



**MINUTES OF THE REGULAR MEETING OF THE
RIDGECREST CITY COUNCIL
RIDGECREST REDEVELOPMENT AGENCY
RIDGECREST FINANCING AUTHORITY**

City Council Chambers
100 West California Avenue
Ridgecrest, California 93555

August 18, 2010
5:30 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

ROLL CALL

Council Present: Mayor Morgan, Council Members Wiknich, Holloway, Taylor, and Carter

Council Absent: Council Member Carter running late and will join in closed session

Staff Present: City Manager Kurt Wilson; City Clerk Rachel Ford; and other staff

APPROVAL OF AGENDA

Item No. 8 was pulled and a discussion item was added pertaining to modified rates for trash and recycling service.

Motion To Approve Agenda As Amended Was Made By Council Member Holloway, Second By Council Member Taylor. Motion Carried By Voice Vote Of 4 Ayes 1 Absent (Council Member Carter), 0 Nays, 0 Abstain.

CLOSED SESSION – 5:30 p.m.

GC54956.9 (b) Conference with Legal Counsel - Potential Litigation - Benz Sanitation, Inc.

GC54956.8 Redevelopment Agency Real Property Negotiations. 1259 N. El Prado, APN 453-083-10. Globe Protect USA, Inc. Agency Negotiators, Kurt Wilson and James McRea

REGULAR SESSION – 6:05 p.m.

- ❖ Mayor Morgan – updated audience of agenda changes.
- Invocation
- Pledge Of Allegiance

CITY ATTORNEY REPORT

- Closed Session
 - Considered the matters listed on the agenda but took no action.
- Other
 - None
- ❖ Kurt Wilson gave report of Benz progress regarding billing, claims of service. Determined was not clear what avenue citizens were to take when a discrepancy was noted. Staff was overloaded and now has a unified system to discuss concerns or bill discrepancies. Trash war room answers calls and logs them for processing. Concerns now measurable and can get back to residents with action. Have separate line and email address which is available on City website. Reviewed the tracking mechanism instituted. Small step back but making sure we do right by the citizens. Delinquent account shut down has been delayed due to billing errors so going thru to resolve those before moving forward. Thanked staffs who have offered their time to help facilitate the process. previous letters went out explaining that account, if delinquent would go to collections, have sent out new letters letting citizens know that this would not happen until we could ensure the billing was accurate.

PUBLIC COMMENT

- Mayor Morgan – clarified that speakers would only receive one five minute time allocation either at the first public comment time or at the end of the meeting.

Public Comment opened at 6:13pm

- Christina Witt – read paper about delinquent bills and has had people calling, asked Mr. Wilson, should people bring copies of their checks and bank statements etc?
 - Mayor Morgan – yes, any documentation would speed the process up.
- Randy Jenkins – good evening mayor, council attorney and city manager. Are you including public comment of only speaking once does that include agenda items?
 - Mayor Morgan – no, agenda items have their own public comment time. Only general public comment for items not on the agenda?
 - Randy Jenkins – has it always been that way, most people have been doing it more than once. Is this resolution or procedure?

- Mayor Morgan – procedure.
- Randy Jenkins – noticed considering changing to 3 minutes on the agenda. Do not agree. Daily independent article showing other cities procedures. Vital part of community to get input for things you didn't understand how people were feeling. Scared me, Rancho Cucamonga persons arrested for exceeding the time limit. Absurd, need to talk without fear of exceeding time frame.
- Walt Maurer – surprised to see public comment was moved to front. If I comment now, then I am not allowed to make public comment later on?
 - Mayor Morgan – the second comment time is an extension of this one.
 - Walt Maurer – just clarifying.

PRESENTATIONS

1. **Rachel's Challenge – Presented By Leanne Yap, 8th Grade ASB President Of Murray Middle School & Robin Campbell, Murray Middle School Teacher**

Ponek

Presented program coming to Ridgecrest called Rachel's Challenge who was first student killed in columbine shooting. This is a community event. 3 schools on-board and students will receive program during the day and will then train the students and start a service club. Will also be holding three evening programs September 28-30 for the community. Set up like the parent program at school, want the community to participate. We are here to ask council for the use of these facilities to make at least one of the programs communities centered and accessible. One program will be held at Burroughs. Here to advertise and invite the community. Not asking city for money but are working on funding for the program and will accept donations to Murray Middle School. Gave www.rachelchallenge.org website address.

- Council Member Holloway – thank you for championing this cause. You have an audience. You need to raise \$3000. Murray middle school 446-55xx?
- Council Member Carter – thank you for coming to quality of life committee. Would like city to co-sponsor in chamber and put on TV.
- Council Member Taylor – website again is www.rachelschallenge.org

PUBLIC HEARINGS

2. **Conduct Public Hearing And Receive Comments Concerning The Estimated Employer Cost Of A Golden Handshake For A City Employee**

A. Taylor

- Ann Taylor – gave staff report. Report included estimated cost to the city for future contributions to provide 2 year service credit to employee.

Public Hearing opened at 6:23

- No public comments received

Closed public hearing at 6:24pm

ORDINANCES AND RESOLUTIONS

3. Adopt Ordinance No. 10-05, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Subsection (b) Of Section 2-1.105 - Agenda - Of The Ridgecrest Municipal Code Ford

Second Reading

- Kurt Wilson – gave staff report. Action does not change current time limits.
 - Mayor Morgan – this takes out of ordinance?
 - Kurt Wilson – correct, city takes unusual step of requiring an ordinance to change the time limits. This language removes that step from the ordinance and allows by resolution.

Recommended Motions - 2 motions

- a) **Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance No. 10-05, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Subsection (B) Of Section 2-1.105 - Agenda - Of The Ridgecrest Municipal Code Made By Council Member Taylor, Second By Council Member Carter, 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.**

Requires A Second

- b) **Motion To Adopt, By Title Only, Ordinance No. 10-05, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Subsection (B) Of Section 2-1.105 - Agenda - Of The Ridgecrest Municipal Code Made By Council Member Taylor, Second By Council Member Wiknich, 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.**

Requires A Second

4. Adoption Of A Resolution In Support Of The League Of California Cities In Opposition To Proposition 19 "The Regulate, Control And Tax Cannabis Act Of 2010" Wilson

- Kurt Wilson – League of California Cities legislative update. League has taken the position of opposition to Prop 19 and has requested City of Ridgecrest adopt resolution.
- Mayor Morgan – main reason is this circumvents federal law.
- Council Member Taylor – local law being concern for us.

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- Council Member Carter – read this ballot item, not written well at all. Don't think we need to add more problems to community. Asked Chief Strand for ACTION committee, a report of what the young people are using in illegal drugs.
- Mayor Morgan – asked if Chief Strand has comments on this item.
 - Chief Strand – in support of the resolution opposing this initiative. Legalizes marijuana the same as alcohol. Dangerous precedence by allowing it to be that open.

PUBLIC COMMENT

- Randy Jenkins – common knowledge that hard drug addicts almost always started with marijuana. One thing hasn't changed is not an herb but a weed that is a hallucinogenic. Several years back a place opened near bank of America. I investigated it and first saw people passing a joint around the room then discussed how much money he made daily. Wasn't concerned about helping people with medical conditions. Almost \$1000 per day was a legalized drug dealer. Almost all cases starts young people off on the road to drug culture. Ruins minds that would otherwise be productive. In times we live in for medical problems there are different kinds of things that can be use. More they use has dangerous chemicals in it. Someone who is high is very spacey and not a valid treatment for eye problems. Attorney General talks about being able to have it in your back yard, what is to stop kids from jumping in the yard and taking it? In agreement with resolution.
- Christina Witt – support of resolution because this goes against federal law. If federal decided to turn its eyes on California, they would say you can't have it. Do have people who try to compare to drunk drivers. Federal government can't control morality. In support of this resolution.
- Jim Rachels – if everybody here watches the news you know a couple days ago president Obama made controversial comments about the mosque near 9-11 ground zero. If you poll the public, most agree president was foolish for making comments because was not a federal issue. He was making political and personal opinions from his office. No gain to be had from it. Emotional issue, 10 people with 10 separate opinions. President was politically foolish in making opinion where he didn't need to. Think this is what council is doing. For everyone who says marijuana is evil, another one can say there is nothing wrong with it. Passion in statements. A lot and equal amount of passion on both sides. City pass a resolution for or against doesn't make a difference, just puts city of Ridgecrest in middle of situation you don't need to be. Your opinions, all five of you, don't necessarily represent all constituents. My recommendation is not to adopt resolution because city of Ridgecrest does not have dog in this fight. If it passes and there are legal issues with federal law, will be vetted out.

- Dr. Everett Whitsell – living here since 1997. Love the city. As a physician have treated many sick people and well people encouraging them to avoid pitfalls. As young man, fellow student in sixth grade had friend whose grandmother was given tobacco as a medical treatment. Now 76 years and have tried to live healthy life. Point is, marijuana is not good and I support this resolution for two reasons. Number one there is federal law you would be going against. Number two health is too important and do not need police to have to deal with problems that arise with hallucinogenic drugs. Drink plenty of water, eat proper food, and avoid drugs. All drugs have side effects. Don't need to legalize something we already know causes problems. Marijuana smoke causes emphysema faster than tobacco smoke, better to get cancer of the lung than emphysema. You live on and on suffocating. Thank you for using your head for something other than a hat rack.
- Dorothy Brown – thanked doctor for opinion. State of Oregon thinks differently. Spent time in Oregon who has legal marijuana. Brother is user for medical reasons. Accident related. Doctor permits and they study and it works. To deny my brother the ability to work is what you are saying in your comments. I smoked for 40 years, have no asthma or lung problems. Everyone is an individual and until we start treating people as individuals will not get anywhere.
- Betty Bassinger – the proposition is flawed so whether it counts or not doesn't matter. A lot of good information. The effects of the laws against this rather than on the person indicate the laws are wrong. This needs to be fixed at the federal level not the state level. People being socially stigmatized. Truth of the matter in how became legal was 1937 tax. America uses immigrant labor then wanted to put fear into Mexican immigrant labor force so we demonized marijuana. Same with black jazz players. Hallucinogenic is a misrepresentation. First research done was monkey in suit with constant smoke. Monkey died of suffocation, not the marijuana. Bad science. We build psychology on this. My son, I, and my daughter are all medical marijuana users. Spoke on the first medical marijuana store which failed miserably because they were not professional. The one on Ridgecrest blvd. had nothing to do with helping people, money only. Marijuana is not like insulin for those who need it, symptoms relieved like seizures and anxiety.
 - Mayor Morgan – are you opposed to this?
 - Betty Bassinger – agree with Mr. Rachels. A lot of inaccurate data.
 - Mayor Morgan – do you want us to support this tonight?
 - Betty Bassinger – I don't care what you do, just want good information out.
- Larry Lewis – fully support passing this. By allowing this to be sold in regular stores, no longer a controlled environment. Fully support this resolution.

- Walt Maurer – give credit when it is due. Nothing but praise for how council handled medical marijuana a couple of years ago. Having said that, have a couple of questions. What has league of California cities doing to support this?
 - Council Member Taylor – league of California cities is an organization we belong to. This is stating our opinion in the form of resolution and league acts as a lobbyist. Normally legislation is dealing with lobbying efforts. This is a form of legislation we do not want to be stuck with like the trash.
 - Walt Maurer – if a majority of the members support this, what then.
 - Mayor Morgan – league has already voted to oppose after this was reviewed by two committees. They are asking for support.
 - Walt Maurer – is city putting forth any money?
 - Mayor Morgan – no
 - Walt Maurer – no fiscal effect.

- Council Member Holloway – this proposition would allow anyone to grow not only on your lot but on lots next to you. Regardless of your opinion, this is a flawed initiative and will end up in court. Important we support the league. Will be a part of publicity.

- Council Member Taylor – this vote is not whether we are for or against, the issue is trying to influence legislation that impacts us and this impacts our ability to control zoning.

Motion To Approve A Resolution In Support Of The League Of California Cities In Opposition To Proposition 19 "The Regulate, Control And Tax Cannabis Act Of 2010" Was Made By Council Member Taylor, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.

DISCUSSION AND OTHER ACTION ITEMS

5. Authorization For The City Manager To Notify Southern California Edison That The City Intends To Terminate The Existing Street Light Agreement And Renegotiate A New Agreement **Speer**

- Kurt Wilson – this item is simple, current budget anticipated saving by turning off street lights. Language in current agreement with Edison does not maximize benefits. Specific times set. Narrow window to make notification we would like to have those discussions. Only allows staff to begin discussions.

- Council Member Taylor – understand asking authorization to negotiate, will bring to council before any agreement?
 - Kurt Wilson – yes, new agreement if made will come to council
 - Council Member Taylor – is this local negotiation or state?
 - Dennis Speer – tariffs not negotiated locally

- Council Member Taylor – what are we negotiating?
 - Dennis Speer – the process and level of service
 - Council Member Taylor – tariff is relative to power usage
 - Dennis Speer – want to begin discussions about how many and the cost of turning off some lights. Gave numbers of lights currently and about 70% could be turned off. Would have to work that out with Edison.
 - Council Member Taylor – concern to staff is significant saving, not crumbs. There is a chief and public perception. Talking about turning lights off in front of homes. Want it to come back to council before moving.
- Council Member Holloway – Dan Brady of SCE is here if you don't mind him speaking on this subject.
 - Dan Brady – has seen the item on agenda and was concerned regarding this issue. Made phone calls and have John King here and have paper presentation with regards to options for cost savings city may have. Don't know if what you are looking for.
 - John King – vice mayor of Covina. This is challenging issue and do not think appropriate to do presentation. Direct council to page 13 of presentation. Street lights are emotional and technical issue. Would like to share full presentation and to discuss LED lighting. Anxious for technology to mature. Page 13 speaks to what you are talking about this evening. Interested in having detailed discussion. You have the right to ask us to remove street lights but trick is no switch at every street light. Would need to remove sensors and cover up the hole. Not something we undertake regularly. If facility will be idle for some time, would be required to remove the entire light. If has been in service for more than 10 years there is no cost, but is a cost to put back in at later date. If less than 10 years old there is a cost of \$900-\$1000 to remove fixture. Is an option would be happy to go into detail with you. Any questions?
 - Mayor Morgan – I don't have any but appreciate you coming in to start the renegotiation process.
 - John King – this is a Tariff and as a regulated utility, can assure you the utility are more regulated to collecting. Negotiation really comes down to if you would like to remove lights would be happy to work with you. Wisest course is to enter into discussions.
 - Council Member Wiknich – what you presented does not make me feel good, was hoping SCE would come forward with something more like retrofitting or changes that would save us dollars per year. Would like to see that information. Do not want to turn the lights off but don't like wasting money for old technology.

- Council Member Taylor – could you answer what is the percentage of the Tariff that is actually power?
 - John King – depending on initial cost of installation, specifically energy portion is roughly 25% of savings. Want to see initial costs come down. LED fixtures are getting there but looking for more standardization across our territory. Don't want to leave you with impression we do not want to work with you. We do have a partnership and there are ways to reduce costs. LED will eventually become that, certainly partner already in trying to reduce costs and have authorized auditors to review facilities for energy savings opportunities. Also offered a zero financing program to do energy projects.

- Mayor Morgan – council looking for comments for termination of contract and renegotiation of new contract.

- Betty Bassinger – question, current city intends to terminate existing contract? Is that an agreement or contract?
 - Dennis Speer – yes, there is an agreement that is termed contract.
 - Betty Bassinger – in that contract is pulling the lights out part of that?
 - Dennis Speer – yes in the attachment
 - Betty Bassinger – could that be pulled out of the new agreement and are we exclusive with SCE to provide energy.
 - Kurt Wilson – that question goes beyond the council item.
 - Betty Bassinger – so if a business wanted to put in solar powered street lights could they?
 - Dennis Speer – that would depend on an agreement for street lights. SCE agreement has a franchise agreement.
 - Betty Bassinger – so foundational and could be changed.
 - Council Member Taylor – could speak about solar offline.

- Larry Lewis – intent of council to turn off lights is temporary or are we talking about forever?
 - Mayor Morgan – budget reduction
 - Larry Lewis – doesn't seem feasible for them to come out and take them out then a year later be charged to have them put back in. Do not think is a wise choice to make. Would rather see the parks brown rather than no lights for public safety.

- Jim Rachels – previous speakers stole my thunder. Average person might think is economical but I know that is horrific over simplification of issue. There are agreement and contractual issues and labor issues. Haven't heard from either side what kind of return on investment. Have you considered everything it takes to turn them off then turn them back on. What is the return on investment? Ballpark figure would be good for public.

- Dennis Speer – whole purpose of notifying SCE is to try and make those determinations.
- Christina Witt – couple of years ago a light went out and remembers neighbors coming out and after awhile neighbors were getting made. Lights are precious. In my street with light on, have had 4 bikes stolen and neighbors had scooter stolen. If street is dark, what might happen? Cost is to citizens. Risk of physical attack. Injured person going after city. In the end the costs go up in crime area.
 - Mayor Morgan – someone attempted to sue us when they jaywalked the light was improperly placed.
- Everett Mitchell – we need lights for public safety. Like to walk when is cooler, sometimes up to 10:30pm at night. Disappointed in areas with no lights. Thinking of 1980's traveling in Asia and Moscow. Amazed could not see Moscow because of blackout due to economics. Agree must pay for what we do. Obviously green money doesn't grow on green trees. Want to maintain good health and walk safely at night. Wife had cancer and chemotherapy. Tiny pothole and fell and broke wrist. Do have liability issues cost money. Safety and police need to be taking care of other things rather than searching out vandals.
- Dave Matthews – this subject first mentioned in budget hearing. I brought to attention the LED's mentioned tonight. Understanding Los Angeles has put those in with help of zero percent loans provided by SCE. Also know there is co-generation station in Trona who is putting these LED lights in their parking lot. Have example if anyone wants to look at it. Would prefer this be reviewed before taking out any lights. Should also put solar lights on the table. I live in middle of block with light across the street, large tree in front and when light is out the entry is very dark. Entire cul-de-sac is very dark.
- Jack Noyer – trying to bite tongue. Mr. Taylor told us to be careful what you wish for and I get it. Looking at short political career. I have street light. Cared about what happens in this community. Talking about saving a few pennies. Why are we cutting down on quality of life, my children and grandchildren grew up safely here, why are we taking these away from them? Taking away grass and lights. Served in the military and many people died so we could have these things. Hope the person negotiating with SCE isn't same person who negotiated with Benz.
- Randy Jenkins – request Chief Strand speak on the effect to Police if lights shut off. Would be handy to have more information, he has different perspective.
 - Kurt Wilson – item before you is not the debate to turn off lights but the implementation of previous council action.

- Skip Gorman – been a long time since been up here. Councilman Wiknich in forum recently counseled us to present alternative cut that would save about 100k. Feel like you have us at disadvantage. Wish we had a list of alternative cuts. Some things are funded by different monies. If there was a list that may bear some trimming it is something we could participate in and share our druthers with you. This is not very popular and ultimately will most likely be abandoned.
- Ron Porter – my understanding is this is just to go gather information to give us a more informed basis to make a decision?
 - Mayor Morgan – correct
- Bruce Johansen – lived in same house for 32 years, 2 blocks with no intersections. Have never had street lights. If you decide to take this action and later put them back would you consider putting some in front of our house
- Council Member Taylor – appreciate staff being creative. Believe there are cases where we have overpopulated lights and having better understanding of numbers. Appreciate staff taking look at what this is. There is a tag on every light post. That is how you report a light that is out. We are paying for a light regardless if it is operational.
- Mayor Morgan – appreciate fact this agenda item brought SCE to this meeting. Not sure we need a resolution to do the discussions. It has already started. Other items could be to discuss broad based lighting and believe there are areas that are overpopulated with lights. If some of those were removed would be step in right direction. Believe do not need resolution to continue discussions. Idea is that those in the public, who would like to be involved in that conversation, need to keep you advised on what we are talking about. My thought is not to approve this.
- Council Member Carter – if going to renegotiate this, no problem with negotiation because just getting facts.
 - Kurt Wilson – current agreement has automatic renewal so staff concerned would lose the window of time. Purpose was to make sure we had opportunity to initiate action before automatic renewal.
 - Dennis Speer – automatic renewal is October and must notify SCE 60 days in advance.
- Council Member Taylor – once start down road and don't need to terminate can rescind.
 - Kurt Wilson – just notification to start the process.
- Council Member Taylor – public needs a formal presentation so ask staff to have SCE to make a presentation.

- John King –can provide presentation and would be glad to work with staff with or without resolution.

Motion to approve Authorization For The City Manager To Notify Southern California Edison That The City Intends To Terminate The Existing Street Light Agreement And Renegotiate A New Agreement was made by council member Taylor, second by council member Carter. Motion carried by roll call vote of 4 ayes, 0 nays, 1 abstain (Mayor Morgan) and 0 absent.

6. Adoption Of A Resolution Amending The Service Rates Charged For Curbside Trash And Recycling Services And Self Haul Drop Off Area County Of Kern And Benz Agreements **McRea**

- Kurt Wilson – current rate set by number of things, fees, taxes, and two cans. Is appropriate now with opt-outs to review the rate structure at this time. Traditional way to determine rate was greater than staff is capable and must be done by outside firm. Staff recommendation because of short opt-out time, should review rates at this time. Item pulled at last meeting was a 50% reduction but was not practical because of other items incorporated in rate. Chart presented based on rate survey of other cities.
- Council Member Wiknich – second chart provided current amount and analyzed the numbers to set the rate. Benz lack of providing information prompts having to set rate without proper information. Reviewed current rate. Recommending trash fee to revert back to rate prior to ordinance change. Recycling rate reviewed. Recommending trash go back to rate used before then recycling rate go to \$9.86 per month.
- Kurt Wilson – number of options and staff willing to take direction council wants to go. Number of conversations with Benz and while they have not committed, do not want to give the impression that they have not been communicating.
- Council Member Taylor – surprised council makes decisions on staff recommendations but this is not a staff recommendation. Also a flaw to the Brown Act. Was looking forward to staff to make a recommendation.
 - Kurt Wilson – staff recommendation would be option B which was survey and a feed of \$21.00 per can regardless of color. Full analysis will continue moving forward.
- Mayor Morgan – recommendation of \$21.00 as a temporary fee until full analysis is completed. Tom, do your numbers include cost of gas and everything?

- Council Member Wiknich – originally had estimated cost to implement program which included all labor administrative costs and a transfer facility which I eliminated from the estimate and the final portion included transfer to Tehachapi. If there were other costs they were not included to set the rate.
 - Mayor Morgan – did you discuss this with Benz before bring to us.
 - Council Member Wiknich – no I did not.
 - Mayor Morgan – because I anticipate a number of people discussing this item, will not set the clock initially but may have to.

- Bruce Johansen – figures shown earlier before recycling did not have \$3.87 billing fee, where did this come from? Benz billed us the same as before and why is franchise fee not included in rates.
 - Mayor Morgan – context of this discussion can't do that but would try to do that offline.
 - Bruce Johansen – would still like to know.

- Jim Rachel – appreciate Council Member Taylor, foolhardy for council, in haste to do something, to do something inappropriate. Possible brown act violation. Look before you leap. Has anybody read the ordinance just passed, pretty clear city council doesn't set the rate, only approves it. You are setting a rate that determines how much profit Benz will make and you are violating your own ordinance. Another example of council ignoring law when is convenient. You don't have the authority to do this.
 - Council Member Taylor – to clarify, brown act restricts us from discussing this and was brought forward without my seeing it.

- Stan Ratoraj – would like to have seen this before coming here tonight. Did not see any numbers posted. One issue I have been bringing to you is the cost has gone up almost a factor of 4 (3.86%) see nothing in these numbers dealing with duplex or triplex and is apparent looking at these numbers it appears that I am paying 6 billing fees. An account is an account; I only get one bill every two months. Don't know where the billing fee comes from. Might suggest if a billing fee is associated it be with the account regardless of how many bins. One billing fee.
 - Council Member Wiknich – inference to brown act violation.
 - Mayor Morgan – that is what he is saying.
 - Council Member Taylor – was just showing frustration at not being able to discuss outside council.

- Betty Bassinger – components of current recycling rate. Waste or recycling?
 - Mayor Morgan – trying to come up with a one can price.
 - Betty Bassinger – all in interpretation. Self-haul charged?
 - Council Member Wiknich – no charge for self-haul. If you are subscribing for trash or recycling these are my recommendations, no charge if self-hauling.

- Mayor Morgan – please remember these are tom Wiknich's recommendations.
- Betty Bassinger – new city manager who doesn't seem to be aware there is a problem, two separate situations between recycling and trash. Reason has torn town apart is because of faulty contract. Mandatory trash and recycling when state only made recycling mandatory. Contract is foundationally faulty and has to go away and then start over. City of Ridgecrest was not told to put mandatory trash system in place. For council to mix this up in such a way as to ruin Benz business. No competition. If done on purpose they shot themselves in foot if not then bad business decision. Remove contract and start over.
- Joe Conway – confused are we only doing half of number 6? Leaving that part out or next? Are you going to stop the negotiation process? I have opt-out form and want to do business with Benz. No problem with Benz. Now in situation want to have a choice in how I do this. Have been recycling. Looking at your form, do I want to opt-out, you don't have rate structure. At this point only option is opt-out and self-haul and wait for you to get it fixed. Stop wasting our time.
- Larry Lewis – question about monthly rate, is it recycling only.
 - Council Member Taylor – current rate Benz would allow us to keep product and sell back. Less than \$3.00 per person in Pasadena area.
- Walt Maurer – what exactly is the resolution you are supposed to adopt. No text available. I see two things with bold face text. Where is the resolution? What is the text of the resolution? Read section in staff report. Your ordinance says Benz sets the rate and council approves.
 - Mayor Morgan – trying to get a rate we can approve and also negotiate with Dump.
 - Attorney – will draft resolution depending on discussion tonight which will be read.
- Mr. Cullins – supervisor at the dump and have not seen the agreement mentioned here. Need information, requested and have not gotten it yet.
- Dorothy Brown – understand we are discussing the rates, will I be able to speak to the errors in the billing.
 - Mayor Morgan – Mr. Wilson has set up employees to specifically deal with these issues.
 - Dorothy Brown – will I be allowed to speak in public comment.
 - Mayor Morgan – yes.
- Bud Clamp – you are looking at adopting a resolution and the resolution hasn't been drafted yet?

- Mayor Morgan – correct, council is trying to implement a one can system you have asked for to opt-out. We need a price for that, it would be nice if Benz sanitation would look at that number and give us some input, right now this council has to do something because we have an opt-out program and we need to move. This is not a joke, you council is trying to do something you want us to do and would appreciate your help in making it happen.
- Kurt Wilson – is more difficult not having a resolution prior to adoption, in this case needed further direction and will shortly have the resolution available for you.

- Dave Matthews – saw opt-out form for first time as part of packet. Recommends taking out 'self-haul' from options. Is confusing. (see tape)

- Ray Taylor – what is the power within municipal code. At this point you negotiate price with Benz. Why are we still sitting on this municipal code? Hanging onto something we don't need. Use the sheet and get on with business.
 - Kurt Wilson – while worthy of consideration not within the scope of what this item is intended to do. Secondly not sure it is within our agreement with the State.
 - Ray Taylor – have you read the paper and what you are signing.
 - Council Member Taylor – yes, see no purpose in municipal code.

- Larry Lewis – why does the price change if some people are not having it picked up?
 - Kurt Wilson – the request before council does not change the existing trash rate however is based on 2 cans. Is it appropriate for people to pay same price for two can rather than one can. Those who do not opt-out would still be bound to the current rate.
 - Larry Lewis – what was cost before the blue bins. And what is the matter with that rate?
 - Council Member Wiknich – that is what my recommendation is.

- William Howard – the flaw I see with saying this chart is not put up by staff so goes against the brown act, flaw is staff created it. Mr. Wiknich took information from staff recommendation presented earlier. That chart created the fee. That is recommended by staff, not Mr. Wiknich. Regurgitated by Mr. Wiknich, no problem with that. I see a problem with charging for transfer facility we don't need and won't be built. Problem with \$3.87 billing fee. If allowed to be paid annually or semi-annually, monthly, or bi-monthly. They didn't need a billing fee for all the years before. When you increased his volume then slap on a billing fee. Believe have to come back to reality in these tough times. Figure out how to do things efficiently and cheap.
 - Mayor Morgan - decision to make

- Council Member Wiknich – lacking any new numbers from Benz, Mr. Howard is correct these numbers are from the agreement with Benz a year ago. Not changing any numbers just splitting it apart.

- Council Member Taylor – is perplexing no resolution in the body of the handout, here to do in real time. I understand we can but in terms of clarification in building the agenda please don't put under discussion. Personally process would include franchisee bring numbers forward. We get crucified for everything and this boils down to lesser of two evils. At this point, wish we had gotten to point franchisee would bring fee forward. Would you like us to pause on the opt-out until we get a number from Benz? Understand you don't like the process but you don't want us to pause the opt-out program. All falls back to the spreadsheet, personally struggling trash is picked up locally and not transported to Tehachapi. No hand sort or other costs. Struggling with this low of fee that might cost more. Also the cost of doing business has gone up. When Benz came forward with this rate costs have changed. Struggling and in future agenda item, staff recommendation should be presented.

- Mayor Morgan – Tom's self-haul number of \$12.85 is green can picked up and dumped in the dump. Are you suggesting blue can be at \$9.86 which is picked up and hauled to Tehachapi, more costs there. How can it be lower?

- Council Member Wiknich – based on numbers presented last year. Cannot vouch for actual costs, only estimate agreed on by city and Benz.

- Mayor Morgan – suggesting 2 rates for different cans.

- Council Member Wiknich – correct. Both cans add the two together.

- Mayor Morgan – cannot agree with that because believe is too low. Praying when we do pick a number Benz will come back and talk with staff. For sake of argument will split down middle and recommend \$15.26 just to set a number.

- Council Member Taylor – ask to view staff spreadsheet.

- Council Member Wiknich – for just recycling?

- Mayor Morgan – one can.

- Council Member Holloway – my initial reaction is how it can cost less to transport to Tehachapi. Those numbers were based on mandatory environment and have about 2500 customers not participating. Did numbers. $5.23 + 2.20 + \text{fees} = 11.77$. Why is this different than congress voting on health care bill?

- Council Member Carter – would like to give figure for one can. Would support Mayor Morgan's numbers.
- Council Member Taylor – would also support special council meeting to improve process.
- Council Member Wiknich – only objection is we use numbers previously used. Agree number sounds low and agree with Chip that once we know how many people actually subscribe can amend. Maybe Benz will come back with actual costs.
- Council Member Carter – regardless of what we do tonight will have to come back with analysis. Would like to move forward.
- Council Member Taylor – want to validate. These rates from sample are these only one can rates.
 - Kurt Wilson – yes these are intended to be one can rates.
- Council Member Taylor – this is a partnership and having tough time. Believe need to pay our bills as part of agreement. Hoping franchisee would come forward with numbers. Need to move forward. At same time everyone else within a hundred miles are not getting a can for \$9.00. Treat people fairly.
- Council Member Carter – motion of 15.26 for trash and 15.26 for recycling. Second by Morgan. 3 nays, 2 ayes. (Carter, Morgan)
- Council Member Wiknich – Chip's rates.
- Council Member Holloway – 11.77 trash and 12.85 recycling. Total 24.62 month if you get rates lower overall your opt-out rate won't be as high.
- Council Member Holloway - is 11.77 for trash, 12.85 for recycling and 24.62 for both.
 - Kurt Wilson – council has option not to take action, however those who have opted out will continue to pay full price.
- Council Member Taylor either can motion 18.11 based on lowest rate presented in comparable survey. Not here to bankrupt business but to represent those who actually want the service. My assumptions are the city manager is working on a full cost analysis for final rate if we don't get it from the franchisee. Current rate is 30.52 monthly. Understand Tom's spreadsheet. Hope Benz comes back to table. Before looking at this sheet have tough time saying 15.00
- Council Member Carter – numbers again.

- Council Member Taylor – one rate regardless of can \$18.11 only based on lowest rate anyone on this spreadsheet has.
- Council Member Holloway – can we pass a rate tonight? We still are not doing the billing. What power do we have that forces Benz to change that rate and if they don't what happens.
 - Attorney – your power is in negotiation. If has to be litigated the closer you are to the correct number the less money will change hands. If 18.11 is reasonable. If they don't want to do it, then something else to argue about. Address policy question tonight. If someone only gets one can how much should they be charged for that. Tells us that.
- Council Member Taylor – personal recommendation is to adjourn this meeting and come back with something more solid. For company going to lose business, their costs are not going down. Ultimately have to figure out this rate. If could come back and agree Benz would bring us a rate, then plan A. Would be glad to convene a meeting next week on this subject. If must move today, then am throwing out this number.

Motion For New Rate Of \$18.11 Per Can Was Made By Council Member Taylor, Second By Mayor Morgan.

- Attorney – resolution will have an effective date. If you establish a rate tonight and city manager can gather information for a different rate then you have your special meeting. Anticipate nothing will be resolved before September 1. Deadline will be imbedded in resolution.
- Kurt Wilson – customer bills will be generated prior to September 1

15 minute recess.

Reconvened at 9:28pm

Motion For New Rate For Either Blue Or Green Can On A Monthly Basis Of \$18.11. Two Cans Rate To Remain At \$30.52. Continue To Work On This And Get Rates From Vendor. Motion Made By Council Member Wiknich, Second By Morgan. Motion Carried By Roll Call Vote Of 3 Ayes (Mayor Morgan, Council Member Carter & Council Member Taylor, 2 Nays (Council Member Holloway, Council Member Wiknich) 0 Abstain, 0 Absent.

- Attorney – read resolution.
- Mayor Morgan – given that I believe is intent of council after negotiation with Benz, we would be able to modify this if further negotiations came up with more accurate rates with collaboration with Benz.
 - Attorney – with regard to the law yes.

- Council Member Wiknich – out of town Tuesday and Wednesday
 - Kurt Wilson – not want to give the impression that we will have numbers for change.
 - Attorney – amended the title and re-read the resolution

Motion To Approve Resolution As Read Made By Council Member Carter, Second By Council Member Taylor, Motion Carried By Roll Call Vote Of 3 Ayes (Mayor Morgan, Council Member Carter, Council Member Taylor), 2 Nays (Wiknich, Holloway), 0 Abstain, 0 Absent.

- Morgan – reiterated the hope that Benz will come up with new numbers.

7. Adoption Of A Resolution To Approve The Professional Services Agreement With The Engineering Firm Of Hall And Foreman To Provide Construction Management Services For The City Of Ridgecrest On The Traffic Signal At The Intersection Of Radar Ave And China Lake Blvd. Speer

- Dennis Speer – gave staff report to council. Grant program with approximate 10% match and 90% grant.

Motion To Adopt A Resolution To Approve The Professional Services Agreement With The Engineering Firm Of Hall And Foreman To Provide Construction Management Services For The City Of Ridgecrest On The Traffic Signal At The Intersection Of Radar Ave And China Lake Blvd Was Made By Council Member Holloway, Second By Council Member Wiknich.

- Mayor Morgan – city fiscal is \$4000?
 - Dennis Speer – total is \$4800 for total construction cost.
- Council Member Taylor – funding for project is bond money?
 - Dennis Speer – hazard elimination grant money

PUBLIC COMMENT – none presented

Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.

STUDY SESSION

- 8. Discussion Of Proposed Resolutions By The League Of California Cities Revenue And Taxation Policy Committee And The League Of California Cities Opposition To Proposition 26, "Constitutional Amendment: State and Local Fees and Charges: Requirements and Limitations"** Holloway

Pulled prior to approval of agenda.

CONSENT CALENDAR

9. Adoption Of A Resolution Authorizing Application For And Acceptance Of The State Of California, Office Of Traffic Safety STEP Grant Strand
10. Approval Of Minutes Of The Regular City Council/Redevelopment Agency Meeting Of June 16, 2010 Ford
11. Approval Of Minutes Of The Regular City Council/Redevelopment Agency Meeting Of July 21, 2010 Ford
12. Approval Of Minutes Of The Special City Council/Redevelopment Agency Meeting Of July 29, 2010 Ford
13. Approval Of Minutes Of The Regular City Council/Redevelopment Agency Meeting Of August 4, 2010 Ford
14. Approval Of Council Expenditure List (DWR) Dated July 30, 2010 In The Amount Of \$252,166.70 Staheli
15. Approval Of Council Expenditure List (DWR) Dated July 30, 2010 In The Amount Of \$249,750.48 Staheli
16. Approval Of Agency Expenditure List (DWR) Dated July 30, 2010 In The Amount Of \$14,860.69 Staheli
17. Approval Of Agency Expenditure List (DWR) Dated July 30, 2010 In The Amount Of \$3,000.00
Staheli
18. Approval Of Agency Expenditure List (DWR) Dated August 5, 2010 In The Amount Of \$15,000.00 Staheli

Motion To Approve Consent Calendar Was Made By Council Member Carter, Second By Council Member Taylor, Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, and 0 Absent

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- Kurt Wilson – will institute standing meeting the Monday preceding council meeting at 5:00pm for members of the community to discuss agenda items.

COMMITTEES, BOARDS AND COMMISSIONS

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 September 8, 2010

- Council Member Wiknich – met and had one request from citizen to repair driveway we had put in and the municipal code only allows curb and gutter repair. Committee recommended not doing the repair. Applicant not happy and offer of appeal to council was extended. Discussion of truck traffic on west Ridgecrest blvd. discussed PMS system update. Next meeting announced.

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 September 13, 2010

- Council Member Taylor – met Monday and discussed deviated fixed route and transit system. Discussed code enforcement officer. Next meeting September 13 at 5pm

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

Members: Co-Chairs Ron Carter, Chip Holloway, Ron Strand
Meetings: 2nd Monday of odd numbered months at 6:00 p.m., Kerr-McGee Center
Next meeting September 13, 2010

- Council Member Carter – next meeting September 13 and will discuss illegal drugs in the community and anything police and school district want to discuss

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Community development meeting at 5:30pm on September 2

PUBLIC COMMENT opened at 9:44pm

- Dorothy Brown – welcome Mr. Wilson, you’ve come into a bag of maggots. Comment is regarding trash. Quite a difference between what the city owes and what Benz is sending as a bill. Don’t have answers. A lot of vacancies in La Mirage, are you being billed for properties in foreclosure? There are other foreclosures. La Mirage has been in foreclosure for some time. There are a couple of homes in the Willows property that have been empty for over a year. One of them the man is dead. Add them up. Understand information given to Benz, don’t think anybody has verified what property needs service under any aspect. How many properties are being billed under a misconception? Needs to be audited. Don’t like the idea of city spending money or Benz getting cheated because somebody isn’t getting the numbers right. At the end of my day about 5:00pm so am pushing it and apologize. The amount you are billing, question here as whole number. How do you

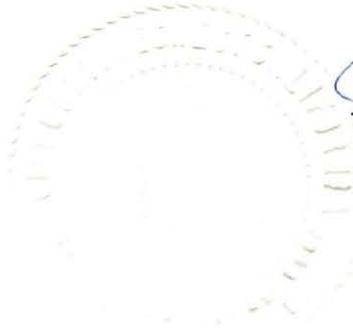
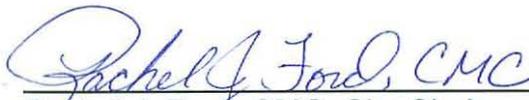
come up with the numbers? 4 members of widowed persons group who don't get more than \$865 per month. Can't afford cost for recyclable service and most can't fill the cans on that kind of income. Fortunately I have a house I can afford but he longer you keep dumping things on me the worse it's getting. Unfair for people with your incomes don't take close look at people who can't afford it. I have a son, but don't want him to self-haul and go thru the flat tire issues. Why is Benz bill bigger than what it probably should be?

- Jack Noyer – apologize about street light tirade, principal. Mayor and Mr. Taylor, how are you dealing with water issue? What I am trying to convey is I have been here for 26 years, want representation not dictated to. Question for Mr. Holloway, how much marijuana can we grow? Cash for grass program and violation of water ordinance? All of my problems have centered on water district, going to send out a faux bill and so I will send them a faux check. Annoyed with water regulations and know the city and district are not aligned. Been here 26 years, daughters have grown up here and grandchildren are growing up here. Entering politics late in life. Followed Mr. Taylor, he can outthink me, all council can appreciate how hard you work now just sitting thru these meeting and listening to this. Thank you, you have really done a lot for this community. Appreciate what you have done. May withdraw from this race as I have a bad leg and you know what they do to horses.
- Dave Matthews – Mr. Wiknich think you glossed over the discussion in infrastructure. Want to mention old school house building which has been discussed in papers lately. First thought was building was not going to interfere with solar and don't understand why is now a problem. However some interest was shown in relocating that however that is rapidly waning. At this point, work around it. Go out for volunteer help to bring building up to usable condition and turn into school house as the plans were. That is becoming expensive issue and would like to see it stay right where it is and have volunteer help and fundraisers to put building back in shape and use for afterschool program.
- Larry Lewis – over last year with trash issue, a lot of mistakes made. Appreciate you are trying to get it fixed and wish you best of luck, who exactly wrote the contract? Attorney, council, how did come about. Whoever wrote need to leave some things out like collection service. If in process of renegotiating then that needs to be left out.
- Bruce Johansen – second council meeting, very interesting. Buy two cans get a discount, 3 cans may eventually get another discount. Those of us who retired did not get a raise, glad to see you are going to get one. Thought the audience was good this time however one council member had derogatory comment concerning people who were not here and think was misplaced.

MAYOR AND COUNCIL COMMENTS

- Council Member Wiknich – Mr. Matthews right about 100% plans coming in for west Ridgecrest blvd. will be looking at that soon. Really do have pre-engagement next Tuesday and Wednesday.
- Council Member Holloway – thank Mr. Noyer for allowing ability to laugh in these chambers. Been fairly painless meeting compared to other. Goodnight.
- Council Member Taylor – apologize to Mr. Noyer during comment. We have been having productive discussions with water sub-committee and discussing options compromise for all to allow turf back into front yard for new construction. Looking options for smart timers and other technology and allow you to sign something allowing them in back yard. Trying to work with that and understand the spirit of their concerns. Brackish water is expensive to turn into drinking water. Without water we can't grow. Citizens, appreciate the forum, apologize if I said off comment. Do not look at this rate being a final rate, look forward to a final rate with Benz input. This has all been compromise but definitely trying to move forward.
- Council Member Carter – reminded, great to be grandparent, school starting and new clothes. Right around corner, teachers have started working, wish them best of luck, hope student to best they can. Thank teachers who aren't paid as much as they should be but dedicate their time to teach our children.
- Mayor Morgan – cannot thank council members enough for service provided to community, agree or disagree, not easy and am honored to serve with you. When faced with difficult situation where you lose either way, I still feel forward progress is vital and necessary. Believe that was accomplished tonight. Special meeting required next week on hopes of getting information we can use, Thursday is available once you receive information. Wish we should have done things differently. Should have put on tax rolls from beginning but we listened to community and look where we are at. Are we better off? Don't think anyone can say we are. Wish could take back, but can't. Can only try to work this out. Our partner Benz now has something they will hopefully come back and discuss with us. Not spending three hours but not making any headway. I took time off work several times and spend three hours with staff and Benz and we talked. Didn't come to any decisions but talked a lot. Now city is trying to plug, plow and stagger in the mud to make things happen. People wanted opt-out. Had to have a rate for the opt-out. Plead with Benz to help us come up with real numbers. Had a group say don't do anything, same group that said we want you to do something but now you don't. Can't have it both ways. Tonight we moved forward and will continue to move forward to keep city, county, Benz and state happy.

ADJOURNMENT – 10:11pm

Rachel J. Ford, CMC, City Clerk