commercial unit. Duplex owned went from \$42 every 2 months to \$120 every 2 months. Factor of 3. People who typically live in multi-plex units usually cannot afford more.
 - Mayor Morgan – 13-2.6 (c) does not work?
 - Council Member Taylor – could have 1 cart, you have a choice. Does allow you to treat as a commercial service and receive a cart or commercial bin.
 - Mr. Retoraj – now that you have changed commercial to level of service, without seeing scenario and seeing dollar figure may be correct.
 - Council Member Taylor – used to be each unit as individual service, now you can combine them and request the level of service you want as a commercial account.
 - Mr. Retoraj – if the value for service doesn't come down then doesn't work.
 - Council Member Taylor – not talking about rate structure, only overall provisions.
 - Mr. Retoraj – will check rate structure to see if it works.
- Unknown Speaker – I do not have Benz service, now receive letter from City. Do I have to pay for service don't use. I am low-income, not on welfare or assistance. I pay everything. Persons listed not at residence. One lives in Bakersfield. This bill is my address, but other people listed on bill.
 - Council Member Taylor – identified Tyrell to correct billing information.
 - Speaker – do not have Benz, can do by myself. When I can't, I will get Benz to help.
- Jim Rachels – corrections to statements made by Council. Taylor statement pertaining to violations, 'any of provisions of chapter' not just waste. Mr. Rose addressing question setting rates. The resolution is 09-57. Is clearly resolution for recycle collection for blue cans, not green cans? Still haven't answered. Analogy about someone punching in nose, asks to stop and they

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punch in stomach. Don't see self-haul as an option. Either pay Benz or do it yourself. Elderly lady next door who generates 1 small bag every 2 weeks. Shouldn't have to pay for 96 gallon green and blue can. Option is clear. Pack up trash and take to dump. Isn't a reasonable compromise. To comply with ordinance, would not be allowed to have someone else take it for her like teenager, Golden Empire. Government should not be involved with. Have no problem with city saying you can't put recycles in landfill, however when you tell individuals how to do it and who to do it with is overstepping bounds. Stifle free market and bypass system. Mandate of no recycles in landfill is enough; don't dictate how people accomplish that. Washington dc having same issues, not listening to constituents and forcing constituents to purchase service from private businesses.

- Mayor Morgan – if you have a little old lady who should be allowed to have teenager but not allow her to pay that person as service provider.
- Mr. Rachels – should not mandate how she keeps the recycles out of the landfill. Only options I see is either pay Benz or take it yourself.
- Mayor Morgan – whether you like it, we have an exclusive contract with Benz. If individual opts out and chooses to self-haul, that is still self-haul.
- Mr. Rachels – not what ordinance says, don't want to get into exclusive franchisee, if Benz is exclusive then he is the only one we can contract with. Contractual relationship should be between the individual and Benz. Level of service.
- Keith Lemieux – legal component to discussion, Mr. Rachels is correct, exclusive franchise for Benz and does give only 2 choices.
- Mayor Morgan – also want level of service change.
- Mr. Rachels – city should only mandate that recycles should not go to landfill and nothing beyond that.
- Robert Eierman – thanked Mr. Rachels for saying everything I wanted to say. Why do you need to have the control? Just say that material that is recyclable does not go into the landfill. Don't have rules people will just break anyway. If you trust them, they will do the right thing. Example, today you take a truckload of cardboard, county just lets you dump it at the landfill. Government blames citizens, just get out of it. If my neighbor can't drive a vehicle, I would be willing to take it for them. Not being paid. Why doesn't Benz look at level of service, a lot of people would let them pick up and not self-haul? Instead, you are forcing Benz to lose money. Just drop the desire for power and control. Not about diversion or county would not let you dump. Just make the rule of not going to landfill, then get out of it.
- Mr. Robertson – confused, last time was going to sell house and leave, now can't because of housing market down. Wasn't going to write about you, but can't help but write a satire. I got my bill, most confused as to who am I addressing, city council as governmental agency or the Ridgecrest sanitation department? I never contracted with the Ridgecrest sanitation department so will not pay the bill. Not about trash or money but about liberty. When

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someone comes into my home and says I have to pay a bill that I did not contract for, it's socialistic. Gave example of starting paint or landscaping service and have council order everyone to pay for service. This is just beginning, Obama Care now coming, is that on top of your trash service. This is not American government. Really hope you bring sanity back and get out of trash business. We did not hire you to do trash collection. Benz used to be like mafia, now they have you guys to do it.

- Council Member Taylor – reminder here to discuss ordinance
- Unknown Speaker – several home and getting billed for homes that were sold several months ago. Have talked with Benz and city representative. Bringing to attention to you in public so you can't say didn't know when it goes to court. Benz knew. Billing a vacant house, coming out of city's pocketbook. Way Benz is billing is off taxes, construction materials being hauled separately. Love this town, great people, haven't had problems with you. This is a debacle and I hope you can get out. Feel for you on this. Now you need to step up and take care of the problems.
 - Mayor Morgan – second item for vacant and non-ownership will be taken care of.
 - Speaker – this is ridiculous in the billing.
- Brian Waterman – same issue, bill sent back 4 times, not addressed properly, clearly stated changes needed but not changed. 17 questions regarding this ordinance that would like answered (provided printed list of questions to Council). Reviewed each question identifying typographical errors in numbering and definition use, in particular yard waste.
- Betty Bassinger – anything mandated needs to be non-profit. Wondered about property taxes that pay for landfill? Isn't that double billing? Asking again.
 - Mayor Morgan – have no authority over how county bills to run the dump. We are in quandary about getting out of diversion.
 - Ms Bassinger – am I being charged for landfill?
 - Council Member Taylor – yes, being charged for the ability to put trash in dump.
 - Ms Bassinger – has history, know people who dumpster dive for a living. Read section of ordinance pertaining to dumpster diving. This provides job security for prison guards, homeless people passing thru trying to get out of here. This is a bad thing. Don't need any more aggressive action against our tax dollars. Benz does not have a right to those, calling it theft.
 - Mayor Morgan – know you won't like this answer, but even in voluntary system, voluntarily agree to have Benz collect your trash. Once item is in can it becomes that company's property. Just as I have to protect the property of my neighbor. Gave example of taking lawnmower from neighbor's garage and using it just because it is accessible to me. If recycles are left on porch and they allow people to come collect it, which is ok, but once they go into the cans they now belong to Benz.

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- Council Member Taylor – issue trying to deal with is to prevent people from pulling items out of other people's trash and leaving trash out on the street.
- Ms Bassinger – what about Wal-Mart?
- Mayor Morgan – currently illegal and has been illegal.
- Ms Bassinger – not giving people a chance to get out of here. Change the law. Not right. Grandfather in Benz as exclusive contract then grandfather those who dumpster dive.
- Stan Retoraj – paragraph on back of sheet that talks about who is obligated, property owner or occupant. No practical way to figure out who the occupant is, but would like to suggest there are 3 rental agencies in town that rent 500 residential properties, they could give list of properties they manage and the occupants of those properties. Very little effort on both parts, owners irritated that they are being charged and not occupants. Suggest simple list of address and occupant given to city for billing. Would like active discussion from council before deciding what to do.
- Ivan Beyer – 13-2.2 (B) (i) page 6. Franchise fee set and approved by city.
 - Mayor Morgan – rate increase or decrease goes thru council. Can we the users come to city and request rate changes
 - Council Member Taylor – is a public hearing
 - Ms Beyer – 13-2.2(b) (i) does that allow us to subscribe trash?
 - Mayor Morgan – that sentence has been stricken
 - Ms Beyer – 13-2.2 (B)(c) my concern here is based on conversation with Mr. McRea that the residents only impact about 7% of land waste recyclable diversion business, that means commercial makes major contribution to diversion rate which is 90%+. If we go with that and I as an individual are recycling 100% that means our diversion impact will only meet maximum of 7% of diversion rate. If as citizens we only affect 7%, how can we be held so responsible? 13-2.2(c) addresses residents rather than commercial. What does city have in provision to address commercial rates?
 - Keith Lemieux – use was meant to include everybody, will make clearer.
 - Mayor Morgan – are going to become much stronger in commercial collection. Have not been as heavy-handed as could have been, need to crack down on commercial.
 - Ms Beyer – anything in this section that makes commercial, liens against their property for not paying bill or just residents.
 - Keith Lemieux – commercial properties are required to have service, ordinary collection efforts against unpaid bills.
 - Ms Beyer – subject to liens for non-payment of bills
 - Council Member Taylor – if you decide to continue with service then must pay bill, if you opt out then no bill. Gave numbers for trash rates per person. Trying to get defined numbers rather than generalities. Average across town including commercial.

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- Ms Beyer – makes it difficult for some people (single vs. family) big difference and can understand general approach for numbers, regardless if residents recycle 100% only affect 7% of the diversion, we have a problem. Went to dump to self-haul, saw carpet rolls and new materials being dumped. Was not dumped by individual, had to be commercial. Need monitoring. New carpeting could have gone to Salvation Army for someone to use. Aren't allowed to take out of trash, can't take out of dump either. No one monitoring what is new or usable.
- Council Member Taylor – correct, county isn't under the same restrictions from state.
- Ms Beyer – explain on page 7
- Mayor Morgan – owner has property manager, property manager says tenant must pay. If tenant does not pay and property manager does not collect, ultimate responsibility is owner.
- Ms Beyer – yard waste, know we have compost heap at dump. Is that hauled away and used elsewhere
- Council Member Taylor – right now is wood, chipped up and made into mulch. Wood recycling pile can be used in yards. State after dump to have better yard waste compost. County says don't need to.
- Ms Beyer – point is big pile of wood chips and I have to buy mulch at home depot, isn't there arrangement city could make to use that, buy it, store it for city fertilizer use? Also, don't have separate yard waste bin, but know Bakersfield and upland, people use whatever they have, personally owned, set out and city picks up and put into compost pile. Checked out Upland and Bakersfield.
- Council Member Taylor – as much anger as we have with 2 can system, originally wanted 1 can system, correct that most cities have 3 cans. Cost must be included. State is trying to get something out there, but county dump and not cooperating. Yard waste is most weight. Diversion rate is tons
- Ms Beyer – 13-2.4 (b) how is commercial addressed? Does this apply to all multi-family? How is commercial addressed?
- Keith Lemieux – in 13-2.5.
- Unknown Speaker – question about letter from city. House is rented, tenant pays trash, and does owner have to pay trash too? Person living in house pay for trash pickup, does owner have to pay again?
 - Mayor Morgan – no, that is double billing.
- Walt Maurer – also received letter from City today, I don't believe I owe city because I did not contract for trash or recycling service, only contracted with Benz for service previously. Having had service from Benz, was satisfied, interesting that letter/bill said if I don't pay in full will be turned to collection. Most recent bill significant change in wording, to avoid disruption of service. Won't fight them on it. Word-Smithing takes time. Good to see people reviewing and taking time to work on this. About six weeks ago, in my

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opinion, due to report from City attorney, believe the report was clear in that if voluntary trash is permitted, could be potential cost of \$60.5 million or \$70 million. Potential breach of contract with Benz sanitation. Now I have to ask question, if was going to cost that much then, why is this effort tonight not going to result in same situation. Been following Benz in paper. Word-Smithing is good, but question is what has changed.

- Keith Lemieux – can't claim ownership in cost projection, provided by staff. Not going to comment about likely liability on city's part. Distinction between proposed initiatives is it repealed exclusive contract which could be direct breach of contract.
- Mr. Maurer – certainly steps in right direction, voluntary trash and recycling, commends efforts. Wish that fast-tracking to get to solution got us into past year of turmoil. Would caution council, attorney, and citizens not to repeat same mistake by rushing, let's get it right.
- Mike Neel – related issue, mess about getting recycles out of landfill, Mr. Howard last council meeting discussed problems he's had.
- Ivan Beyer – in ordinance statement says need to prove doing recycling, still do not have ability to claim we have recycled, companies doing recycles are not able to provide us paper that says we are recycling. Only CRV's. no one has that type of paper, if ordinance requires we provide proof to you then we need something.
- Ron Brummet – comment about Golden Empire.
- Unknown Speaker – someone mentioned pounds per person, been dumping own trash for 30 years and familiar with what is going into dump. How do you know you are getting true reading? Who gets credit for volume of that (refrigerator or larger items) actual weight per resident, don't know if getting a true reading. Also if you own land outside landfill, can't you put large dumpsters there?
 - Council Member Taylor – yes, are currently negotiating with county to set up diversion center.
 - Speaker – will Benz sell us the 2 containers?
- Unknown Speaker – diesel truck, marked down as pickup at dump, no idea how much weight or what was in it.
 - Council Member Taylor – to do it right must weigh both directions.
 - Keith Lemieux – changes/notes; Infraction issue – 13-6.3 last meeting misdemeanor?
 - Council Member Wiknich – no criminal parts in this ordinance that isn't already a crime in another ordinance or law. Should not apply to bill or sorting.
 - Keith Lemieux – nothing in this ordinance would make not paying bill a criminal offense. Took out of (b) can also take out of (a)
 - Council Member Wiknich – want to make sure you maintain hazardous dumping and other penalties.
 - Council Member Taylor – infraction ok but when crank up to misdemeanor.

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- Keith Lemieux – cut (b) out completely.
- Keith Lemieux – non personal self-haul, suggestion made neighbor could do so long as not charging money.
- Council Member Taylor – same understanding. Voluntary program of some kind.
- Keith Lemieux – can broaden so long as not on commercial basis (remove personally)
- Keith Lemieux – clean up yard waste and refuse to be clearer
- Keith Lemieux – comment about 3 bin system, clean that up
- Keith Lemieux – receptacles
- Keith – owner vs. occupant.
- Mayor Morgan – owner holds obligation for their property. Have discussed property managers being the collector. Heard property management people willing to collect and owners sign over their rights. Tenants should be responsible. Written paper trail. Ultimately the property owner who ends up with responsibility.
- Council Member Taylor – unfortunately have versions of mandatory, going back to voluntary. Go back and see how was done before.
- Keith Lemieux – also talking about hauling of recycles or trash. One way could handle is whoever wants to do it, must sign a form so we know who is ultimately responsible. Demonstrate participation to state. Complaint resolution.
- Council Member Carter – needs to be owner responsibility. No problem if owner works something out with tenant, but ultimately owner responsibility. If a problem goes back to owner.
- Keith Lemieux – in terms of hauling, allow owner to permit someone else to haul for them. Don't hear clear instruction to change.
- Council Member Taylor – talking about multi-family. Voicing option.
- Keith Lemieux – 13-2.2(c) comment about citizens, clear language applies to everybody.
- Mayor Morgan – Low-income discount would not be part of this, resolution?
- Keith Lemieux – resolution allowing rates.
- Mayor Morgan – level of service has been consistent comment, in a voluntary system, resident contract with Benz is between Benz and resident, we are out of it.
- Council Member Taylor – assumption is that Benz might come back with alternate service plans which we would approve as to rate structure. 13-2.3 (a) service every week. Somewhat tying hands against level of service.
- Mayor Morgan – if they take the service, will have it once per week.
- Council Member Taylor – doesn't give flexibility for rate structure.
- Council Member Wiknich – same working in 13-2.4
- Keith Lemieux – do these sections have to be in there? Practical consideration of how Benz operates service, don't know their flexibility.

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- Council Member Taylor – not implying they can choose how many times they get service,
- Keith Lemieux – practical matter is to standardize service some.
- Council Member Taylor – discussion only.
- Mayor Morgan – question becomes, cost benefit standpoint, can't create such a diverse number of methods for collection. Come up with 2 or three that can be standardized.
- Council Member Taylor – believe in standardization, this just lock into this.
- Council Member Taylor – 13-6.1(c), if we are in opt-out solution, not sure why we have this paragraph.
- Keith Lemieux – franchise agreement requires we do this, will see if we have some room, trying not to make changes that violate franchise agreement.
- Council Member Taylor – definitions 'garbage' last sentence of definition also wasn't clear.
- Keith Lemieux – want to clean all definitions up, some redundancy. If possible, would love to give a stripped down version of this ordinance. Seems like definitions are a bar to understanding, maybe can do something to make it cleaner.
- Mayor Morgan - Made such radical changes can't do either motion, continue it for future agenda.
 - Keith Lemieux – appreciates interest in pushing forward, but need to significantly revise this. May 5.
- Mayor Morgan – is there a motion?

No motion item continued to next meeting.

Recommended Motions – 2 motions

Meeting Recessed for 10 minutes at 9:38

2A. Amended Local Assistance Plan, Residential Curbside Pickup And Recycling, And Kern County Sanitary Landfill Recycling Drop Off Area Conceptual Proposal McRea

This action item is to review the actions and discussion of the potential modification of the Amended Local Assistance Plan (ALAP). The City Council, Benz Sanitation, and CalRecycle, have worked together in a partnership to improve the level of service and resolve many of the concerns reported and expressed by the community with respect to Mandatory Curbside Pick-up and Recycling Program. The modifications to Ordinance 09-01 were discussed as of a prior agenda item. Staff is in the process of developing a presentation of the diversion rates and requirements of AB 939 and CalRecycle for the May 05, City Council Meeting.

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At the conclusion of the discussion, staff would recommend implementation of any revisions to the ALAP and modifications to the existing Universal (Mandatory) Curbside Pick-up and Recycling Program for voluntary participation by election to opt out and undertake personal responsibility for recycling and diversion. City Council authorization is also required for the vacant dwelling and/or unoccupied dwellings.

- Jim McRea – gave staff report. Compliance Order with the State, City must meet provisions. Can't implement Ordinance without approval from State of amended Local Assistance Plan. Identified Task 4 and new sub-tasks to be added including 1 full year of monitoring. Major changes from Mandatory to Voluntary with 5 new Requirements City must monitor. Must be effective by November 2010. Letter to be forwarded to State, Task 5 conditioners are required and outlined. Switch from Mandatory to voluntary with requirements for education and a drop-off at the landfill. Intended that disposal for residential continues to grow. If voluntary does not prove effective, will re-evaluate to maximize program including going back to Mandatory program. Anticipated adoption May 5, but allow formal request for extension of order of compliance and general agreement of 14 tasks of amended local assistance plan. Some language vague based on ordinance and number of individuals choosing to opt-out. 4th billing cycle of residential service will be issued on May 1. Overlap of implementation and billing cycle. Staff believes have resolved vacant property and unoccupied dwelling. Some of those cases remain open today; letters discussed did not go out to some 250 property owners who had reported to City that dwelling was unoccupied at time of billing. Property owners will be required to file application for exemption by May 1. Need to develop subsidiary ledger for transitional and vacant property. Temporary vacancy, service removed during time of vacancy and resume at time of occupancy. May be new billing rate for vacant property. City has requested past 3 cycles be resolved and new bills after May 1 require application by property owner and adjustment to billing. Individuals will assume responsibility for recycling, particularly cardboard and paper. Commercial accounts will continue to pay for and sort cardboard and paper. Have requested drop off location at the landfill, program pending approval. Intended to increase cardboard and paper. Conclusion of discussion recommended 2 motions. Implementation of revisions of modified LAP to existing service for mandatory to opt-out, council authorize staff to file request with CALRecycle. And billing is funded for past 3 months. Could be on-going expense pending level of applications from individuals to opt-out. Minute motion of council based on prior action of extending ordinance to authorize filing with CALRecycle for request and filing of extension and second motion to fund vacant program for past 3 months and new vacant programs after May 1, 2010. Included attachments outlining county landfill self-haul facility proposed. Commercial would pay current gate fee but individual would at this time is

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free of charge. Will be included as attachment 1 to request to CALRecycle.

- Mayor Morgan – first need to make sure documentation sent April 2 be resent to attorney. (amended LAP)
- Mayor Morgan – first issue is sending to CALRecycle our intention to revise the LAP. Does not mean we agree to all the provisions they are requiring.
 - Jim McRea – agreeing to amend to be acceptable.
 - Mayor Morgan – don't want to get into same situation we had previously. Need to make sure all council members get a copy of this.
 - Jim McRea – major amendments are task 4 and 5; there are 14 tasks in total. 6 new tasks added to task 2 (education & outreach) to be completed by November 2010. Task 3 is for green waste. Gardeners take clean green waste to the landfill, not buried. Used for fill and cover. Some is shipped out. Mulch aftermarket here is just grows. Task 4 is to establish mandatory on-site collection and implement it. There are 7 new tasks added for outreach, education, monitoring. This is combination to meet CalRecycle concerns relative to recycles and to get business participation. One area not in compliance is a business recognition program for business that has done an outstanding performance in recycling.
 - Mayor Morgan – one amendment discussed is franchise hauler to identify top 10% to 20% creators of recycle material and be sure we are getting from them what we should be getting from them. That is probably going to increase our diversion rate once they begin doing what they are supposed to do. That is one of the things on this amendment to get to voluntary system we want for residential. They are telling us we need to crack down on commercial.
 - Jim McRea – task 5 is establishment of the proposed voluntary curbside pickup, if residents participate and take on responsibility of recycling a list of materials. Implemented during May 2010, increase and inform residents of voluntary program and drop-off program during month of May. City work with landfill to develop drop-off recycling centers at landfill and in city. Also clean-up days. Monitor the program and determine A-F diversion rates for residential use. If voluntary program does not prove effective, re-evaluate in October 2010, will determine what changes could be made to further maximize program which may include returning to mandatory. Monitored to December 2011. Study showed direct haul to Tehachapi was most cost effective.
 - Jim McRea – Task 7 get Sierra Sands to recycle. Task 10 if review and quarterly report. Task 11 is recycling center. Task 12 is on-site newspaper collection. Task 13 is to develop and expand drop-off facility operated by City. County just closed all similar facilities.

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Task 14 is green procurement and use recycled paper wherever possible. Will extend LAP thru December 2011. That is the current LAP as developed, forward to state a letter agreeing to those 14 tasks in the amended LAP.

- Council Member Taylor – comment looking forward to seeing what was discussed. Concerns about practical solution for cardboard. Not in the LAP but in the letter. Need to make sure trucks can make the turns in drawings.
- Jim McRea – with respect to folder, last discussion with CalRecycle, put up fence on west side, wind seldom blows in easterly direction, fence required by them and suggested by us is a long road and to keep separate from landfill. Commercial people disposing of cardboard will have to pay gate fee to use drop-off facility. Reduction in gate fee encourages them to resort cardboard.
- Council Member Wiknich – where and how does what goes into drop-off get quantified?
- Jim McRea – if cardboard is weighed at gatehouse, gate keeper could estimate or weigh when truck comes back to throw the rest of their items in landfill. Container would be weighed when hauled.
- Council Member Wiknich – people will show up with trash and recycles in same vehicles.
- Jim McRea – weigh truck both ways.
- Council Member Taylor – total trash weight not actual recycle number.
- Jim McRea – advantage is could weigh the bin, one strictly for cardboard and a co-mingled for recycles which could be sorted and weighed. Cardboard will weigh more than milk bottles. Newspaper would offset plastic mild bottles. Will weigh all recycles removed from the facility. Will have at least one bin of co-mingled bin which is acceptable. Advantage of not being contaminated, but can be co-mingled. Benz will donate containers however we must pay to have them hauled away.
- Council Member Taylor – criteria that trips us.
 - Jim McRea – state willing to compare 2008 to 2009 but no definitive about what maximized goals are. Per capita could be state department of finance or census.
- Mayor Morgan – one thing that could be used, environmental quality committee, those agencies whose process is in place by 2012, won't have to change the process. In theory will be fewer restrictions, grandfather protection.
- Mayor Morgan – other comments on staff recommendation? Can public get a copy, if so put a request in so you can take a look at it?
 - Jim McRea – would co-inside with second reading of ordinance.

Public Comment

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- Joe Conway – been going thru this some time, AB 939 now AB 1016. When they took out requirement to work with LAP for rural communities, removed one sentence to help rural communities. Specified some of them by name, those who do not have resources to comply. We don't have the resources; don't have our own dump, shipping our recycles to another community. This was supposed to be a kinder, gentler process but has turned into a hammer. They usurped on what they were supposed to do legislatively.
- Barbara Auld – heard comments from people they are happy to have the recycle bin and they are thrilled to have them and one even thought he'd get another one because they are filling them up so fast.
 - Mayor Morgan – hoping some of these amendments will encourage those who are not happy to begin participating. Certainly have to do more education.

Minute Motion To Have Staff Forward To CALRecycle The Revised LAP. Made By Council Member Wiknich, Second By Council Member Carter, Motion Carried By Voice Vote Of 4 Ayes, 0 Nays, 0 Abstain, And 1 Absent (Council Member Holloway)

No council comments

- Ron Porter – current trash ordinance, requirement to show the house is occupied is on Benz. Not citizen's responsibility.
 - Jim McRea – have provided Benz with spreadsheet of people who claim house is vacant, Benz has investigated and is willing to remove containers. Question is the dwelling interim occupied or is it truly vacant.
 - Mr. Porter – new LAP presented today, vague statement 'if citizens accept responsibility'
 - Jim McRea – ordinance owner accepts responsibility to recycle.
 - Mr. Porter – asking about LAP
 - Jim McRea – in the sub-task under Task 5. Read the provision language of comparison CalRecycle wants us to show there has not been a drop in diversion if we go to a voluntary program. Strictly performance of residential service and self-haul.
 - Mr. Porter – missing major component, trying to eliminate business people who have collected recycles. Have not asked for receipts, their cost to give receipts. LAP I believe illegal that all recycles have to go to Benz.
 - Mayor Morgan – track and monitor third party tonnage from other recycling services.
 - Mr. Porter – the amendment read, almost directing to Benz.
 - Mayor Morgan – is not the intent.
 - Mr. Porter – way it sounds when read
 - Council Member Taylor – receipt process are not going to look at personal tonnage.

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- Mr. Porter – almost sounded like they want to direct to one vendor. Still have problem with lack of definition on how they will hold each residence for their buy-in.
- Mayor Morgan – in 2006 residential tonnage in dump was say 20million, 2007 19million, 2008 20 million etc. if numbers go up we are doing good, if tonnage goes down we are doing bad.
- Mr. Porter – understand, unfortunately reports from CalRecycle are assumptions, concerned they will play the same game. Writing in obtuse and subjective manner.

Minute Motion To Allow Staff To Put In Place A Vacant Dwelling And Unoccupied Dwelling Program For Last Three Billing Cycles. Made By Council Member Taylor, Second By Council Member Wiknich. Voice Vote 4 Ayes, 0 Nays, 0 Abstain, And 1 Absent (Council Member Holloway)

3. Introduction And First Reading Of Ordinance 10-, An Ordinance Of The City Council Of The City Of Ridgecrest Granting A Non-Exclusive Taxi Franchise Rose

The City of Ridgecrest has received a proposal from John Greene to operate a 24 hour taxi service in Ridgecrest and the surrounding areas. Mr. Greene has owned Rosamond Taxi for two years and is currently operating in California City also.

- Mayor Morgan – gave staff report including fee schedule.
- Mr. Green – have fulfilled city's obligations and will bring insurance binder in tomorrow with temporary.
- Jim McRea – provision of temporary operation period of not more than 60 days.

Public Comment

- Dave Matthews – have not seen and would like to know what kind of rates are we looking at?
 - Council Member Taylor – reviewed the rates. Rates shown on monitor.
- Stan Retoraj – wondering on franchise rate of 3% of gross annual receipts, is that standard fee for taxis?
 - Tyrell Staheli – city code allows 3%.
 - Mr. Retoraj – any research done in looking at that, some ordinances are old, town needs revenue. Should look at what city will get out of this but don't want to raise the price to where we can't afford it.
 - Jim McRea – MSI study in 2000.
 - Council Member Taylor – could go back and look at.
 - Mr. Retoraj – just wanted to know if there was any logic used. See what other cities charge.

Recommended Motions – 2 motions

Motion To Waive Reading In Full And Adopt By Title Only, Ordinance No. 10-02 Amending Chapter LV, Article 7, Section 102, Of The Ridgecrest Municipal Code As It Pertains To Alcoholic Beverages In City Parks Made by Taylor, second by carter, 4 ayes, 1 absent (Council Member Holloway).

Requires A Second

Motion To Adopt, By Title Only, Ordinance No. 10-02 Of The City Of Ridgecrest Amending Chapter LV, Article 7, Section 102, Of The Ridgecrest Municipal Code As It Pertains To Alcoholic Beverages In City Parks made by Taylor, second by carter, 4 ayes, 1 absent (Council Member Holloway)

Requires A Second

OTHER ACTION ITEMS

4. Minute Motion Of The Ridgecrest City Council A Recommendation To Co-Sponsor The Maturango Junction With The Ridgecrest Chamber Of Commerce And To Make This Event The City Of Ridgecrest's Annual Signature Event Ponek

The Parks, Recreation and Quality of Life Committee is recommending to City Council to co-sponsor the Maturango Junction with the Ridgecrest Chamber of Commerce and to make this event the City of Ridgecrest's Annual Signature Event. The Maturango Junction is now a two day event on a Friday and Saturday and is scheduled annually for the third weekend of October.

- Jim Ponek – gave staff report updating recommendation to support chamber of commerce as co-sponsor of Maturango junction event as city's annual signature event. Most support is in-kind cost such as facility and staffing. Will be cost of \$1400 for liability insurance cost.
- Mayor Morgan – in discussions about the cost of this event, understand needs to be a multi-year process to ensure there are not costs that prohibit event from growing and being successful. Asking for annual evaluation of cost vs. revenue. Would hope there comes a point (3 years) where in-kind costs could then be paid back in year 4. A portion of remaining revenue stream comes back to city. Hopefully it becomes a wash in future years. Create a timeline for the event to become successful and profitable.
- Council Member Taylor – establish a clock. Don't assume to be permanent and would like to work with them to establish revenue generating. View this as short-term.

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- Council Member Wiknich – agree, looking to see we get an accounting of the event and make sure another co-sponsor isn't making a profit and we are putting more in.
- Council Member Taylor – second that
- Council Member Carter – happy at this point. Needs assessment from community was a signature event and this fills that need. Hoping this will be permanent does bring in major revenue for local businesses.

Public Comment

- None Presented

Minute Motion To Approve With Guidelines And Annual Reporting Made By Council Member Carter, Second By Council Member Taylor. Motion Carried By Voice Vote Of 4 Ayes; 0 Nays; 0 Abstain; And 1 Absent (Council Member Holloway).

5. Resolution No. 10-, A Joint Resolution Of The Ridgecrest City Council And Redevelopment Agency Ratifying And Authorizing City Management To Sign And Enter Into Contract Agreement With South California Trane For The Construction Of A Photovoltaic Solar Energy Production Field Bradley

City of Ridgecrest has solicited multiple solar companies to develop and present solutions for a Solar Energy Production Field providing Renewable Energy for the Civic Center Complex. City staff has determined that the Photovoltaic Solar Renewable Energy System proposed to be installed at 125 S. Warner (APN-478-010-09 also known as Helmer's Park) will be a viable and practical investment for the City. This system is designed to produce 90% of the Civic Center's current annual electrical power consumption, render over \$1.7 million in incentives and renewable energy credits, and decrease the Center's energy bill by more than \$136,000 annually. Ridgecrest Redevelopment Agency may invest and fund this Renewable Energy project. Staff recommends that the RRA invest in this project using existing funds OR it may establish internal lending through the utility fund to be repaid utilizing bond revenues.

- Mayor Morgan – gave staff report
 - Craig Bradley – power point presentation of solar project. Handouts available at clerk's desk.
- Council Member Taylor – site plan connecting with Meter?
 - Craig Bradley – yes, below stairs. Earlier plans had metering outside however inside meters change-out will work.
 - Council Member Taylor – spare conduit?
 - Craig Bradley – would have to bring conduit in.
 - Council Member Taylor – what's in the bid, that solution?
 - Craig Bradley – yes, meets CSI requirements

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- Council Member Taylor – Mr. Lemieux reviewed the contract?
- Craig Bradley – an associate sent the contract.
- Council Member Taylor – Lemieux staff who personally worked on this contract, project assumption and exclusions. Specifically heavy equipments, concrete pavers and sidewalks, are we assuming the liability. Repair damage caused by contractor's negligence on pavement. Is this normal?
- Keith Lemieux – public works perspective, normal for contractor to set out a list of exclusions, whether any particular exclusion in this contract I'm not qualified to say.
- Council Member Taylor – any permits required? Discusses permit fees in excess of \$5000. Are these exclusions the same for other proposal received and do we have an estimate of what we will pay for some of these.
- Craig Bradley – will be county permit fees and a lot of assumptions it is still a turnkey project, what they are offering to build above and beyond the contract scope. Everything normally in the project is included.
- Mr. Cass – every construction design build project has assumptions when team comes out to build. When they put pricing together must make certain assumptions and these are the ones made when putting this project together. This contract is guaranteed maximum price contract, no change orders unless mutually agreed on by both city and Trane. Incentives built into contract to bring in at lower price than guaranteed maximum. Assumptions and exclusions are found in any specific design build contract. Will be happy to define or negotiate them to make for better understanding, not intended to do change orders. Here are some of the potential problems we may run into during construction. All open to negotiation and will work with Keith to change.
- Council Member Taylor – whittled down to yours and finding out will cost us something. Engineering cost price quote was originally to show savings. Is cost occurring going to accrue with Trane part of their bid or is it separate.
- Craig Bradley – 2 separate projects, engineering plan we have.
- Council Member Taylor – paying separately for project we did not complete.
- Craig Bradley – did pay for solar engineering but can't use because a different design and project.
- Keith Lemieux – guaranteed maximum price and change orders providing both parties agree. Purpose is here are things we assume are true, if these assumptions are inaccurate presume will see change order at that time.
- Mr. Cass – correct, if discovered to be incorrect assumptions.
- Keith – would have to take as true assumptions.

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- Craig Bradley – assume soil is not contaminated etc.
- Council Member Taylor – Trane permitted to trench thru parking lots, roads, not traffic control, etc. are they also putting back to original condition?
- Craig Bradley – yes, landscaping provided and majority of cuts will be thru landscaped area. Small portion of road. Prize flower bed would be above and beyond assumptions.
- Council Member Taylor – how was kilowatt hours validated?
- Craig Bradley – tab 4 in proposal, numbers generated by software program. Every variable that can affect project is applied and these numbers are kicked out. Did not receive anything this detailed by other bids.
- Council Member Wiknich – also questioned assumptions and exclusions. Example of building a building and had to pay for all permits. Toilets, water, smoke detectors etc. builder should know these things. Trane will have subcontractors for the work? We are buying solar powers directly, they will coordinate the project. In the agreement, one of the first questions I had on first page is start date, estimated time to complete, and maximum date for completion.
 - Craig Bradley – tab 2 of the proposal, spreadsheet timelines.
 - Council Member Wiknich – would like to see this information in the agreement. Guaranteed timeline and completion date.
 - Council Member Wiknich – concerns of project management, supervisor, and superintendent. Would like to see protection of the supervision. Any cost increase by not providing that management, would like to see that we don't pay for it, they do. Example of program management being changed. Cost increase for that is the responsibility of Trane.
 - Council Member Wiknich – general provisions section, somewhere would like to make sure we enforce the part about persons employed including subs are I-9 compliant.
 - Council Member Wiknich – general provisions page 23, paragraph 7-7 misdirect back to other sections. Third paragraph, check references for accuracy.
- Council Member Carter – heard from couple sources that things aren't smooth at hospital
 - Mr. Cass – did not go as smooth for us as had anticipated. This project became more complex in design-build function as we believed and certain mandates caused delays. We did make mistakes in design engineering. Originally undersized the chillers for plant, during design process realized chillers needed to be larger to accommodate new construction at hospital. Had to go back thru process for re-approval. Has been difficult project, was 3.5 million and has cost Trane over 5 million to build. Hospital had maximum price guarantee. Trane paid for all delays and errors

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were not change orders, were design problems, management changes, and OSHPOD changes. However working with Trane organization, Trane did not walk away from project in spite of problems. Trane chose not to do that, stick with project and build a better one than contracted for. April 2010 getting ready for testing and made it right. No doubt have problems on some projects, but even at a loss to company are finishing the project.

- Mayor Morgan – ask Tyrell about timelines in contract. Page 5 deals with cost to be reimbursed failure to pay 30 day payment costs interest to city. Can we negotiate a 45 day payment? A couple of timelines for payment would like to see pushed out to ensure we don't miss a payment timeline. All rewrites and suggestions will be put in a document.
 - Mr. Cass – did bill city for engineering project of \$430,000 and are not issuing any interest on that bill.
 - Craig Bradley – could see benefit by paying for project thru utilities and avoid such issues. Shows more savings for projects.
- Council Member Taylor – what rate on reclamation project
 - Tyrell Staheli – right now is poor at ½ %
- Mayor Morgan – another timeline issue, page 16, section 21. 5 calendar days of receipt City shall execute and issue a written Notice to Proceed to contractor. May ask to push out a couple days because of flex Fridays and furlough Fridays. Also change May 10, 2009
- Mayor Morgan – explain guaranteed maximum price.
 - Mr. Cass – we do everything from start to finish including paperwork. Guaranteed maximum price is your guarantee that unless we negotiate change orders, this price is the maximum you will pay. In no way will price of contract increase and will not issue any change orders without agreement of the city.
- Mayor Morgan – page 8 of utilities in general provisions. Where we think utilities are in this city we have not had a good track record with that, I expect this to be a problem.
 - Craig Bradley – have had similar concerns, recently located that what I thought was the well is actually a sump and lines running across the area we would need to dig. Always assumptions like that the contractor would have issues with.
- Council Member Wiknich – incentive clause is generous and is really good.
- Craig Bradley – there is an urgency to move forward, understand the concerns. In moving forward with this, may recall deposits made for CSI in past and timelines regards to that. At that time approximately 50 megawatts left, have reached the end of that. Made application to catch the last 5 megawatts. Now on clock for milestones or could drop into a different block of funding which could represent quarter million loss to funding. Extensions achieved but don't expect that to last. Need to move forward on it, only 60 days to complete once we receive their approval.

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Residual saving lost the longer we take to do a project like this. Monthly payment by performance, wintertime down time but good seasonal payback if can implement sooner.

- Council Member Taylor – when would it be done?
 - Craig Bradley – September
- Council Member Wiknich – what is Jerry's assessment of project?
- Council Member Taylor – have not looked at the reports in this. My feeling will have loss at current location but do need to get moving on it. Some questions answered.

Public Comment

- Dave Matthews – some of my questions could have been answered at infrastructure committee meeting sooner. Mentioned by Mr. Bradley of county permits, what does county has to do with this project? Been talking about trenching, know SCE and Verizon, and water has tunneling capability, why can't do this across street rather than trenching.
 - Craig Bradley – permits contracted to county for inspectors. Tunneling has been reviewed thru several other proposals and is an option.
 - Dave Matthews – originally had component guarantee
 - Craig Bradley – yes, mandated to qualify for incentive.
 - Dave Matthews – contract is maximum price contract and stated there are incentives to come in at lower price, what guarantee in place that quality won't be sacrificed?
 - Craig Bradley – guarantees in the inspection. Oversight from city staff to ensure that construction meets expectations of project.
 - Dave Matthews – solar tracking?
 - Craig Bradley – Yes.
 - Dave Matthews - does that mean single pedestal design?
 - Craig Bradley – no, they lay flat at zero angle and track east to west with sun. pictures in proposal.
 - Council Member Taylor – single axis
 - Dave Matthews – one spreadsheet showed degradation in panel performance over years. Will there be data to track and make sure degradation will not go too far?
 - Craig Bradley – yes, will track. Performance base incentive will also indicate dollar payment.
 - Dave Matthews – cleaning and structurally, wind damage? Protection to keep sand from damaging panels? Vacant lots without vegetation.
 - Craig Bradley – panels are wind tested. Don't feel will be detrimental to the life or operation of panels. Panels are tested structurally. Panels lay flat on ground and less likely to be damaged.
- Paul Aichenberger – western states power, small business with subcontractors to contract solar project. A little surprised that we were not included, but our proposal was included. Concerned about production numbers being used. Our

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energy production is from manufacturer. Serious concerns about a project and contract with three pages of exceptions. If wrong will be a change order, if you don't agree with it then project stops. Our contract only has one exception and that is whether project would be bonded or not. No rebuild on city's existing system. Meter would need to be moved outside the building. Cost is about \$250k and we included that cost in our bid. Change orders also have cost increase. Very concerned about that. Pleased city is going solar and disappointed city isn't going with most updated system. Gave overview of their system. Share serious concern about number of exceptions and assumptions in this contract. Local business with local contractors.

- Craig Bradley – thank you and team for great job did for us. Aspects of who you are and what you have done were acknowledged. Assume upgrade to existing electrical systems as the assumption you referred to. Borrego took it into consideration on putting meter inside or outside the building. Most cost effective was to do it was the way you designed it. I'm not the engineer; depend on the engineers from other agencies. This cost is included in the project.
- Paul Aichenberger – our proposal, it is there and we would do it. If New engineers made a mistake then city would have to pay for it. Always concerned when see several pages of assumptions and exceptions.
- Craig Bradley – reviewed other concerns, all has been vetted and cost value for each one has been included.
- Mick Gleeson – not advocating for any bidder or technology, have seen Mr. Metcalf's proposal and not Trane's proposal. Agree with concerns that exclusions are all about risk, want you to share in their risk. Recommended council to remove all or most exclusions. May increase the cost of the bid. Technological risk taken if you're not going state of the art technology. Reduce risk by going state of the art and reduce risk by removing exclusions from contract.
- Terry Metcalf – had opportunity to compare their bid with ours. Do not have a signed proposal by Trane. Non-responsive in municipality bid. Fill in blank sheet asked for contractor's fee and theirs is empty. Percent of mark up of change orders we are 3% and 8% and they are in at 11% and 12% equates to 25% markup on exclusions and change orders. Possibility of over \$400k exclusions that could arise. Ours is guaranteed and updated technology. Flat panels proposed have been around forever. Ours is modular and upgradeable. This is not the technology you want to showcase as a green town. Engineering cost is limited to \$15k. over that cost you. We have \$90k in ours. Add \$430k you got nothing for and your math will be turned upside down.
 - Bradley – not all that was weighted on feel free to contact me. Also know not to make investments this large on new technology when tried and true technology is available. This company has been in business many years and that is a factor. Gave specs on heat, silicon, change-out, system exclusive that you set the price for. Reflective product, mirrors, concave in W shape, reflective quality and how it may that impact our flight corridor.

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- Terry Metcalf – looks like dancing water from the sky. Can you redo the math?
- Craig Bradley – could add whatever number you want added in. gave some numbers. You assume \$430k overruns in exclusions. Should give Trane an opportunity to adjust or speak to those.
- Paul Farris – regards to solar incentive fund and time limit, has this been applied for and what is the time limit.
 - Craig Bradley – yes, has been applied for, once we receive approval will have 60 days to reach the first milestone?
 - Paul Farris – when did we apply and what time frame are we in?
 - Craig Bradley – have not received the letter but they have received the application and check.
 - Paul Farris – biggest concern for me is the assumptions and exclusions. Been caught in that expensive web before. Learned to be more careful on signing contracts and accepting exclusions and assumptions. Would like to see us step back and go over some of these things with Trane. Also concerned about the technology and see what performance factor is with newer technology? This is long term, putting a lot into it, let's make it the best we can for our city.
- John Randall – noticed push of urgency to get something signed; hear that window is somewhere 60 days or longer. We have signed contract with Metcalf, solar field and connection to grid. That is the SCE grid. Suggest you take this off table and look at exclusions and assumptions. Western States Power is ready to push the button, let's do side-by-side discussion to make sure they were apples to apples comparison. Think we have a few days to do the comparison to reduce the risk to the city. Want to see the city's risk is protected.
 - Craig Bradley – thank you for your hard work. Couple of questions you say we don't have a concern to meet these guidelines.
 - John Randall – gave numbers.
 - Craig Bradley – more numbers. How do you propose to achieve those .32 cents?
 - John Randall – not up to us to make the application.
 - Bradley – are you aware what had to be provided.
 - John Randall – we were prepared to do that. Signed bid was in 2 months ago.
 - Craig Bradley - Wanted to apply with project selected. Concerned at the time you came in with pricing, you came back with lower price, concerned where those cuts were made. Where do you see changing?
 - John Randall – believe not project specific. As we gained experience, we had questions about the project and we cut our profit margin because we wanted to do business with city.
- Mayor Morgan – what we have here, over years city has dealt with a lot of contracts, you have bidding process with parameters. Companies either meet or don't and projects are ranked. Both projects met criteria. Both had different technologies. Both contracts are in staff's opinion viable and companies are

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professional. What disturbs me is we have a contractor who didn't win now comparing their contract. They have information that winning contractor didn't have to prepare their bid. Disturbs me. With that being said, you've been presented information that I sense you don't agree with. How much time would it take you to do an analysis given the situation. Analysis on one set of numbers that will not be adjusted changed. One shot then if your decision doesn't change then so be it.

- Craig Bradley – I've done that work, but if there is something else you want me to look at such as exclusions can be adjusted and could be done thru legal. Depends on what kinds of comparisons you want made.
- Mayor Morgan – still your recommendation is your decision would not change.
 - Bradley – yes, even though exclusions could be tweaked.
- Council Member Wiknich – was the power meter relocation in the Trane bid?
 - Craig Bradley – is an engineering cost in one bid and not another. Is a debate as to whether was engineered properly. All companies know it hinges on the CSI and rebates. To do it without making the meter right would void that money. For any company to say we think will work, then the exception is can't build that way. Both companies agreed thru contract they would meet CSI regulations.
 - Mr. Cass – had 4 separate solar companies give us proposals and each engineer and solar company had no problem locating the meter. Each one said no problem with relocating.
- Council Member Taylor – don't know how you will do it. Concerns are the cost is exclusion. If do add \$250 in then cost flips by one penny. Agree with Mr. Bradley that the risk is venture capital company experimenting with new product. Have not seen lifecycle of systems prove them. Concerned with issue of cost for public funding. Design build.
- Council Member Carter – concerned with assumptions and exclusions, can't approve way currently written. Please incorporate all other comments made here.
 - Craig Bradley – because of timeline, feel will receive notification from CSI soon. Wanted to be here at this meeting and won't be here at next meeting. Hoping to present project tonight to point you could approve at next meeting. Harvey Rose intends to meet with both parties to continue to look at contract issues. Many of the exclusions can be taken out or defined better. Mr. Holloway gave full list of questions he had and would follow other council lead. Majority of questions already brought up such as trench and contractors. Exclusions. Network interface was a different concern. We will be in-house providing entire security system. Radios, lights etc. concerned about building contractors license, Trane is on that license.
- Mayor Morgan – **special meeting of the May 3 at 5:00pm**
- Council Member Wiknich – cost again and specifically \$250k.

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

7. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of May 2010 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

1. *Be Kind To Animals Week – May 2-8, 2010*
2. *Child Care Providers Month – May 2010*
3. *Honoring Ridgecrest Citizen – Dr. Mary Retterer – May 22, 2010*

These Proclamations will be presented on Thursday, April 22, 2010 at 12:00 Noon at City Hall

8. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of March 12, 2010** Ford
9. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of March 17, 2010** Ford
10. **Minutes Of The Special City Council/Redevelopment Agency Meeting Of March 17, 2010** Ford
11. **Minutes Of The Special City Council/Redevelopment Agency Meeting Of April 5, 2010** Ford
12. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of April 7, 2010** Ford

Motion To Approve Consent Calendar Was Made By Council Member Taylor, Second By Council Member Wiknich. Motion Carried By Voice Vote 3 Ayes, 0 Nays, 0 Abstain, 2 Absent. (Council Members Holloway and Carter)

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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

- Howard Auld – Armed Forces day update. Read short story about Peter Pumpkin Eater. Can't let city atrophy by loss of services and personnel. Maintain cooperative relationship with Navy. Recommend city council authorization to form pumpkin eater team chartered to seek money from any source available, government, small business, etc. volunteer members and money insulated from state raids.
 - Mayor Morgan – something in writing for Mr. Rose
 - Howard Auld – appointment tomorrow with Mr. Rose and this will be discussed. Can't afford to take away services.
- Dave Matthews – wanted to point out concern transpiring here. Had a resolution on agenda to approve contract with a corporation as lowest bidder. Appeared that other contractors were challenging that selection that opportunity should have occurred before this meeting. Didn't like what I was seeing. While informative, wondering am I wrong? What is procedure?
 - Mayor Morgan – is a matter of grave concern.

Closed public comment at 1:21am

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 Taylor – one suggestion is to start meetings at 5pm rather than 6pm to prevent these meeting going so late. Meeting today with water district, send comments or concerns via email so can take to the meeting. League meeting on Friday in Yucca Valley. Big Bear received 8 inches of snow tonight.
- Council Member Wiknich – Invited public to attend the Friends of the NRA dinner on May 8.

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- Council Member Carter – need to find a way to get these meetings ended before midnight. Even if it means to extend to next council. I don't make good decisions after midnight.
- Mayor Morgan – will discuss with city manager, may suggest earlier time, limit agenda items, may suggest carrying over 2 days. Speakers April 24 in council chamber. Fair and health fair coming up. Proud to be working with everyone.

ADJOURNMENT

1.24am



Rachel J. Ford, CMC, City Clerk