



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

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

**August 4, 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 for the purpose of preparation of minutes.

CALL TO ORDER at 5:32pm

ROLL CALL

Council Members Present: Mayor Morgan, Council Member Ron Carter, Tom Wiknich, and Jerry Taylor

Council Members Absent: Council Member Chip Holloway

Staff Present: City Manager Kurt Wilson; City Clerk Rachel J. Ford; Other Staff

APPROVAL OF AGENDA

Item 4(B) was pulled.

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

CLOSED SESSION – 5:35 p.m.

- GC54956.9 (a) Conference with Legal Counsel; Potential Litigation - Public Disclosure of Potential Litigant would prejudice the City of Ridgecrest
- GC54956.9 Conference With Legal Counsel - Liability Claim of Gregory Stewart - Claim No. 10-08
- GC54956.9 (b) Conference with Legal Counsel, Potential Litigation – Benz Sanitation

REGULAR SESSION – 6:42 p.m.

- Pledge of Allegiance
- Invocation

CITY ATTORNEY REPORTS

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➤ Closed Session

- Clarified that item 4(b) was pulled from agenda, item 4(a) still on agenda
- Conference with legal counsel – claim 10-08 Gregory Stewart, council voted to deny claim and instructed city clerk to provide letter of denial.
- Conference with legal counsel – Benz. Council directed attorney to provide a letter of cancellation of franchise with termination at end of the year.

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 thirty (30) minutes. EACH SPEAKER IS ASKED TO PROVIDE HIS OR HER NAME AND ADDRESS FOR THE RECORD.

Opened at 6:45pm

- Brian Waterman – take opportunity to read parts of news article in news review today offered by Rebecca Neipp. Lead into agenda item 4 which was pulled and is now considered non-agenda item. Read article from August 4, 2010 news review pertaining to Benz contract. Wanted public to read article in full and extract what it says.
- Jim Rachels – surprised, city want to terminate franchise with Benz. Disappointed that solution to this is nuclear option. Seems contract has fault on both sides, city wrote foolish contract and Benz foolish to accept. Fact is Benz is long-term vendor to community who provided good service until this trash issue. Just because council wrote bad ordinance and contract and Benz was over-zealous, you say the only solution is to tell them to leave? No room for compromise. Only person who spoke with reason was council member Holloway to stop, and start over. Think there is still room for compromise.
- Jack Noyer – last time heard talking to water district regarding clarification to city water ordinance and the district ordinances. Though water district was egregious. Don't want to be the foot stool to death valley. Lived here many years. Think council needs to investigate position of city and water district, don't roll over and play dead. Understand governor is looking at water reduction but Ridgecrest trying to do all in one year. Needs to be looked into.
- Chuck Hinson – don't come here often, just retired from city. Last two months am appalled at the lies and half truths. Worked here for 10 years, nobody owns up to their mistakes. If people respond we just tell them they're wrong. How can everything be citizen's fault when you make the rules. When problem comes up, you run into back room and do what the bureaucrats do. Gestapo, fines on

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property. People have families, children. Eventually charges can't be afforded. Couple of weeks ago, talked about closing the pool. Two weeks later read in paper about spending eight million dollars. Children and grandchildren will be paying for it. Think it is atrocious what you are doing. We can't have everything we want, getting to the point we can't afford it. Blinded by Satan, saddling us with more debt. Telling us we can do anything to make our lives better, we don't have water to support ourselves but you want to spend this money and saddle us with debt. You put your years in then move on, leaving us with the debt. You don't tell the whole truth. Anything in the paper about you getting medical. Two of you have wives who work here, one's position was created for her.

- Mayor Morgan – the redevelopment bonds are not paid by the citizens. Will be paid by tax increment we would not receive otherwise.
- Robert Eierman – wonder if you realize you are doing what you are supposed to do? Don't think so, going to the 'nuclear option' after such a long time and continued debate. Who are we going to war with, last is the citizens, second would be Benz. The one you should go to war with is the state but won't consider. You take a wonderful company and destroy them. For council to instruct city attorney to use the nuclear option, are you doing what you are supposed to do, can't believe it is. Option to go to state, tell them this is what we are doing, we would applaud you. To blame Benz for your mistakes is not what you are supposed to do. Thank goodness two of you get to go away, three after that, maybe then the city attorney and depending on how Mr. Wilson does, he may be headed down the same path. This isn't Benz fault, it is the council's fault. Am in total shock but looking forward to May.
 - Mayor Morgan – taking into account current franchise situation could also be thought of as renegotiation of contract.
- Unknown speaker – couldn't sit and listen to this tirade, you don't represent most of the people I know. Hate listening to speakers yell at city fathers who are trying to do their best. They are human and make mistakes but are trying to resolve this trash situation. How many trips did citizens go to Sacramento, you just get to yell about it. You have cars and live in the state, what is your position. Talk to the governor. These people have jobs and then spend 50+ hours per week trying to help us. You are all talk, you like to destroy, not builders. Don't know what is going on, but agree that should be done extremely carefully. Sounds like a bad idea, maybe a negotiation ploy. Benz has some ideas. Big talk about our new city manager is total destruction, that's worthless.
- Betty Bassinger – sir appreciate your emotion but you were pointing fingers. I heard something exciting since coming here and that is waste disposal contract may be renegotiated. If that is happening and since everybody has lost trust, who is going to represent the citizens? We have not been represented. Have something for second bill. Different account numbers. I paid the \$120 and this is a \$70 something. I paid Benz. Benz is saying they are not getting money, they are getting money. Do this.

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- Al Huey – in regards to reaction from some people and comment from city attorney about termination of contract, not enough information for people to respond other than they did, if renegotiation was there you would probably not had such an abrasive reaction. One week ago, issue of illegal vote. City became enlightened to what Mr. Rachels had said for months regarding ordinance and resolution of what was required to be done in ordinance 09-01. Also look to see if there is anything to permit city to send out letters of non-payment for service they did not sign up for or use. Now the paper reports city is pursuing collection agency to enforce. Request council provide the language in the ordinance that permits this. Recollection is anyone who does not sign up should have been cited or don't make their payments should also be cited. Mr. Rachels asked city to cite him, request council and city attorney provide for me where the authorization is to send these letters and hire collection agency to go after me.
- Howard Auld – completely surprised, appalled and frightened at what I heard this evening. The relationship that exists in the town is symbiotic one between the city and citizens and also with Benz. Hope this is not a surprise to Benz. Everybody I have had contact with has been satisfied with service. People don't tell you that, but am scared that Mr. Benz hasn't been apprised of this action.

PRESENTATIONS

Presentations having to do with City business may be scheduled by City Council or City Staff no less than five (5) business days prior to the City Council Meeting.

1. Oath Of Office - City Manager Kurt Wilson Ford

Incoming City Manager Kurt Wilson will take an Oath of Affirmation into service by the City Clerk and formally assume the duties of City Manager.

PUBLIC HEARINGS

2. Unmet Transit Needs Public Hearing Speer

The Transportation Development Act of 1971 (TDA), as amended provides for the disbursement of funds from the Local Transportation Fund for various eligible transportation uses. The funds are distributed by the Kern Council of Governments (KCOG), in its capacity as the Regional Transportation Planning Agency. An eligible claimant wishing to receive TDA funding through KCOG must conduct an annual review of the transit needs of the individuals and groups in the community. The hearing was duly noticed 30 days prior to this evening. It would be appropriate to open the Public Hearing and receive written and oral comments regarding any "unmet transit needs" and determine whether these are "reasonable to meet". The documentation of the Public Hearing will be forwarded to Kern COG.

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- Dennis Speer – gave staff report to council. Purpose is to provide public to give comments of unmet needs. Background of process. Definition of unmet transit needs and requirements.

Public Hearing opened at 7:19pm

- Jack Noyer – favorite annual subject. Done research on this and regard to 90-04 KERNCOG resolution. Quoted perspective 2010 article from Ruth Justice. Impromptu survey at senior center. I happened to utilize facility and attempting to find new schedule that outline what schedule is. Found a business card in lobby that talks about when you can get on the schedule. Now you have to give a 24 hour notice for reservation if available. Coverage and providing service. Only see one bus at senior center with one veteran with a walker. Drivers have been instructed not to assist anyone because of liability, but think we should help our fellow man. We have 3 facilities/stops that are ADA compliant. One at hospital, one at Kerr McGee, and one at shopping center on downs. Deviated fixed route could possibly be looked at again. People are showing interest. Today at Stater Bros. lady asked clerk what time the bus would be by. Not on fixed route so she would be waiting for awhile. Budget constraints is on the recording when you call. As you cut back on service, you cut back on revenue. Decline in ridership, decline in revenue. 5 buses in system but only running 3. Automated scheduling program that only allows 5 people per hour. Bus is empty a lot, automation is fine but something flawed in program as doesn't have the coverage. Measure actual ridership and see if there was a decline based on new automated system. Not going to ramble on. Bus goes to senior center with one rider, how many other seniors are not getting their needs met. Have to be there by noon. Statistically, not meeting needs of seniors. Numbers of seniors in our town? Numbers at chamber of commerce. Some need help, to see talk, walk, but still want to be independent. Drivers are kind and thoughtful but you are tying their hands. Cannot provide level of service unless you allow them and provide the funds. We are all going to be there someday.
 - Council Member Wiknich – agree with a lot of comments but do you have specific recommendation you want us to make. Are you asking for more hours, people, and buses?
 - Jack Noyer – older system had 2 hour response time for service. If have to wait till tomorrow may not work. Need to get contact time reduced. Increase dispatching, turnaround time. Some seniors, the only meal they get is at the senior system. Need to increase availability. Get all buses working.
 - Council Member Wiknich – comment of helping seniors
 - Dennis Speer – risk management issue, can't help beyond the curb.
 - Mayor Morgan – will see if this is an internal policy or state rule.
 - Kurt Wilson – will have staff look into and prepare memo.
 - Jack Noyer - even if you adopt that these have been met, you still have to provide documentation.

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- Betty Bassinger – you are concerned with elderly and disabled with this. They need support getting around town and on and off the bus. In home service support service worker could help getting into and out of the bus. A fixed stop at grocery markets. Three main markets with fixed pickup and specific time for bus. Markets could have lower rate for these. Medical care and senior lunch should be a scholarship, grant from the facility. Love old people, but bus system is awful. Mr. Noyer spoke on problems making reservations. We have opportunity for fixed transit that goes to the college, put a cable tram in, make it look old fashioned. Stops need to be affixed with misters or cooling system. Knows of an elderly person who can't get transportation to hospital. During summer need to have businesses open later when it is cooler. Need a bus for town center. First choice is fixed route at shopping centers and discounted rate. Centers can offer city funds to help cover reduced rate.
- Bob Anderson – went to senior center and only one lady got on. Might be cheaper to get Cab Company to give rides.

Closed Public Comment at 7:41pm

- Dennis Speer – many comments and concerns addressed by Mr. Noyer and Ms Bassinger as we implement. Council has authorized us to implement, don't have final result of state budget. In process of implementing deviated fixed route which will change current service. Now is demand response and selling time not space on bus. Deviated route will be selling space on bus every 30 to 45 minutes. These plans presented in past city organization meetings and will implement this fiscal year depending on budget shortfall.
- Council Member Taylor – funding proposed cuts?
 - Dennis Speer – 20% less. Will take us to about 800k. additionally lost state transit assistance funds of 250k – 300k which was suspended several years ago and now may be gone completely.
- Council Member Wiknich – taxi cab comment?
 - Dennis Speer – want to see what deviated fixed route will do for us but can use taxi to subsidize transit service.
- Council Member Taylor – city has plan to deal with these, reality is with cuts imposed by state will do the best we can. Plan is in place.

Motion To Approve Resolution No. 10- A Resolution Of The Ridgecrest City Council Establishing A Finding For Unmet Needs That Is Reasonable To Meet In And With The Public Transportation System Was Made By Council Member Holloway, Second By Council Member Carter. Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, 0 Absent.

ORDINANCES AND RESOLUTIONS

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3. Ordinance No. 10-, Introduction And First Reading, 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

This ordinance was discussed in open session at the regular meeting of the Council on July 21, 2010. The ordinance amends language establishing a set time limit for public comment time and allows the time to be established by resolution.

- Betty Bassinger – will new ordinance be addressed how many times a speaker can speak during public comment.
 - Mayor Morgan – no wanted each person to have an opportunity to speak
- Mike Neel – who brought this ordinance to the table.
 - Mayor Morgan – I discussed with Mr. Rose the cumbersome way of amending an ordinance.
 - Mike Neel – can one assume that the time limit will be reduced?
 - Mayor Morgan – yes
 - Mike Neel – why would you want to limit that.
 - Mayor Morgan – public comment is limited to 60 minutes, if the individual time is limited that allows more people the opportunity to speak. Council could decide to reduce the time but doesn't mean it will occur.
 - Mike Neel – have serious concerns with this.
- Jim Rachels – don't question the validity of this, question the timing of this item. One thing lacking is credibility so to do something that could easily be interpreted as limiting public voice seem politically bad. Anything urgent that this has to happen now? Wait till things calm down. also could add more time if mayor and council do not comment.
- Speaker – think is a great idea to hear from more members of the city. Think it takes about 7 minutes to vote for everything on the ballot, think council can give the council benefit of what they are thinking in five minutes.
- Ron Porter – read both this and current ordinance, don't find advantage to this now. Only allows changing meeting agenda thru resolution. Just makes it easier for council. Think it should be done by ordinance. Can't find a purpose. Think should be left alone until a purpose of advantage could be seen.
- Randy Jenkins – thought would put my two cents in this. Congress has filibuster power, why can't we? Seems like its good people speak. Probably better to go that route. Looks like considering, not in cement. Would probably be better for all to leave things be. These people will have their chance. Gives us more of the integral part of our freedom of speech. Would be better off letting things be free like it has been. Total restrictions. Seems like this works pretty good.

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- Mike Neel – guess first question is heart of this particular ordinance is seated in the brown act, portions come out of there. How many have read the brown act regarding setting public comment time. Went to look at that section of brown act, noted speaker total time can be fixed by regulation. Assume I'm accurate, when going to change the times, is resolution equivalent to regulation or is ordinance a regulation. May seem trivial matter but making law about valuable part of town hall meeting. Like constitutions of state and federal, if says have to change by regulation then ordinance. If resolution could change all the time. Personally don't really understand and haven't heard pertinent reasons. If want to drop to 3 minutes if find you run out of time, honestly have not seen this happen very often. Hope all of you want to follow laws of state.
 - Keith Lemieux – not aware of brown act but typically regulation includes any act passed by a legislative body.
 - Mayor Morgan – read brown act section 54954.3b
 - Keith Lemieux – ordinarily regulation includes any official act of a legislative body.
 - Mike Neel – is there a definition somewhere?
 - Keith Lemieux – possible the term is defined differently in different bodies of writings. Be happy to find that for you.

Recommended Motions - 2 motions

Motion To Waive Reading In Full Of 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 Was Made By Council Member Taylor, Second By Council Member Carter, Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, 0 Absent.

- Council Member Taylor – no problem moving this to second reading. Citizens will have opportunity to speak again
- Council Member Holloway – no intention by this council to change the five minute limit that I am aware

Requires a second

Motion To Introduce, By Title Only, 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 Was Made By Council Member Taylor, Second By Council Member Wiknich. Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, And 0 Absent.

Requires a second

- Council Member Wiknich – would like clarification of definition of regulation.

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DISCUSSION AND OTHER ACTION ITEMS

4(A). Resolution No. 10-, A Resolution Of The City Council Of The City Of Ridgecrest Rescinding Resolution No. 10-65 Morgan

On July 29, 2010, Council held a special meeting of the Council to discuss an agenda item pertaining to payment of delinquent accounts to franchisee Benz Sanitation. The meeting was duly noticed that one Council Member (Council Member Taylor) would be attending via teleconference. The specific teleconference location of Council Member Taylor was not explicitly listed in the public notice therefore further action on the agenda item was suspended.

- Kurt Wilson – gave brief staff report
- Mayor Morgan – reviewed failure to list Council Member Taylor’s address location therefore a member of public would not have been able to find the meeting. Notification in lobby and on Mr. Taylor’s door and door was open but because the physical address was not listed we are rescinding this item.
 - Keith Lemieux – brown act requires the agenda provide to public the location of where the remote meeting would be. We don’t feel public had adequate notice so requested action be rescinded because Mr. Taylor’s involvement was outcome dependent. This will clear up issue and acknowledge the mistake was made.
 - Mayor Morgan – read regulation of posting requirement for teleconference.
- Council Member Taylor – asked staff to correct procedure and format should this be done in the future.
- Mike Neel – I copied section of the brown act from California code. Highlight several things that will indicate the intent of state body of law. Read 54953(b). gave interpretation of public and body of law. Read part of teleconference and spoke of intent. Agenda must provide for public comment at each teleconference location. Asked council to consider, how could that possibly have made that end of the meeting accessible to the Ridgecrest public. Is impossible. Was only to get Mr. Taylor’s vote into this conference room. Intent is not to pull a council member into this meeting.
 - Mayor Morgan – Mr. Taylor wished to be a part of that meeting. Every council member who is out of town has the right to request. Ridgecrest citizens in town participate by coming here.
 - Council Member Taylor – law is not your view of disenfranchising my vote.
 - Mike Neel – did not need your presence.
- Jim Fallgetter – should come more often. Amazing to hear stuff that doesn’t make any sense so many times in a row. Think the gentleman just validated that maybe five minutes may be too much. Sounds like you are damned if you do

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your job and damned if you don't. we want the people elected to the council to be on top of the issues but don't want them to do that. Totally confused.

- Jim Rachels – don't dispute Council Member Taylor had right to attend via teleconference. As matter of fact was one member of public who asked council to look into reality. They did, determined was improper and are here to rescind. Think public is owed explanation. Is inconsistent with history of council for members to appear telephonically. Doesn't happen very often and this was a controversial topic. Appear went side road to get a vote. If resolution is rescinded by technicality, why isn't it being voted on tonight? What occurred between last Thursday and today?
 - Mayor Morgan – not part of this agenda item.
 - Jim Rachels – directly tied and deserve an explanation.
 - Council Member Taylor – find discussion surprising. Deployed troops even have rights.

Motion To Adopt Resolution No. 10-, A Resolution Of The City Council Of The City Of Ridgecrest Rescinding Resolution No. 10-65 Was Made By Council Member Carter, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, 0 Absent.

Recess to 8:30pm.

Resumed meeting at 8:34pm

4. **Resolution No. 10-, A Resolution Of The City Council Of The City Of Ridgecrest Authorizing Payment To Benz Sanitation Inc. For The Delinquent Accounts For May-June 2010 Mandatory Trash And Recycling Services** **Staheli**

The original request on July 21, 2010 was for the total of \$178,756.71. Staff is conducting an audit of the billing and presented an amended amount of \$136,313.75 at the City Council special meeting of July 29, 2010. At that time it was unclear if the posting requirement allowing a Council member to attend the meeting by teleconference had been properly met, therefore Council requested staff to investigate. Upon further investigation it was determined that the posting did not satisfy government code requirements as outlined in GC54953. Further action on the resolution was suspended and the item is brought back to Council at this time for additional comment. Staff recommendation to Council is to adopt the resolution authorizing payment as amended.

Item pulled prior to approval of agenda.

5. **Resolution No. 10-, A Resolution Of The City Council Of City Of Ridgecrest To Establish Rates For Solid Waste Services And Recycling And Notice To Terminate Delinquent Accounts** **McRea**

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City Council adopted Ordinance 10-04 amending solid waste and recycling curbside pickup for residential service to allow residents to opt-out of service and select a service plan that suits the individual needs of the resident. This resolution establishes modified rates to remain in effect until a full rate analysis has been completed and staff can bring a new resolution to Council based on the results of the rate analysis.

- Keith Lemieux – gave staff report. recommendation of significant change to proposed resolution available to public to review during discussion. This version looks different but primary difference is version in agenda also set new fees and this version does not do that. After we prepared agenda but prior to this meeting received letter that Benz wanted to cooperate with us to implement the ordinance. Think advisable to give Benz opportunity to provide information in terms of cost. Intent is the resolutions substance is identical except rates. The resolution will be explained by Mr. McRea.
- Jim McRea – as indicated resolution is presented relative to delinquent accounts and opt-out. Section relative to fees and rates has been removed. Intended to establish procedures for ordinance 10-04 adopted on July 27, 2010.
- Mayor Morgan – for public's knowledge, we are still trying to get rate analysis?
- Kurt Wilson – in event council adopts modified resolution, not intent of staff to abandoned rate analysis proposal. Getting a rate structure that is more accurate.
- Jim McRea – section 5 paragraph 3 added ability to suspend service for delinquent. In resolution discussion item of billing and collection procedures relative to delinquent account, this section 5 paragraph 3 read to public. Provides mechanism for which service can be discontinued for individuals that are not meeting requirement for payment.
- Keith Lemieux – clarify this is same as one on the agenda, first accounts for trash service delinquent in payment as of tonight, Benz instructed to stop service and staff to provide list within 14 days and Benz to stop service. Second, opt-out applications/notices collected on monthly basis and staff to provide forms to Benz at end of each month and Benz is to stop service.
- Council Member Holloway – I apologize for missing closed session. We got to this position because of words like intent, consistency, and when I look at this I assume we are going with the latest version. Second paragraph not sure 09-57 says anything about commercial trash. No reference to ordinance. If going to go back, like growing an onion, piggyback on existing ordinance. Need to go back to beginning and consolidate all of these and clearly delineate trash, recycling. To ask a layman to go back and interpret what we have done is ridiculous. Say to scrap and go back to beginning. Biggest thing I wanted is in this, but obvious

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we are going to end up in court. With all the inconsistencies, this resolution holds no water in court of law.

- Keith Lemieux – currently directive to Benz is contained in recycling agreement adopted a year ago. Right now tells them to provide 96 gallon cart to all households. Unless we tell them to do something else.
 - Council Member Holloway – keep referring back to mandatory trash system.
 - Keith Lemieux – 95 trash agreement does refer to mandatory trash. Things have changed thru the years and we have tried to make adjustments. For tonight if city desires to stop delinquent accounts then need to give different direction to Benz. Don't disagree that would be preferable to go back to beginning and redraft all amendments into one document.
 - Council Member Holloway – if passing bad policy that violates the law, then not willing to support.
 - Keith Lemieux – can tell you does not violate the law.
- Mayor Morgan – everything you are saying speaks that we need to right a new contract. Not disagreeing with you, but can't do this tonight. Don't believe you mean we should stop this document even if not in the way we would like to do it. If could flush everything and start over, means new contract. Don't think Benz will even talk to us about that.
 - Keith Lemieux – 1995 agreement requires Benz to implement mandatory trash if we require and other provisions. When that agreement was adopted, it was understood and they agreed. Last year you directed Benz to provide a recycling can and required by ordinance everybody to get recycling service. You changed that and tonight this is a revision for the opt-out. This proposed resolution brings direction consistent with ordinance for Benz notification and opt-out of service.
 - Council Member Holloway – we pass this tonight; want to stop incurring delinquent costs. Are you confident that 09-57 gives us ability to collect delinquent accounts prior to tonight?
 - Keith Lemieux – that deals with recycling, but silent about collections.
 - Council Member Holloway – silent about recycling and trash
 - Keith Lemieux – recycling service is trash collection service. Recyclables kind of like y our couch, if you put it in the trash can it becomes trash, if you choose to sell it becomes recyclable. 09-57 Application of existing solid waste franchise that had already been adopted. This resolution only gives direction to Benz.
 - Council Member Holloway – last change to trash franchise was 2001
 - Keith Lemieux – there was an attempted change in 2001
 - Council Member Holloway – nothing done on rates.
 - Keith Lemieux – 1995 resolution says we are to approve rates from time to time.

PUBLIC COMMENT opened at 8:57pm

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- Jim Rachels – few comments may be confusing. Try to be clear. This is not a minor change. Significant rewrite of resolution. Not proper to vote without public notice. Council member Holloway and Wiknich have both stated they are in doubt about 09-57 and mandate for residential trash. Don't accept attorney analogy that they are same. Recycling is subset of trash. Same as automobiles. Title of 09-57 is about recycling. Not one word about anything other than recycling. Nothing about solid waste. Does not address solid waste. 09-57 was passed in September but ordinance for rate was set in March. Several months trash was free? Either way does not address solid waste. Daily independent published arguments that rates were not appropriate. Inappropriate payments made to Benz. If city does not owe Benz for delinquent trash or commercial accounts, then citizens do not owe city and if city does not owe city then city has no interest of whether accounts are delinquent. City is going beyond authority to tell Benz they cannot provide service to private citizen. Allegations that inappropriate payments have been made by city to Benz. Stated they see merit in that argument. Given fact that opinions are changing and the opinion is payments for delinquent accounts are not responsibility of city, then city has not interest in private accounts. Equally offensive for city to tell citizen or vender not to service. Can't fix with a band aid. Recommendation is don't vote due to adequate public notice, secondly no interest for city.
 - Keith Lemieux – brown act requires giving notice of topic but can't promise decision because we don't know.
- Paul Benz – welcome to Mr. Wilson. Would like to address both of these resolutions. First on old one, page one item 2 findings. Benz refused to be bullied into establishing new rates. Secondly, item 3 residential rates. Attachment A noted twice of 09-57. Quoted page 10 of 09-57 section 11(f) parties may change, modify, and amend, only if duly executed by both parties. Share Mr. Rachels' concerns for payment to Benz. First two times payment made with no problems, last 3 times has required council. Today the payment was pulled off, what has changed that we aren't even going to hear the argument today.
- Ron Porter – think this all flows from the original ordinance 09-01 that every citizen should subscribe to service. Having followed the ordinance, these people didn't subscribe. If simply enforced the law for non-subscribers, this would not have occurred. Failure was subscription for service. Would not have been this discussion of who did or didn't get service and empty lots.
- Brian Waterman – Mr. Porter hit nail on the head. Was looking at resolution before changed but is same as what is proposed tonight. Section 1, paragraph 1. Are you referring to the ordinance? 95-08 set franchise fees. Didn't have anything to do with the agreement.
 - Keith Lemieux – ordinance 95-08 adopted the agreement and set some rates. Ordinance changed existing municipal code adopting franchise fee and second paragraph adopting agreement. Gave council breakdown of

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the rates. Asked council to look at last page of handout given to them.
Read portion

- Mayor Morgan – are you speaking on the current resolution?
 - Brian Waterman – past resolutions all connected.
 - Mayor Morgan – could you then come to the point, want to make sure we stay on topic.
 - Brian Waterman – when I look back thru the history of what was done, there has been resolutions that set the fees. In this situation 09-57 sets an agreement with the fee listed in the agreement. Not in keeping with past practice.
 - Keith Lemieux – 09-57 had the rates in the agreement, was intended to cover solid waste service. Agreement included rate for both cans.
 - Brian Waterman – so you are saying includes both trash and recyclables.
 - Keith Lemieux – what this was saying along with original can, people were given a second can to put those items you want to be recycled.
 - Brian Waterman – only recyclable after removed from waste stream
 - Keith Lemieux – not recyclable unless you put it in the recycle can.
 - Brian Waterman – section 1 purpose last sentence. Following resolution is intended to amend resolution no. 09-57. Can't we remove the word intended?
 - Keith Lemieux – accept that criticism, can be taken out.
 - Brian Waterman – section 5(b) market and recycle materials which are hauled by Benz Sanitation, inc. as part of the blue cart program.
 - Keith Lemieux – way was originally written is a list. Extension of 'contractor shall'
- Jim Fallgetter – one time thought withholding payment to Benz was appropriate but upon reading contract with Benz think is incumbent on us to pick up the costs for this service. Until we make changes that are necessary to clear up what has been established as precedent, they need to be paid, they are doing their job. Understand everyone is working on getting it fixed. For this contract. Still has to be contract with them and get their ok. Money needs to be paid and work hard at figuring out how to fix this. Secondly one aspect of this as sore spot has to do with knowing what Benz costs are. If we don't know what the costs are, which should be well known. Council doesn't know what the costs are, Benz says they have provided those costs. Was senior cost analyst and had to ensure the prices being provided to the government were equitable. You deserve to have those costs and ask Benz in spirit of resolving this and taking away major unknown, as part of resolution to this problem to provide costs for everybody to see.
 - Kurt Wilson – staff is in process of acquiring expertise to procure that rate analysis.
 - Christina Witt – if account is not paid, service will terminate. Will Benz no longer keep billing for that service?
 - Mayor Morgan – yes

- Jack Noyer – request council call for the question or table for word smith or table for corrective action. Beginning to hear same statements.
 - Council Member Wiknich – rate was set over a year ago on an estimate. Not talking about this tonight. In spirit of negotiate with Benz for them to substantiate those rates more clearly, allow Benz time to provide more data. Estimate was set. What we have is when started process were playing by different rules. Those have changed now. When peeling onion it stinks more. Trying to fix series of documents and tie them together, that is how we got here tonight. Definitely question that agreements are being interpreted properly. But have situation Benz sanitation needs to know what we want, clear council instruction on what we want them to do. One little comment here or there and other discussions with staff, eight months after trying to fix these things and patience running out. Big problem is that whether we owe for recycling or trash will be decided down the road, whether by court or arbitration. Time to stop the bleeding. Cannot afford to keep writing check especially when we don't know actual figures. This is one step to stop the bleeding.
 - Council Member Taylor – here to get this moving forward. A lot of things past over time, but we've started down the road to opt-out. Dumbfounded by individuals not paying bills and trying to get us to stall more. Want to get this thing rolling and get a new contract. Willing to negotiate in good faith but at this point need to move forward. Not perfect but good enough for me.
- Council Member Holloway – apologize being late for closed session. But tomorrow will be asked to explain what we did and still see too many flaws.
- Council Member Carter – ready to pass, been delaying and time to get closure.

Motion To Approve Revised Resolution As Amended By Council Member Carter, Second By Council Member Taylor. Motion Carried By Roll Call Vote 4 Ayes, 1 Noes (Council Member Holloway) 0 Abstain, 0 Absent.

6. Solar Park Project Discussion

Bradley

Council has requested staff present an update of the Solar Park Project.

- Craig Bradley – gave update of solar energy project. New discussion regarding old school house. Original project had concerns of building around old school house. However, schoolhouse has concerns but council and public discussion. Expense in bringing schoolhouse to code, possible it could be moved to fairgrounds. Or is it more cost effective to be removed. Photos of electrical service meters, inside service boxes, and other water. provided.
- Council Member Taylor – thought needed to connect on back side of building for power. Talking now about ability to get to grid, looking at this building versus senior citizen building or pool? How old is building?

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- Craig Bradley – been in Ridgecrest more than 50 years. Originally brought here from Isabella/Kernville before the dam was built. Has housed some services throughout the years but no longer serviceable and being used as storage. This is most serviceable meter in area. More photos of building condition provided. If keep in current condition will need to do repairs. Not asking for direction, just opinion or concerns. Do you want to move the building completely if we can't find someone with interest in the building. May be some interest at county fairgrounds or Olde Towne. Currently storage for parks and recreation. Asking for council personal opinion.
- Mayor Morgan – many years ago discussed this building. Not sure if any discussion have occurred at quality of life committee. Historical society is not interested in this building and think it is in the way of the project. Will have time to garner public opinion.
- Council Member Carter – get rid of it
- Council Member Taylor – not personally attached, little perplexed because no costs are before me. Conduit could run power all the way to city hall. Not clear ability to tap off the power and why we have to knock the building down. Mr. Ponek is using for storage, not sure. Don't know of anyone who really cares about the building but concerned about not seeing the costs.
- Dave Matthews – was my understanding there would be no interference with that building. Did you talk to Kathy Armstrong. Old Kernville site, number of years ago the site was exposed and I walked thru that site. Foundation for that building still exists. Back in the late 60's that building was being used. That was the park for Ridgecrest. Used to hold picnics there. One other concern that am wondering about. Stone monument that had a plaque that has since been removed. Don't know what happened to it but piece of history that should have been preserved. If building must be moved, see if there are funds to preserve it.
 - Jim Ponek – monument sits there, plaque was vandalized more than 10 years ago.
- Council Member Taylor – any lights in Helmers park
 - Jim Ponek – yes, two or three. Park has not been watered in one year. Only use is dogs walked and Frisbee golf.
 - Council Member Taylor – alluding where could tap into power.
- Craig Bradley – project is designed to preserve the building, have considered all options and want to look at most cost effective means to provide the power. Since building was in design but is an option to save some costs by moving or getting rid of the building. Wanted to make sure was brought to council.

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7. Discussion Of Billing And Collection Procedures Relating To Delinquent Residential Solid Waste And Recycling Accounts Wiknich

At the special meeting of council held on July 29, 2010, Council Member Wiknich requested a discussion item to review the billing and collection procedure in particular to ensure no collection proceeding would occur for delinquent residential accounts until a full audit of the billing had been performed. Council Member Taylor concurred with additional request to establish certain thresholds for billing and collection.

- Council Member Wiknich – In response to all delinquent notices that went out last month, I received two. Knowing there are so many errors in billing we received, inappropriate to send out collection notice at this time. Number of people expressing opinion they don't owe the bill, they say 'how dare you send it to collection'. Propose no bills go to collection until we make the decision that the billing is accurate.
- Council Member Taylor – can we agree to give direction and set criteria?
 - Keith Lemieux – appropriate
 - Council Member Taylor – want this to keep moving forward. Would like this account to move toward black rather than red.
- Council Member Wiknich – some people did not use service and we have record of vacant homes since November yet bills have accrued. Also abandoned homes. Over 200 vacancies that need to be determined. Also need to determine if they use the service or not.
- Council Member Taylor – implying service ordered, then backed up. Adding uncertainty.
- Council Member Wiknich – decision has to be made on whether we had a right to charge for service. Know we have debate over recycling, who used and who didn't use. Don't have answer tonight, but know have a problem and should not be going after people who paid bills. Other people never received a can but are getting billed. When all these come together we have a problem. We need people to get the information to us. We got billed for these problems. Need to get it down that the billing is accurate before we start going after those people.
 - Kurt Wilson – some who received services and not paid. Other who never received service. Ask you allow staff to work on and bring resolution to
- Council Member Taylor – ask staff to establish criteria and bring resolution to council.
- Council Member Wiknich – read letter. Customer in office today
- Council Member Carter – staff on top and will bring recommendations.

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- Council Member Holloway – are you familiar with fair debt collection act. Are we a third party collector.
 - Keith Lemieux – will have to get back on that.
- Mayor Morgan – no problem with the process. Mr. Parsons has extensive list. Read document from person already on list. Has a property with a vacant building on it and has paid his bills. Should get a refund. On other hand, will have some individuals who have property, generated trash, refused to pay. Eventually will have to take them to collections. Negotiations in other categories totally agree. Appreciate staff effort and know will be difficult.

PUBLIC COMMENT:

- Joe Conway – when you did the ordinance, didn't allow for hardship cases. What you do as elected body negotiations on unpaid bills you have to do for everybody.
 - Mayor Morgan – very slippery slope
- Robert Eierman – would like to wait until city attorney and Holloway are done. Fair debt collections act, think you will find city is exempt to that. That being said, think the more important point is don't know where you get the authority to go to collections. Understand difficult situation city finds themselves, but at some point there will be some amount of money the city will be due from some citizens. Not talking about does the city need to go after that money, point here is that city council needs to not put themselves in a position of being above the law. Passed an ordinance with remedies. May be an 'oh darn' should have put in collection, but you didn't. you put in to cite citizens for infractions. Have not done this yet. You have it in there twice. Suggest you follow your own law, do not go outside boundaries of that. To put anybody into collections is not in your authority. Follow the law. Yes, unfortunately you wind up having to eat it and that's a shame but doesn't make a difference if that is result, do what you are supposed to do.
- Jim Rachels – utterly confused, if council member Wiknich. If council is arguing billing system is fraught with errors and flawed, no reliability or credibility and also the point there are still question that 09-57 sets rates and requires payment to Benz. Why did we vote to terminate services? We are saying can't trust which ones are delinquent and which ones aren't. my account is delinquent because I believe 09-57 did not properly set rate for green can. Have sent letters to Benz to make payment in full once rate is properly set. Does 09-57 actually set rate for residential trash and does it mandate that city make payment to Benz for unpaid bills. Ordinance 10-04 does not go into effect for a couple of days so still under 09-01. I am in violation, cite me now and we will go to court with a judicial ruling to tell us if 09-57 sets the rate. Willing to put myself at risk of fines to city and other punitive measure to stop pretending this does not exist. Remedy is in your ordinance. That is to cite someone for an infraction. Example of police giving bill

rather than citation. Person has constitutional right to go to court. For you to send account to collection bypasses right to due process. Right to stand in front of a judge to argue case. My first phone call will be to ACLU.

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.

- Kurt Wilson – item 10 request council take no action.
- Mayor Morgan – read consent calendar
- Council Member Holloway – pulled 13
- Council Member Taylor – pulled 11 & 12
- Al Huey – pulled 14
- Unknown – Pulled 9
- Unknown – pulled 16

Motion To Approve Items 8, 15, And 17 Was Made By Council Member Wiknich, Second By Council Member Carter. Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, And 0 Absent

8. **A Resolution Of The Ridgecrest City Council To Award A Contract To The Lowest Responsive And Responsible Bidder In The Amount Of \$783,465.44 To Bowman Asphalt For The Road Construction/Reconstruction Of North And South Bound Lanes On College Heights Blvd From South China Lake Blvd To Franklin Street To Bowman Asphalt** Speer

On Thursday July 15, 2010 bids were opened for construction/reconstruction of north and south bound lanes of College Heights Blvd from South China Lake Blvd to Franklin Street. A total of five bids were received.

9. **Resolution No. 10-, A Resolution By The City Council Approving The Irrevocable Offer Of Grant Of Easement For Landscape Purposes Within Tract 6740 And Signing The Conditional Certificate Of Acceptance By The Mayor** Speer

D.R. Horton VEN, INC., a California corporation is granting the City of Ridgecrest a perpetual, non-exclusive easement and right of way for maintenance purposes in, on, over, under, upon, along, through and across the property hereinafter described for purposes of maintenance, repair and replacement of landscaping and irrigation systems located within the easements described in Exhibit A and Exhibit B.

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- Dave Matthews – asked for more information of location and explanation.
 - Dennis Speer – gave location and explained landscape and lighting district.

10. Request For Authorization To Solicit Request For Qualifications And Request For Proposals For Public Works Capital Infrastructure Improvement Projects. Speer

At the City Council Meeting of July 21, 2010, the City Council was presented with the details of the recent RDA bond sales and a suggested list of Public Works Capital Improvement Projects. Council's discussion and results of the discussion were to approve the list of projects. Council also suggested that all of the listed projects try to be constructed at the same time to realize the benefits of a favorable bidding environment and some potential of savings due to economy of scale. It is staff's recommendation that the City Council authorize the solicitation of RFQ / RFP's to the firms previously prequalified for Environmental Compliance, Engineering Design and Construction Management Services for the RDA Public Works Capital Infrastructure Improvement Projects

11. Request For Authorization To Solicit Request For Qualifications And Request For Proposals For Parks And Recreation Improvement Projects. Speer

Request for authorization to solicit Request for Qualifications and Request for Proposals for Environmental Compliance, Engineering / Architectural Design and Construction Management Services for Parks and Recreation Improvement Projects.

12. Request for authorization to solicit Request for Qualifications and Request for Proposals for Corporate City Yards Improvement Projects. Speer

Request for authorization to solicit Request for Qualifications and Request for Proposals for Environmental Compliance, Engineering / Architectural Design and Construction Management Services for Corporate City Yards Improvement Projects.

13. Resolution No. 10-, A Resolution To Award A Contract For A Professional Services Agreement With LSA & Associates An Environmental Firm In Completing An Environmental Reevaluation For NEPA Review And CEQA Review For The Proposed Widening And Reconstruction Of West Ridgecrest Boulevard From Mahan Street To China Lake Boulevard And Authorize The City Manager To Enter Into A Professional Services Agreement Speer

A Resolution To Award a Contract for a Professional Services Agreement with LSA & Associates an Environmental Firm in completing an Environmental Reevaluation for NEPA review and CEQA review for the proposed widening and reconstruction of West Ridgecrest Boulevard from Mahan Street to China

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14. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Supporting The "Parade Of 1000 Flags" Holloway

The Exchange Club has submitted and been approved by the City of Ridgecrest to hold the annual "Parade of 1000 Flags" on September 11, 2010 from 9:00am to 11:00am. The parade will follow the same route as last year thru City streets. Part of the parade route is on State Route 178 and the State of California Department of Transportation requires a resolution by the Council to support this event.

15. Council Expenditure Approval List (DWR) Dated July 16, 2010 In The Amount Of \$211,501.12 Staheli

16. Council Expenditure Approval List (DWR) Dated July 16, 2010 In The Amount Of \$ 1,922,393.59 Staheli

17. Agency Expenditure Approval List (DWR) Dated July 16, 2010 In The Amount Of \$ 7,575.69 Staheli

- Council Member Taylor – items 11 and 12 – what are we doing with these projects
 - Dennis Speer – looking to do either RFQ's or pre-selection for engineering firms to begin looking at design. Agreements will come back to council.
- Al Huey – can you elaborate on the scope of the projects
 - Dennis Speer – everything on the list is conceptual
- Council Member Taylor – at this point pre-selecting those engineering firms to look at design. Staff will come up with more definitive scope of the project to be put out to bid.
- Ron Porter – this is just to create a bidders list?
 - Dennis Speer – yes
 - Ron Porter – to create a list so when projects are designed would go to them.

Item 13

- Council Member Holloway – everybody has lost track of the Ridgecrest blvd. project
 - Mayor Morgan – in order to maintain funding and when it falls into line, we have to update the CEQUA. We have a promise of allocation of funds if we are ready. Possibility we could garner 4million dollars to start project and if that occurs have been promised funds to finish our project.
- Ron Porter – this wasn't included?
 - Mayor Morgan – is a separate thing.

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- Dave Matthews – just updating these previous reports?
 - Mayor Morgan – yes, like Wal-Mart had to do with their EIR
 - Dave Matthews – can we have a staff report on how much we have spent on environmental

Item 14

- Al Huey – will there be any cost?
 - Council Member Holloway – this document is required by Caltrans to close the road
- Christina Witt – thank council for supporting this parade every year.

Item 16

- Robert Eierman – page 2, 1.8 million to TRANE. Why are we paying them already?
 - Council Member Taylor – if paid traditional at end we got a discount if paid this part in advance
 - Tyrell Staheli – about a 40k savings based on formula
 - Robert Eierman – what do we do if they don't build the project right
 - Craig Bradley – timelines of savings calculation 6% we would have owed on completion at various times. Savings was just over 32k.
 - Robert Eierman – how do we know they will do well when I have already cut them a check.
- Council Member Taylor – how much of this pays for contract
 - Craig Bradley – entire project less 32k they paid for bond and does not cover materials
- Eierman – don't feel comfortable paying for service not performed yet for less than 2% savings. Doesn't sound smart. Would rather pay that 2%. Stories of contractors is infamous. Plus we still have to pay for materials which will bring cost to over 3million. We are going to pay up front, think is a bad idea. Would rather pay as you go. Could go into bond problems. Checkbook is a good stopgap of what is good or bad.
- Jack Noyer – didn't know about this, you gentleman have to put up with a lot. Do think this is a bad idea, bonds and integrity, default and trying to collect from bonding company. For 32k don't think was an economically correct path to take.
- Ron Porter – a lot of times plans have to be corrected, also cost. If there is a problem that has to be done thru negotiations will cost a lot more than that.
 - Mayor Morgan – DWR's when brought to council have already been paid?
 - Tyrell Staheli – that is correct.

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- Mayor Morgan – if we dispute a payment, what do we have to do?
 - Tyrell Staheli – try to get our money back
- Council Member Taylor – thought this was only paying for half, not all?
- Council Member Wiknich – could we put the money into escrow account?
 - Tyrell Staheli – already have the money,

Motion To Approve All Consent Calendar Items Except For Item 16 Was Made By Council Member Wiknich, Second By Council Member Carter, Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Absent, 0 Abstain

- Kurt Wilson – could direct staff to begin negotiations to get some if not all of the money back knowing the discount would be lost.
 - Council Member Taylor – agree with Mr. Wilson recommendation
- Council Member Holloway – do we need to go back to process before Winegardner.
 - Kurt Wilson – staff would be happy to have discussion of the methods and what brought us to where we are
- Council Member Taylor – would like that discussion. Not ready to

Direction to staff to negotiate return of some of the funds dispersed to TRANE was made by Council Member Taylor,

- Council Member Wiknich – would like to look at using escrow account
 - Kurt Wilson – will take those into consideration, not having availability of cash.
- Mayor Morgan – can we approve the rest of the items on the list?
- Council Member Taylor – allowed approving list with caveat of one item?
- Robert Eierman – seems like you wouldn't want to retract that but some things have limits. 1.8 million without council approval?
- Mayor Morgan – directed Wilson to come back with process and limits

Motion To Approve Item 16 As Amended Was Made By Council Member Wiknich Second By Council Member Taylor. Motion Carried By Voice Vote Of 5 Ayes, 0 Noes, 0 Abstain, 0 Absent.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- **Nothing at this time.**

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 to be announced

- Mayor Morgan - No meeting in August. Staff has been directed to bring forward items for Septembers

RACVB

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

- Council Member Holloway - Met this morning, discussed possible visitor kiosk in 24 months. Also floor plan for office building. Radio TOT discussed. Small business expo, SNORE dinner held booking 150-200 hotels. Film revenue, NBC Series 'The Event' will be filmed here.

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 to be announced

- Council Member Carter – meeting tomorrow at noon in upstairs council conference room

Youth Advisory Council

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Council Member Taylor - City org August 16 at 5pm, direction with new city manager.
- Council Member Wiknich - Infrastructure same day at 6pm to discuss RDA fund spending
- Council Member Taylor – water district tomorrow at 5pm
- Council Member Holloway – attended RCD meeting will bring presentation to council

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PUBLIC COMMENT

Persons wishing to address the Council on matters that are within the Council's jurisdiction and DO NOT ALREADY APPEAR ON THE AGENDA, may do so at this time. Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on this Agenda. SPEAKERS ARE LIMITED TO FIVE (5) MINUTES. The PUBLIC COMMENT section of the Agenda is limited to a total of thirty (30) minutes. EACH SPEAKER IS ASKED TO PROVIDE HIS OR HER NAME AND ADDRESS FOR THE RECORD.

- Ron Porter – suggestion on school house is to contact Kernville for historical purposes. Power may be cheaper to put power post and take power completely.
- Jack Noyer – was made aware of something didn't know. Don't have a cooling center for senior citizens, have to go to Inyokern to cool off. Does that come under jurisdiction of council? Discussed Kerr McGee and senior center. Said wasn't enough people seeking to be cooled the idea was abandoned. There are poor people in the community, they deserve their quality of life to be maintained.
- Robert Eierman – council member Taylor, want to ask again where the movement from Indian wells? Are they willing to specify amount of turf but not make it front yard/back yard?
 - Council Member Taylor – not here to speak for them. Paraphrase, they believe need to minimize turf and went over front yards because they do not have jurisdiction over back yards. Will talk to you more after meeting.
 - Robert Eierman – thank you for your efforts to work with them. Either this council and Benz Jr./Sr. deserve something far beyond an academy award, or this city is in a world of hurt. I know council man Holloway you think you'll call and everything will be hunky dory tomorrow. I think you have just launched a nuclear strike and the citizens will pay dearly. Disagree this is a negotiating technique and you just turned town upside down with that move. Would be glad to apologize if I'm wrong. Don't know how heavily you were lobbied by city attorney but concerns me greatly this is about the ethics violation filed against him.
- Howard Auld – just wanted to congratulate city manager and welcome him to community and pledge to assist any way we can.
- Dave Matthews – I too would like to extend welcome to Mr. Wilson. Hope you don't judge what you have seen these last few days as what this city is like, I assure you it isn't. Last few weeks have been thinking back in 60's song by Steely Dan about the future. I sit here and listen and hear complaints about people not being able to get to doctors. Not just our system, it's everywhere. Here we are arguing about whether we can drill for oil in our own country. Talk about trash and whether we have the right to pay a bill or collect money owed. A lady here earlier commenting on trash who said she paid Benz directly. I missed a payment that got lost and I did the same thing. I said I would pay the bill but

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wrote on the check paid under partial protest. These problems today would not exist if others had done the same thing. Disgusted with fellow citizens on how they acted about this whole situation. Had faith but starting to wane. Mr. Wilson you came in at a nasty time in community and sorry it had to be that way. There is interest in this community about the schoolhouse.

- Christina Witt – welcome Mr. Wilson. This is a lovely community. Don't work but do volunteer and hold leadership positions. Nobody notices you unless you do something wrong. Trash right now is huge, was noticed, and was an error. People notice the errors but don't acknowledge when you do well. I didn't notice you until this so you have done well. Encourage you to continue going. appreciate you.
- Barbara Auld – talked to Mr. Noyer at recess and told him I appreciate his research and civil exchange at the dais. Wish more happening here, we love Ridgecrest and the valley and appreciate our relationship with the Navy and city. Whole valley needs to pay more attention to that symbiotic relationship. Don't enjoy listening to abusive comments. Want community know that you can disagree but don't have to be abusive to one another.

MAYOR AND COUNCIL COMMENTS

The Mayor and Council Members may make a brief statement. In addition, Council Members may ask questions of staff or the public for clarification on any matter, make a request of staff for factual information, or request staff to report back to the Council at a later meeting concerning any matter. In addition the Mayor or any Council Member may direct the City Manager to place an item of business on a future agenda

- Council Member Wiknich – recommend in light of results of Bell city wages, recommend all salaries be posted on the internet as public information.
- Council Member Carter – as walking around town see enthusiasm from parent that kids going back to school, not getting that from students. At some point we have to work together. Group in town that is very vocal against council even when we do what they want us to do. Need to work together, this is great community. Born and raised in Santa Monica but I decided to stay in Ridgecrest. Feel safe here and economy is growing. But to want to take down whole city is ridiculous. Agree with Holloway, lets redo this thing. I am going to move forward. Let's be positive supporters of each other.
- Mayor Morgan – a few things would like to point out. When you look at things that have occurred over the years. Helped high desert haven, Ridgecrest regional hospital expansion, and other things people don't hear about. City of Ridgecrest helped them get their loans. Another business park expansion submitted for medical. Let's not forget about partnership and success with BRAC. Entire council contacting federal officials daily. I am not perfect, however

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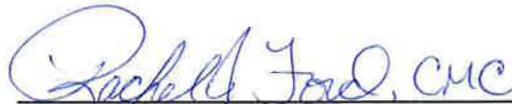
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if going to talk about academy awards, let talk about those who wanted to go out and kill Benz and now saying they love them. All for political gain. We are all not perfect. Lastly, to my daughter turning 20 publicly wish her happy birthday.

- Council Member Taylor – second the wisdom appreciate civil conversation. Council has always listened to citizens. Second comments of how people have flipped on the issues. Perhaps should go back and play clips of what has been said in past. Diversity makes us work better but at same time are trying to move forward and frustrated with those who are trying to prevent us from moving forward. Conversation should be held at civil level. Appreciate new faces in the room, but cautioned to be careful what you wish for.
- Council Member Holloway – Regina is Kurt's wife, please unpack your car. You haven't seen the best of this community. Feel like the guy with two friends fighting and caught in the middle. Dawned on me Monday when listening to sound bite of san Francisco congressman Pete stark, condescending tone sounded familiar, we have been so frustrated with trash that at some time we stop listening. I will not ever tune out anybody because I do not want to miss that nugget that will get me thru. Great former governor Kenny Guinn died, former governor of Nevada fell off roof and died. Very revered. Read quote from Kenny Guinn.

ADJOURNMENT at 11:11pm



Rachel J. Ford, CMC - City Clerk