

**MINUTES – CITY COUNCIL/REDEVELOPMENT/FINANCING – REGULAR
April 7, 2010**



**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 7, 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 P. Morgan, Mayor Pro Tem Ronald H. Carter, Vice Mayor Thomas Wiknich; Council Member Marshall 'Chip' Holloway

ABSENT Council Member Jerry Taylor

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

APPROVAL OF AGENDA

Item 1 & 2 pulled

Motion To Approve Agenda As Amended Was Made By Council Member Carter, Second By Council Member Wiknich. Motion Carried By Voice Vote Of 4 Ayes 1 Absent (Council Member Taylor)

CLOSED SESSION – 6:00 p.m.

GC54957 Personnel Matter - City Manager Recruitment - Update Report

GC54956.9 Conference With Legal Counsel- Existing Litigation - Eierman, et al., v. Morgan, et al.

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

REGULAR SESSION – 6:37 p.m.

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PLEDGE OF ALLEGIANCE – led by Council Member Holloway

INVOCATION – Led By Pastor Jim Lamb

CITY ATTORNEY REPORTS

- ❖ Closed Session
 - Keith Lemieux gave report out of closed session
 - City Manager recruitment – 3 candidates and additional interviews beginning May.
 - Eierman, et al v Morgan et al – council motion to request Lemieux to indemnify Council Members.
- ❖ Other
 - Item 1 and 2 pulled from agenda.

PRESENTATIONS

1. RACVB Presentation

Doug Lueck

This item was pulled from the agenda to be presented at a later date.

COMMITTEES, BOARDS AND COMMISSIONS

First Council Meeting (1st Wednesday of the month)

Community Development Committee

Member: Steve Morgan, Ron Carter, Eric Kauffman, Jason Patin
Meetings: 1st Thursday of the month at 5:00 p.m.; Council Conference Room
Next meeting April 8, 2010

- Morgan – not met, will have a meeting the first Thursday of May and will discuss the sign ordinance and water policy.

RACVB

Council Members Chip Holloway, Jerry Taylor
Meetings: 1st Wednesday of the month, 8:00 a.m.
Next meeting May 5, 2010 and location to be announced

- Council Member Holloway - Met this morning but don't have the minutes, will report at next meeting.

Parks, Recreation and Quality of Life Committee

Members: Ron Carter, Chip Holloway, Craig Porter, Jason Patin
Meetings: 1st Thursday of the month at 12:00 p.m.; Kerr-McGee Center
Next meeting April 8, 2010

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- Council Member Carter - Account has been frozen due to lack of budget. Not accepting applications for assistance must go thru city manager. Discussed naming Denny's park and formed a sub-committee to come up with recommendations to bring to board. Reviewed Bond, cut back and finalized for Council. Alcohol in Park Ordinance should be coming soon. Next Meeting April 8

Youth Advisory Council

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Council Member Wiknich - City org no agenda items so moved to regular time in May
- Mayor Morgan – will be south and attending environmental quality committee meeting in Ontario to discuss proposed legislation of 100% trash collection for commercial enterprises and water issue for the State. Valuable input from rural communities will be brought forward
- Council Member Holloway – revenue and taxation committee and then employee relations committee.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

❖ Hercules Global Report

- Harvey Rose – presentation by corporation indicating means of transforming sanitary waste into diesel fuel. Since then approached by Horton construction regarding process of converting some products into usable construction products such as roofing tiles. One hitch, state law could prohibit city from getting diversion even if we divert 100% of our refuse. Been working with state and during recent teleconference, representatives from CALRecycle, Hercules global. CALRecycle has limited ability to interpret the law, may be able to give credit, hopeful news. State analyzing it and Hercules global interested in a plant at their cost on city provided land, building a similar plant in Napa. Detailed explanations of process sent to state and they will let us know if we can use this process. Hercules global interested in approx. 80% of waste stream and Horton interested in some products.

❖ City Manager Recruitment

- Regarding City Manager recruitment, people in community curious why we haven't discussed with public what we are looking for in candidates. I thought was clear to world what we are looking for, however we are looking for someone with a bachelor degree in related field and an extensive management experience 10 years minimum in municipal government. Then we look at specialized knowledge and personality. Received over 50 candidates from both coasts at all levels of government. Due to number of candidates we have focused on

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candidates that have experience in California. Council has interview to 8 candidates and narrowed the field to 3 who will come back for intensive interviews. Believe one of these will be selected as the next city manager.

ORDINANCES AND RESOLUTIONS

Item 2 was pulled from the agenda to be brought back at a later date

2. Ordinance No. 10-, Introduction And First Reading Of An Ordinance Of The Ridgecrest City Council Granting A Non-Exclusive Taxi Franchise Staheli

The City of Ridgecrest has received a proposal from John Greene to operate a 24 hour taxi service in Ridgecrest and the surrounding areas.

Recommended Motions - 2 Motions

Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Granting A Non-Exclusive Taxi Franchise

Requires A Second

Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Granting A Non-Exclusive Taxi Franchise

Requires A Second

DISCUSSION ITEMS

3. Ordinance No. 10-, Introduction And First Reading Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter XIII Of The Ridgecrest Municipal Code As It Pertains To Residential Curbside Trash Pickup Rose

Council will consider a draft ordinance amending Chapter XIII of the Ridgecrest Municipal Code pertaining to residential curbside trash pickup. This item is set for discussion and direction to staff.

- Mayor Morgan - Not first reading, have taken comments and done research and trying to move forward. Bringing it back for more input from public, don't take as final document, intended to get more input. Thank Jim Rachels for his 8 questions which we can now address. That gives us something to work with as we move forward.
- Keith Lemieux – pleased to bring this to council, have been in discussion for months with CALRecycle and is in a position to move forward. I drafted this myself with comment heard from public and tried to come up with something. This is not directed to commercial, only residential at this point. Should not be seen as effort to circumvent current policy process for commercial. Hope to create scenario to help city fill diversion rate

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without public having to contract for trash pickup. Intended to meet objection to mandatory trash. By volume amount of recycled materials is significantly larger than trash. While this requires everybody to recycle it is hoped we will still meet diversion rate. Not going to get us out of requirements to divert, this is designed to help us meet that requirement. If we can't meet the diversion rate with annual studies, then may have to go back to the original. Mr. Rachels commented contract for solid waste collection or alternatively self-haul presumably to location that will give receipts of what was brought. Property owner may be asked to demonstrate they are recycling. Mr. Rachels question is how often and is it realistic. These are things that still need to be discussed. Other changes are commercial and residential had to be split out to be treated differently.

- Mayor Morgan – this document will need to have a set of policies created to go with it. If we go to self-haul and try to create some type of ability to provide proof of self-haul, have to figure out what it will say. Also cost associated with self-hauling to dump. Have to have someone manning the station to assist with sorting and dumping and then haul to Tehachapi. How are we going to deal with the cost? Policy issues that we would love to hear your suggestions. Have been meeting with Benz and CALRecycle group. Haven't always had agreement, still revising local assistance plan and are gaining support with meetings with Benz and hope to continue working in a positive direction. Document will create a need to set policies that will involve cost.
- Keith Lemieux – Mr. Rachels Questions
 - Question 1 – trying to make it as clear as possible.
 - Question 2 – Liability on absentee owners? Tried to take it into consideration when writing, owner can contract with renter or the owner will be responsible.
 - Question 3 – will be resolution setting legal rate –
 - Question 4 – proposed ordinance solid on solid waste... - intent is not to make solid waste mandatory but have a point of service or self-haul options. Could spell out more clearly.
 - Question 5 – what is meant on recyclables with receipt – when someone self-hauls can give something that proves they are recycling.
 - Question 6 – if not meeting state requirements, would have to go back to other programs.
 - Mayor Morgan – whole thing is we need people in community; especially those who say will self-haul. Need you to do it and others in community. Bottom line is when this is in place and we trust you to recycle and take just your trash to the dump, we hope to meet our diversion rate but fact of matter is if we can't work together city council will be placed under fines again and after set period of time council will have to go back to mandatory because as a community

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we didn't do what we said we were going to do. Will keep remaining you as we go forward. Can city go back to mandatory, yes if we don't meet the diversion rate?

- Question 7 – generating recyclable materials and if voluntary probably would not meet diversion rate.
- Question 8 – commercial entity on property – all properties that aren't residential. Can clarify that in the ordinance. Intent is not for home offices to become considered commercial
- Council Member Wiknich – like to make footnote. One is lot of talk we have met diversion rate so should not have to do this. Reason state said we didn't meet the rate is we could not prove it. Receipts for self-haul is important date so we can prove recycling. Other is commercial side, now are getting commercial people, let them right-size, now other people are dumping in other commercial bins.
- Council Member Holloway – not there yet, think six of these definitions need to be refined.
- Rickey Wagner – read proposed resolution, first question is commercial including duplex and multi-plex units.
 - Keith Lemieux – does not include.
 - Mr. Wagner – will they be able to separate trash from recycling?
 - Mr. Wagner – finally, sales tax increase best bet to pay for the service. Fair and distributed evenly to citizens.
- Mike Neel – section 13.2.2 read passage pertaining to commercial and next paragraph is for residential. California constitution section pertaining to class of citizen. Question is how you can define commercial customers in fashion so as not to discriminate against them as a class of citizens.
 - Keith Lemieux – answer is that all laws potentially distinguish between groups of people. Laws allow distinction if rational basis as long as not in protected classes. Race, gender, religion, sex, etc. This type of law does not discriminate against the protected classes.
 - Mr. Neel – let people decide. Discriminating against commercial customers and need to be included, all or out.
 - Mayor Morgan – will bring up to environmental committee tomorrow for state bill.
- James Wilson – mess after Benz dumps trash, feel there is law that if you don't want service you shouldn't be forced into service. OK with self-haul and will take the trash wherever you say to take it. Forcing us to pay for it when we were self-hauling before.
- Roxanne Wilson – what happened to freedom of the people? No choice here, we have to do what you say?
 - Mayor Morgan – we didn't want to do this to begin with.
 - Ms Wilson – what about the people who don't make enough money to pay?
 - Keith Lemieux – the purpose of what we are talking about tonight is to change the existing law to allow people to self-haul.

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- Mayor Morgan – you are saying you will separate your trash and take it where we need it taken.
 - Ms Wilson – yes.
- Dave Matthews – still not satisfactory, 2 choices either take the service or self-haul everything. Have had trash service for years, want to continue and still get recycling at reasonable rate would be happy. Before November, all recyclable collected (CRV separate), other recycles taken to local junk dealer. Talking about facility where stuff is weighed, contract with junk dealers in town to weigh this stuff and they handle for self-haulers rather than going to landfill. Shorter distance. Did it before and would like to go back to it.
 - Mayor Morgan – city have discussions with local recycling centers in town and get charges.
 - Mr. Matthews – may not charge, didn't before.
 - Mayor Morgan – did you also say you would like to see a choice to contract for trash and not recycles and vice versa?
 - Mr. Matthews – yes.
- Scott Leahy – appreciates councils hard work, understand bad position we have been put in due to years of inactivity. You are not only dealing with citizens but also county and state. Do not have ability or right to countermand state law at local level. If we want state law changed, then we have to challenge in court, initiative, or elected representatives. Point to make tonight, ran numbers given by city, CALRecycle. 87% of cost with Benz is borne by residents. Impacting people, people who only generate 1 small bag per week are now required to have 2 90 gallon tanks. Grateful to council for trying to fix document. Created in a hurry, now time to move away and encourage council to keep things fair. Commercial mandatory is understandable. Commercial generates 75% of waste. Will think over and see if I can come up with other ideas to help pay for this. If using roll-on/roll-off at dump, taken to scale, that is your measurement.
- Bob Millsop – personally generate 1 can per month. Recycled for years, now forced to have 2 cans, recycled goes out periodically because neighbors use it. Represent small percent of population, talk about poor people, working poor, and represent disabled on fixed income. Disability insurance pays difference from 40% of salary and Medicare/social security. Gave medical facts and costs. In this case, struggling to make medical bills, can't afford to pay this when I don't use the service. Why should I be forced to pay large amount that I don't use even once amount, neighbors use it and don't pay.
- Robert Eierman – think would be good idea to separate services, some people may want trash but not recycles and other may want recycle but not trash. Another group of people may want once a month service instead of weekly. Helps citizen and helps Benz and diversion rate. Think flexibility. Whatever customer wants should be provided. Instead of being mashed together separate out.

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- Jim Rachels – echoed Dave Matthews and Robert Eierman. One size fits all solution will not work. Idea of gentleman like Mr. Matthews who may generate 1 can per month and wants to contract with Benz for a once a month service is ideal. Commercial is already allowed to contract for different pick up service. Before we talk about if it's fair and other topics, we have to get to fundamental issue. One thing that frustrates people is when government tells them they have to subscribe to a service from a private entity. Government mandated profit to a private party. This is a step in the right direction, however the concept of one person responsible for actions of another. Just because I own a property should not be my liability for the actions of tenants. I accept personal responsibility for my actions, not directly accept liability for neighbor. Owner responsibility should go and should be the tenants. Other utilities don't have issue with this concept. Request council, before you go to fine details; consider fundamental rights of owners and tenants. Who should bear what responsibility and what authority does government have to direct them to purchase service from private agency. Similar to current issue with health care.
 - Keith Lemieux – policy points suggestion made about legality of owner responsible. We currently have laws in place that addresses owner responsibilities such as nuisance and use of land. If tenant create nuisance then ultimately owner is responsible. Tenant agreements may absolve some of that but owner still has ultimate responsibility.
 - Mayor Morgan – if property owner signs over responsibility for collection of bills, if we implement some type of process where tenant would be responsible for service, then the only thing city should consider would be property owners get deposits from renters in case renter splits, maybe we should consider a contract to make owner responsible in case tenant doesn't pay bill then deposit would be used.
 - Mr. Rachels – caution council from using property owner to act as agent for the city. What Lemieux was talking about is condition of property not behavior. If my tenant doesn't want to comply with ordinance then I should not be held responsible for it.
 - Keith Lemieux – if you rent property to tenant and they dump toxic waste then ultimately owner is responsible. If you view failure to recycle as a public nuisance then fairness should come into play.
 - Mr. Rachels – legal splitting of hairs and technicality has brought us to this. The will of the people should be what we are concerned with.
 - Mayor Morgan – state of California has laws in place that creates a legal requirement to divert the trash. Don't disagree with you but the law says we have to do this. State is working with us now, which is better than a year ago.

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- Mr. Rachels – will of people should be heard and respected. Most people would have rather the State taken on the battle to argue that we are meeting the rates.
 - Mayor Morgan – did argue with state and lost.
- Bud Clamp – residential has been well represented. Would like to represent a family owned business in town. Chiropractic business with small amount of trash which has been taken home and hauled from home. Not sure what solution would be, most new business are struggling. Take this into account.
- Stan Retoraj – at least 2 meeting on recycle where was discussed to put multi-plex as a single unit. When read what was published, didn't see anything making tri-plex and single unit. Would help lower income people. Additional thought to that theme. Also comment about Hercules Global and the way California counts. Not a chemist or understand if it works, if it does work then makes sense, law shouldn't get in the way. We should be getting representatives to change the law to make it intelligible.
 - Harvey Rose – am told state legislature considering several bills that would evolve the existing one, will be far in the future. Hoping CALRecycle can interpret existing law to our benefit.
- Unknown speaker – if had several options available to us, don't have problem with contracting out if cheaper. Current price seems higher than service provided in other towns. 4 options would be good and a fair price. Realistic price for service, have no problem with it.
- Betty Bassinger – group got together to discuss, ways to fix it. First is Hercules Global plant study from 2003. Gave study summary. Plant placement has to be logical, we don't generate enough waste and would have to truck in and make Ridgecrest a dump. Might make enough diesel to bring trucks here. Air pollution and waste. Trash and recyclables, education process so people understand what needs to be kept out of dump. Plastic and cans that get CRV get picked thru. Gave list of other recycles. Suggested piles at dump for each type of other recycle. Compost piles, product coming out would be useful. City could use it. Society has to change. Each household should have compost pile for biodegradable items. Horton idea of using cardboard and such for products that can be used right here. Don't have to truck the recycles out, can use them here. Need the numbers, trash is counted by weight. We need to see the Benz contract, according to CALRecycle part of the process was a bidding process and we did not have bidding. We need special consideration. Several of us with ideas, will be meeting again. Discussed people on fixed income and gave a scenario. Opportunity for new businesses here, possibly a new recycling business. Other options besides Benz. We can do this. Will be meeting some more to brainstorm and get more options.
 - Harvey Rose – regard to quantity of material needed for company like Hercules Global, the Ridgecrest waste stream produces 40% more than what is required for Hercules Global and additionally

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from outlying areas. Hercules Global can adapt and has more than enough for the first 2 units. Number of companies that have ways to convert trash to diesel. Also mentioned recyclable piles, currently working on such an idea inside landfill, trying to work out details of manning such a station. Contract is available in city clerk's office, suggest you call in advance.

- Where is trash coming in from?
- Mayor Morgan – Kern River Valley and possible Inyo County.
- Harvey Rose – Hercules Global can't use everything in the waste stream, concrete, metals but the other company mentioned can use it. Between the 2 can consume a large portion of the waste stream. We want the credit for diversion.
- Dan Wright – engineering town, but don't see numbers being well documented. Nobody is quite sure of the numbers. Trash isn't just weight but also how much is getting away. Is it residential or commercial etc? City attorney report was well-written, suggest city publish the numbers in a report. Not only historical data but what is driving the equation. As citizens we can understand what the important points are. To get understanding and cooperation of public, publish a meaningful report. Frequently asked questions on website. Individual points like base trash, Wal-Mart, residential, etc.
 - Mayor Morgan – good idea
- John Enriquez – option A is to continue to have Benz take trash and recycling?
 - Mayor Morgan – right now there are 2 but with tonight's input may add more options.
 - Mr. Enriquez – finding at my house the recycling bin is full and trash is small. Contract for service we need such as trash every 2 weeks and recycle 1 per week. Willing to pay for that if fee is reasonable. Cost should be somewhere in-between what it is now and what it was before.
 - Mayor Morgan – if you could have 2 recycle cans and not a trash can would that work?
 - Mr. Enriquez – would still need the trash and could use a smaller can and 2 recycling bins at a reasonable cost.
 - Mayor Morgan – have to have the containers closed, can't be open with recycles sticking out of them. Have to figure out a way to allow people to be able to close the lids. Break down cardboard and other things.
 - Mr. Enriquez – level of service I would be willing to pay for.
- William Howard – little confusion why recycling has to be hauled out of town. Golden Empire has accepted all California recycling designated products. Little triangle on each product. Have 34 bins to be used to separate recycling, made some of the bins for people to bring their stuff to for separation. Never kept track of it as brought in, some things so minute takes a long time to create a bale, however no reason why they wouldn't

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be willing to weigh each month and give a report on what has been taken in. When ordinance first came up, asked council man why all recycling was turned over to one business. He said no one in town would take it, which is a lie. Nuisance abatement officer is currently trying to shut Golden Empire down. Nobody has ever approached across the street, why not ask Golden Empire? Many people bring in their recycle bottles and cans. May provide paper bags for people to bring recycle in and can be measured when brought in. Cardboard and newspaper is being brought in. Things have changed and it's a good thing. Recycling is probable, in spite of cries from City is cost too much, that's false. Recycling is profitable. City works hard to penalize one company and raise another company up.

- Council Member Wiknich – do you give people receipts?
- Mr. Howard – probably not, too time consuming, but could do monthly report to City on weight.
- Council Member Wiknich – you turn in report, the City has to be able to say everything on the report came in from City Limits.
- Mr. Howard – people in Ridgecrest are cognizant and will bring in.
- Council Member Wiknich – I know several people from outside city limits that bring their recycles in. How can you make your report to us accurate and provable?
- Mr. Howard – can't.
- Council Member Wiknich – the reason we lost diversion rate is we could not prove these materials came from within the city limits.
- Mr. Howard – most folks have to leave drivers license for CRV value, would be simple to see how many outside city brought stuff in.
- Mayor Morgan – will work on it.
- Ron Porter – ask that when you work on Ordinance that you work on Policy at same time. Also what percentage would you accept from Golden Empire? If they will accept that a certain percentage is from inside city limits would it help?
 - Council Member Wiknich – that's close but still has to prove the amount from City.
- Bud Clamp – one possible solution is for Golden Empire to ask each customer if City or County, weigh full amount and get numbers.
- Ivan Beyer – concerned about not being able to receive actual numbers and facts. City work on getting the numbers to public can work on setting up public education. General bagging and ticket totals of all recyclables is appropriate. If you have that with a date, can't be contested. Might have 6 things of recycles but only get a ticket on those items that have CRV. Would appreciate fact sheet and all products should be weighed before separating.
- Jake Easley – numbers, several years ago was employed by NAWs recycling. Voluntary program 2.9 million pounds the final year. Voluntary program. Wondering now what is our interaction with base now? How

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much of diversion is not being met by base diversion? Maybe work something out with the navy. Also confused about commercial numbers of 75%. Know of several businesses including mine that generate less from the business than at home. Commercial program options that allow neighboring small businesses to combine their commercial bins.

- Mayor Morgan – do get numbers from the base and one issue is a large portion of the base is in Inyo County and believe the numbers we receive are just the Kern county numbers.
- Jim Davis – a lot of good comments tonight. Council, keep up the good hard work. Everybody has personal antidote. Wonderful community, people friendly. Trash is an educational process. Have to understand diversion rate and what state is mandating. There are 43 non-profit organizations in our community. Volunteer system is wonderful. Have learned that most of my commercial and residential trash is recyclable. I have to adjust my flow of trash. Had to decrease trash bins and add recyclable bins, recyclable is a high number. Along with the suggestions, want to remind you can't please everybody. Set a pattern and then make changes as you learn and grow. Don't think could ask anybody if they want taxes raised, no one does. Appreciate council's hard work and public comments. More people involved and the educational aspect of trash will get us there. You will make some people happy, other may need assistance. Several years ago DUI didn't cost much, today it is exorbitant. Those who don't comply should be fined heavily. Carriage Inn recycles, has to be monitored. Current budget will require hard decisions. Perhaps can create new position for trash patrol for who is complying and who isn't.
- Bob Anderson – wondering do we need over 50%
 - Mayor Morgan – now is 50% but state working on legislation to raise it.
 - Mr. Anderson – all got 2 cans, suppose if everybody put 100% of trash in trash barrel and we were at 50%, what change has been made so far?
 - Mayor Morgan – when trucks dump at landfill they are weighed. We will get the numbers to the public.
 - Mr. Anderson – if everyone did their part would we increase to 75%. What about other trash from other areas?
 - Mayor Morgan – only trucks that came from within Ridgecrest were the only ones counted for us. Kern County and Inyo County were credited with their weights. Won't have accurate numbers for another couple of months. Commercial rate has doubled which has helped our diversion rate. Residential was a 13% increase, low but better than before. Currently showed that with cooperation we can raise our percentage.
 - Should go up to 90% if everyone does the right thing. Benz dropped off 10,000 cans at over \$61.00 each so that is \$610,000. Fees are too high. Smaller can is ok but not cost efficient. Little old ladies who can't wheel their can out, check with boy scouts.

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- Ivan Beyer – with regard to other counties bringing their haul to our landfill, they may get credit for diversion rate but still going to our landfill. Do they pay for that?
 - Mayor Morgan – yes, there is a dump fee.
 - Ms Beyer – what happens when our dump gets full?
 - Mayor Morgan – currently have about 25 years of life in landfill, we within 10 years of landfill being closed. County has designs to create a super dump in Kern County where our trash will be taken. When we fill the lifecycle of our landfill then we will be trucking trash out unless we can turn it into other technologies. If these technologies do what they are supposed to, the landfill could last forever.
 - Ms Beyer – is there a percentage of contributors allowed for our landfill?
 - Mayor Morgan – do not have that answer. When Kern River Valley landfill closed, all their waste began coming here.
 - Ms Beyer – Would think that we should get a percentage of that diversion rate from that city.
 - Mayor Morgan – some folks have skirted around the comment, if we create a site or use Golden Empire and can prove the numbers, eventually the county, right now 93% of trash diverted in Kern county is on the west side of the mountains. Some folks have said not fair, county getting free ride. If diversion rate continues to climb county will want our 7% for their numbers. Supervisor McQuiston has been wonderful working with us along with Mr. Landon.
- Dale Crane – what is reason for recycling? To keep everything out of dump or a higher percentage for diversion. Should be working to keep things out of the dump rather than higher percentage. Don't understand reason for recyclable unless is to keep them out of dump and not a ratio between recyclable and trash.
 - Mayor Morgan – answer is to keep recyclables out of dump. State is telling us that we are not currently getting 50% of our recyclables out of the trash.
 - Mr. Crane – don't think they will ever get 50% out of the dump.
- Walt Maurer – several month ago were told a number of these ideas and new ones tonight. Were told these were acceptable to current hauler so long as the impact is revenue neutral. Question is if we change this ordinance to move toward voluntary. Has anything changed with revenue neutral? These changes will have an impact on the revenue to the hauler. Would I be wrong in surmising that the revenue neutral has gone away?
 - Mayor Morgan – at the end of the day, city of Ridgecrest will owe Benz money.
 - Keith Lemieux – Mr. Morgan is expressing his own personal opinion and not necessarily the opinions of the City.
 - Mayor Morgan – I personally believe this but hope we can find a way to reduce the cost.

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- Mr. Maurer – voluntary solutions all the way. City would care to post the various numbers, could be posted on our personal website.
- Mayor Morgan – if you think of something else, put it in writing and email to staff. Process is still evolving and continuing to work.
- Council Member Wiknich – happy we are moving forward. Want to work on due diligence. Need to take out 13-6.3(B) under violations. Take out the misdemeanor portion and leave paragraph (A).
 - Keith Lemieux – violations section refers to a lot of provisions.
 - Council Member Wiknich – misdemeanor refers to jail.
 - Keith Lemieux – this seems harsh for recycling but also refers to toxic dumping and other areas. Will make distinction for recycling.
 - Mayor Morgan – can be done in other places also. Also City Manager needs direction. Can we try for first reading next meeting?
- Council Member Carter – moving in the right direction but is a slow process. Other people have to negotiate with. Thank Benz and State for their movement. Like everything presented. Suggestions and comments added to this document.
- Mayor Morgan – another meeting with Benz to discuss this meeting. Meeting with Benz on 15th; can we get as much as possible to them a couple of days prior so when they come to meeting we can discuss.
- Keith Lemieux – revise violations section, commercial/residential definitions for home offices; allow for separate collections, conceptually main issue is recycling pick up so suppose is possible to revise to make clear that recycling service and don't say anything about trash.
- Mayor Morgan – working on ordinance and policy at same time.
- Keith Lemieux – creates administrative and practical issue for Benz. Can narrow down.
- Council Member Holloway – one of biggest problems for right sizing was health and safety code issue. We received email from Carol Morgan indicating wiggle room.
- Mayor Morgan – no definitive answer on that or how will truck still be going up streets same amount of time? Haven't lessened cost of gas or employee or truck. Policy issues we have to deal with and hopefully Benz will help us out. Right-sizing of collection may not lessen cost as much as we think.
- Council Member Holloway – have we had opportunity to put before state?
- Mayor Morgan – so far they are listening
- Council Member Wiknich – would state entertain percentage allotment from Golden Empire?
- Keith Lemieux – any other changes?
- Council Member Holloway – 13-2.6 (D) remove. Would rather focus on right sizing.

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- Keith Lemieux – logic was since forcing everyone to take the service, some people could use assistance. Policy issue.
- Mayor Morgan – don't take it out.
- Council Member Holloway – change 'will' to 'may'
- Council Member Holloway – definitions; commercial premises; multi unit dwelling (confirm number is used consistently); premises (any land with building); residential premises ; universal services;
- Keith Lemieux – not sure universal services needs to remain with the revised ordinance.
- Council Member Wiknich – still have work to do on education, can we use cable and do video to pay on other channels. 30 second spot for \$350 produced and run for however long we want to run it. Suggest we do it for a month. Educational about what goes into recycling can. Total cost about \$850.
- Keith Lemieux – current requirement for public education. Current trash initiative is out there. Purely educational.
- Council Member Carter – getting more people who have satellite not cable.
- Keith Lemieux – per you instructions will try to get this done by the 13th.
- Council Member Holloway – concerned had ordinance, contract and policy. This gets handed over to entry level employee who answers phones. Policy document needs to be so understandable to a third grader.
- Keith Lemieux – in addition to ordinance, need a policy statement with Benz but is separate from Ordinance. Simplicity.
- Keith Lemieux – suggestion was made about presenting these numbers would make sense to do that in connection with a report done at time of passing the ordinance.

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. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of April 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:

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Proclamation Titles

Sexual Assault Awareness Month - April 2010

Silver Star Service Banner Day - May 1, 2010

Public Education Month – April 2010

Blues And Jazz Appreciation Month – April 2010

These Proclamations will be presented on Thursday, April 8, 2010 at 12:00 Noon at City Hall

5. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council Requesting Authorization To Enter Into Program Supplement Agreement No. No24 To The Administering Agency-State (State California Department Of Transportation) Agreement No 09-5385R And To Authorize The City Manager, Harvey Rose To Sign Said Agreement For The Road Rehabilitation Project On College Heights Blvd. South China Lake Blvd. To Dolphin Avenue** **Speer**

The Program Supplement Agreement is for the construction to the road rehabilitation project on College Heights Blvd. between South China Lake Blvd and Dolphin Avenue. This project is the second round of stimulus money that has been earmarked for our community and shovel ready projects. The total estimated cost of this construction work is \$600,281.00 with a local match of \$78,921.00. The funding source is the Federal Recovery Act Funds and the local match will come from the Redevelopment Agency.

6. **Resolution No. 10-, A Resolution Of The City Council Of The City Of Ridgecrest Authorizing Examination Of Sales And Use Tax Records** **Staheli**

The California State Board of Equalization (BOE) is requesting that the City update contact positions for receipt of Sales & Use or Transaction & Use re-allocation notifications sent to our jurisdiction. Since the notification letter contains confidential information, it must be directed to a position authorized by resolution to examine confidential sales and use tax records.

7. **Council Expenditure Approval List (DWR) Dated March 12, 2010 In The Amount Of \$ 309,054.87** **Staheli**

8. **Council Expenditure Approval List (DWR) Dated March 18, 2010 In The Amount Of \$ 8,818.16** **Staheli**

9. **Council Expenditure Approval List (DWR) Dated March 26, 2010 In The Amount Of \$ 220,934.07** **Staheli**

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10. Agency Expenditure Approval List (DWR) Dated March 12, 2010 In The Amount Of \$ 12,975.01 Staheli

11. Agency Expenditure Approval List (DWR) Dated March 18, 2010 In The Amount Of \$ 320.00 Staheli

- Item 5 pulled

Motion To Approve Consent Calendar As Amended Was Made By Council Member Wiknich, Second By Council Member Carter. Motion Carried By Voice Vote Of 4 Ayes, 1 Absent (Council Member Taylor)

Item 5 Discussion

- Mike Neel – cost Federal Recovery Act fund, ARRA fund?
 - Dennis Speer – Yes
 - Mr. Neel – do not like that act, funded with funny money, none of it there when allocated and not there when being spent. Process stinks.

Motion To Adopt Item 5 Was Made By Council Member Carter, Second By Council Member Holloway. Motion Carried By Voice Vote Of 4 Ayes, 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.

- Richard Wagner – education video will help. Working toward getting a video script written. Since already going against CALRecycle recommendations, can we look at single bin and take everything to Tehachapi for sorting. Hercules Global seems like a good idea, we need to be first to jump on it. Make a profit. Unpleased with Benz, actions taken with customers. Read excerpt from ordinance. Received notice from Benz for unpaid invoice and read to council. Franchisee does not have right under ordinance to discontinue service. Next item from Benz included finance charge, terms on invoice. Can understand service charge but not finance charge, have not borrowed money from them. Finally city picked up unpaid portion; neither city nor I should be charged a finance charge.
- Bud Clamp – first thank all council for what you do for community. Can't count the hours of service you put in. Working for what is best for our community. Do not believe a single one of you is out to derail the city or

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citizens. However, each of you took an oath to uphold constitution, believe that unless you know the constitution from framers point of view can't keep that oath. Gave a book each councilmember.

- Joshua Loscar – received your message on March 30 concerning the recall, read definition from Webster's Dictionary about recall. Also read from George Washington story. Read excerpts from Chips response. Thank you for remaining open and available to people. Returned letter to Mr. Holloway.
- Jim Rachels – upset about attorney's response. Question when you are going to follow your own ordinance. Ordinance states can't set a rate that is not approved by the City. There is no resolution for the green can. No legal rate set for the green can. Benz went from 75% market share to 100% market share with 0% risk. Increased market share and decreased risk Benz raised rate by 20% for the green cans which was supposed to be approved by resolution of the City. Frustrated by Mayor who would preach in condescending manner to public they had better live up to their word and recycle. Mayor has lied and broken promise. Mayor promised the initiative would appear on ballot. Frustrated by condescending tone of Mayor. Morgan melt downs. Frustrated when people come to speak they are not heard and told to shut up and sit down. These are my frustrations. Mr. Morgan, I hope you appreciate that you can't fix a problem if you become the problem.
- Doug Lueck – apologize to council for not having report. By tomorrow afternoon or evening south of town our new sign will be up.
- Dave Matthews – side comment to earlier comment. Guarantee this is not Morgantown. Want to ask Mr. Carter, next meeting April 8
 - Council Member Carter – no
- Mike Neel – remind council of suggestion from Mr. Winegardner about RACVB getting our money but not giving an accounting. Would like to see an accounting of where my money is being spent. We have people here who only want to talk in public comment but don't want to stay here until the end of the meeting. When will public comment be moved, gave timeline of responses.
- Howard Auld – give update to Armed Forces Day celebration. Progress is positive. Meeting with Susan Reid at base public affairs office. Heard that asst. secretary of navy Garcia wants to spend 3 days in Ridgecrest. Graduate of Burroughs, schedule worked out for Thursday, Friday wants to talk to the Schools and is same day for Cerro Coso graduation where he will be speaking. Freedom Park vigil for fallen soldiers. Conversation with executive assistant. Upshot is even though his schedule would not work the way we wanted it to, his executive assistant will try to work everything in. Very pleased that progress is being made and will have a good armed forces day.
 - Mayor Morgan – Thanked the Auld's for their efforts and information
- Barbara Auld – when people found out he was coming, began getting contacts from people who knew him. Viet Nam wall contacted us and they

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will be here and ready for the public Friday night at 7pm and will be involved in the celebrations over the weekend and will be here the whole week.

- Dan Wright – not talking trash. Other issue, we currently hire Bakersfield for building inspectors. Electrical engineer but not inspector. Current inspector is not addressing Section 6 for residential lighting standards. Requires energy efficient standards and florescent lighting. New standards the first of this year but this addresses florescent. Not earth shattering but worth looking at for energy efficiency. We need to uphold California law. Does need to be addressed with builders. Not hard to do and don't need a degree to do it. May come back on us later.
- Unknown Speaker – regarding comment made by Mr. Neel about RACVB not disclosing the use of funds. Invite Mr. Neel to attend our meetings and learn what we do and see the financial report. Reminded about conversation with Mr. Neel during his campaign for council.

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 Holloway – Mr. Rachels trying to say earlier was citizens would respect council if we took our lumps from the state and tried to resolve later. Some of biggest opponents to this project were patting me on head and telling me good idea but won't win. One area we are going to address is the price. Still have to get back to the cost and get the price down. Still committed to working on the price. Been in agreement on trash issue since day one. I voted against this the whole way and still in the same boat with the rest of council. To those who want me to attack the other council members, not my style, believe in respectful conversation and debate. Won't change my personality because I lose a battle. Looking to win the most battles. Tried to do the best for community, no sense to disrespect people because I lose a battle. Sheer frustration in community has caused people to discredit council members. State has become responsive now on things we asked them to do earlier. Now they are willing because public came to our rescue. Don't like the way we have gotten here, wish state had given flexibility earlier. Can't rebuild relationships that have been destroyed. Have a great tax day.
- Council Member Wiknich – would like to thank everyone who comes in to discuss issues. Last couple weeks more positive and favorable discussions on numerous issues. Extend invite to anyone who wants to

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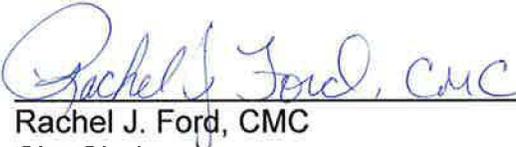
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talk to me. Want to hear from everyone. Mr. Speer received a positive comment about streets department and striping on intersections. This weekend cowboy shooters state black powder championship. Friday and Saturday, nighttime black powder shooting is awesome to watch, period costumes. Anyone is welcome to watch, bring hearing and eye protection.

- Council Member Carter – thought this was good meeting. Appreciate people who came, new faces and comments. Everything heard is doable. Wish had a magic wand but not reality. Would love to stop paying income taxes. Lot of things I don't want to do but have to because is the law. We as council are trying not to destroy city in process of taking care of trash. Appreciate Jean Fuller for going out of her way to help. Until laws are changed, we have grass roots approach all over California, and then laws will be changed. To beat up council for things we can't control is wrong. Need to come together as community, tonight positive.
- Mayor Morgan – a lot in community. Maturango and NRA fundraisers, fair, one thing is fairground is terminating contract with motorcycle track on April 12. Don't know what this will mean for Viewfinders but hope to keep the October event in community. Economic boost to us and provides quality of life to families who participate. Glad people are entertained about my Morgan Meltdowns, however when you misquote me I will react. I only ask you say everything not only what you want to use. My comment was I promise the initiative will be on the ballot if council approves. When you say I am lying and not doing my job and when I tell you we may disagree but it has been answered, I am going to react. I have that responsibility to myself, if I allow a person to give half truths and not defend myself; a lot of people in the community may start believing it. I have better things that I can do with my time besides go to Ontario tomorrow and argue about what the state is doing. I actually spent Sunday with my family and made it thru the day without picking up a city document. When people try to convince you that I'm not doing things for you and you don't see that I am going all over the county fighting for the ground squirrel. I defend this community a lot in other communities. I do work for you.

ADJOURNMENT – 10:20pm



Rachel J. Ford, CMC
City Clerk