



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

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

**December 15, 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 – 5:30 p.m.

ROLL CALL

PRESENT: Mayor Ronald Carter; Mayor Pro-Tem Marshall 'Chip' Hollway; Vice Mayor Jerry Taylor; Council Member Steve Morgan; and Council Member Jason Patin

STAFF: Kurt Wilson City Manager; Rachel J. Ford, City Clerk; Keith Lemieux, City Attorney and other personnel

APPROVAL OF AGENDA

Addition: Presentation from POST to Ron Strand

**Motion To Approve Agenda As Amended Made By Council Member Morgan ,
Second By Council Member Holloway , Motion Carried By Voice Vote Of 5 Ayes,
0 Nays, 0 Abstain, 0 Absent.**

CLOSED SESSION – 5:30 p.m.

GC54956.9 (A) Conference with Legal Counsel; Existing Litigation – Benz Sanitation Inc. v. City of Ridgecrest

GC54956.8 Redevelopment Agency Real Property negotiations – Real property 1521 N. China Lake Bl. APN 411 9-073-16. Agency negotiators Kurt Wilson and James McRea

CLOSED SESSION PUBLIC COMMENT:

- No comments presented

Adjourned to closed session at 5:34pm

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation – Warren Campbell

CITY ATTORNEY REPORTS

- Closed Session
 - Received report on item 1, no action taken
 - Received report from staff on item 2, no action taken
- Other
 - Benz v. City of Ridgecrest – Superior Court of California Ruling On Motion to Compel Arbitration
 - Case involved allegations by Benz Sanitation regarding city's trash policy revision in July. One revision allowed persons to opt out of service from Benz to self-haul recyclables. Effective August 1. City received approximately 1200 opt out requests from citizens. Shortly thereafter city revised fees for total service and partial fee for partial service. Benz filed lawsuit challenging the decisions, feeling city had contracted away the right to set those policies. Court suite was to force city to going back to mandatory.
 - Court hearings reviewed merits of contract, arbitration, and temporary restraining order. Benz violated agreement in filing in court rather than arbitration. Last week court agreed with city and ordered case be dismissed and sent to arbitration however kept on calendar the issue of city eliminating opt-out. Leading up to hearing benz had obtained a temporary restraining order to try to prevent city from implementing the opt-out program. Hearing today, court sided with city, 1)rejected preliminary injunction and 2) rescinded TRO as a mistake and was issued on misleading facts and declarations.
 - The effect is to uphold the existing opt-out policy and the rates established by council are to be charged. Also recognized that decision about trash policy is a legislative decision of the council and council cannot contract this away by constitution. Court will not invade legislative authority of city. City sets policy and Benz must follow and implement the policy.

Added presentation:

Kurt Wilson – Honoring a staff member, Chief of Police Ron Strand. Within law enforcement, officers are governed by Peace Officers Standards and Training (P.O.S.T.). The Highest level of recognition and certification is the Executive Level

which Chief Strand has obtained. Presented Chief Strand with his certificate for Executive Level.

PUBLIC COMMENT

- Bob Anderson – wondering about trash arbitration, is that binding or non-binding?
 - Keith Lemieux – court ordered to binding arbitration

Closed public comment

DISCUSSION AND OTHER ACTION ITEMS

1. Mayor Carter, with concurrence of the Council, will appoint members to the Planning Commission and Council Committees Wilson

The following appointments were made by Mayor Carter:

***COUNCIL COMMITTEES AND COMMISSIONS
JANUARY 1, 2011 – DECEMBER 31, 2012***

Infrastructure Committee

Members: Steve Morgan, Jerry Taylor
Meeting: 2nd Wednesday of the month at 5:00 p.m., Council Conference Room

Quality of Life

Members: Chip Holloway, Jason Patin
Meetings: 1st Thursday of every even month at 12:00 p.m.; Kerr-McGee Center

City Organization

Members: Ron Carter, Jerry Taylor
Meeting: 2nd Monday of the month at 5:00 p.m.; Council Conference Room

Community Development Committee

Members: Steve Morgan, Jason Patin
Meetings: 1st Thursday of the month at 5:00 p.m.; Council Conference Room

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

Members: Ron Carter, Chip Holloway, Ron Strand
Meetings: 2nd Monday of odd numbered months at 6:00 p.m., Kerr-McGee Center

Planning Commission

Members: Carter Pope, Christopher LeCornu, Craig Porter, Lois Beres, James Sanders
Meetings: 2nd and 4th Tuesday of the month at 6:00pm, Council Chambers

Personnel Commission

Members: Eddie Edwards, Michael Whalan, Craig Porter, Mike Smith
Meetings: On Request

Construction Appeals Board

Members: Ron Brigham, Craig Porter
Meetings: On Request

Handicap Appeals Board

Members: To Be Appointment
Meetings: On Request

Kern Council of Government (KernCOG)

Members: Steve Morgan, Chip Holloway
Meeting: 3rd Thursday of the month

Navy Community Council

Members: Mayor Carter (per municipal code)
Meetings: On Request

Kern County Air Pollution Control District (KCAPD)

Members: Chip Holloway
Meetings: 1st Thursday of the month

Ridgecrest Area Convention and Visitors Bureau (RACVB)

Members: Chip Holloway, Jason Patin
Meetings: 1st Wednesday of the month, 8:00 a.m.

IWV Groundwater Management Committee

Members: Jerry Taylor
Meetings: To Be Determined

League of California Cities – Desert Mountain Division

Members: Ron Carter
Meetings: Quarterly on the 4th Friday every 3rd month

Disaster Council

Members: Mayor, City Manager, Chief of Police, All Department Heads
Meetings: On Request

2. **Presentation of a Report to the City Council as to the sufficiency of a petition for an initiative for Direct Elect Mayor. Pursuant to Election Code Section 9215 Council may take one of three actions. These actions are: to adopt the ordinance; order an election where the ordinance is submitted to a vote of the people; or order a report on the initiative** Ford

- Tom Wiknich – as proponent, hope you approve and pass onto election. There are 150 cities in California that have direct elect mayors. The City of McFarland elect directly and the mayor was elected with 450 votes. California City also elects their mayor. There are cities smaller than Ridgecrest that elect mayors without controversy or turmoil and hope you go forward with this initiative.

Motion To Approve Resolution And Order The Direct Elect Mayor Initiative To Go To Election June 7, 2011 Made By Council Member Holloway, Second By Council Member Taylor. Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, And 0 Absent.

3. **Presentation of a Report to the City Council as to the sufficiency of a petition for an initiative for Term Limits For City Council Members. Pursuant to Election Code Section 9215 Council may take one of three actions. These actions are: to adopt the ordinance; order an election where the ordinance is submitted to a vote of the people; or order a report on the initiative** Ford

Motion To Approve Resolution And Order Council Member Term Limit Initiative To Go To Election June 7, 2011 Made By Council Member Holloway, Second By Council Member Taylor. Motion Carried By Voice Vote Of 4 Ayes, 1 Nay (Council Member Morgan), 0 Abstain, And 0 Absent

4. **Approve Redevelopment Agency Owner Participation Agreement (OPA) 643 N. China Lake Blvd. APN 67-040-06. Property Owner, C. Cordell** McRea

- Jim McRea – gave staff report.
- Council Member Morgan – what we are authorizing tonight is ability for staff to negotiate, no numbers yet and will come back to council once negotiated.
- Council Member Patin – think is a good idea, good concept to use redevelopment money for redevelopment projects.
- Dave Matthews – I remember when A & W was still in business. Because this is the only existing drive-in in the city, would suggest we request the owner to save anything of historical value for this town.

Motion To Move Forward Made By Council Member Taylor, Second By Council Member Morgan. Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, And 0 Absent.

CONSENT CALENDAR

5. Approve An Amendment To Resolution 10-89 Correcting The Retirement Eligibility Period Date To Meet Requirements Established By CalPERS
A. Taylor
6. Approve A Resolution Requesting Authorization To Submit A Request For Proposal (RFP) To Kern County Air Pollution Control District Through The Motor Vehicle Emissions Reduction Program (MVERP) To Receive Grant Funding Toward The Purchase Of Two Fuel Efficient Vehicles Which Will Be Used To Replace Two Gas Fueled, High Mileage Vehicles Currently In The City Fleet
A. Taylor
7. Approve A Resolution To Approve A Professional Services Agreement With, Quad Knopf Inc. In The Amount of \$90,505 For The Preparation And Provision Of Environmental Studies, Permits, Plans, Specifications And Engineering For The Resurfacing, Rehabilitation And Reconstruction Of Downs Street From Inyokern Road To Drummond Avenue And Sunland Drive From Church Avenue To East Ridgecrest Boulevard And Authorize The City Manager To Execute This Agreement
Speer
8. Approve A Resolution To Approve A Professional Services Agreement With, Willdan Engineering In The Amount of \$58,441 For The Preparation And Provision Of Environmental Studies, Permits, Plans, Specifications And Engineering For The Resurfacing, Rehabilitation And Reconstruction Of Drummond Avenue From Norma Street To North China Lake Boulevard, Eastbound Lanes Only And Sunland Drive From Church Avenue To Wilson Avenue And Authorize The City Manager To Execute This Agreement
Speer
9. Request Authorization To Award A Construction Contract In The Amount Of \$239,632.60 For The Installation Of A Traffic Signal At The Intersection Of China Lake Boulevard And Rader Avenue To Loop Electric Inc And Authorize The City Manager To Execute The Agreement
Speer
10. Approve A Resolution Allocating Drug Asset Forfeiture Funds To Assist In The Purchase Of A Vehicle For The Crime Suppression Unit (Drug Unit) Of The Police Department
Strand
11. Approve A Resolution Of The Ridgecrest Redevelopment Agency Authorizing The Payment Of The 2010 Redevelopment Tax Allocation Refunding Bond Debt Service And The Amendment Of The Annual Ridgecrest Redevelopment Agency Budget For This Payment
Staheli
12. Approve Council Expenditure Approval List (DWR) Dated December 3, 2010 In The Amount Of \$229,223.92
Staheli

13. Approve Agency Expenditure Approval List (DWR) Dated December 3, 2010
In The Amount Of \$21,718.56 **Staheli**

Items Removed:

Item 6

Motion To Approve Consent Calendar With Item Number 6 Pulled Was Made By Council Member Morgan, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, And 0 Absent.

Item 6 discussion:

- Dave Matthews – was wondering, are these going to be police cruisers and are there vehicles in mind to be replaced.
 - Ann Taylor – not police cruisers because of the power requirements, they are ford escape hybrids to be used in the police department by other staff and transport.

Motion To Approve Item 6 Made By Council Member Morgan, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, And 0 Absent.

DEPARTMENT AND COMMITTEE REPORTS

Infrastructure Committee

Members: To Be Determined

Meetings: 2nd Wednesday of the month at 5:00 p.m., Council Conference Room

Next meeting January 12, 2011

- Council Member Taylor – apologized, had to cancel due to lack of quorum. Asked Council Member Morgan if the current schedule worked?
 - Council Member Morgan – may have to move the next meeting due to council meeting changes.
 - Council Member Taylor – otherwise time and dates will remain as is.

City Organization and Services Committee

Members: To Be Determined

Meetings: 2nd Monday of the month at 5:00 p.m.; Council Conference Room

Next meeting January 10, 2011

- No Report

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

Members: To Be Determined

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

Next meeting January 10, 2011

- No Report

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Council Member Morgan – Community and Economic Development meeting will be rescheduled due to the holidays.
- Council Member Taylor – water group joint meeting, currently suspended, internally debating and joint meeting has not been rescheduled.
- Mayor Carter – regular meeting of Council for December 5 will be adjourned to December 12 due to holidays and the regular meeting of December 19 will be cancelled due to lack of quorum.

PUBLIC COMMENT

- Christina Witt – heard that the Sidewalk on College Heights Blvd. going up to Franklin street?
 - Dennis Speer – this is true with the exception of the east side of the street which is county and a 300 ft section to be paved by the developer.
 - Council Member Taylor – I personally am looking forward to the County doing their half. Supposed to be a 4-lane road, City has done their part and now waiting on the County.
- Randall Paulson – at last meeting after seating council, Council Member Taylor asked for ordinance to eliminate the Vice-Mayor position, is that still happening
 - Council Member Taylor – yes.
- Joe Conway – we are used to Mayor Morgan's method of taking public comment back to council by going once, twice, etc. to give people sitting on the fence a chance to speak.
 - Mayor Carter – thank you for your comment.
- Dave Matthews – attended the tree lighting ceremony a couple weeks ago, it was very well done. I know there are a lot of people to thank and would like to say my thanks to the public.
- Lori Acton – I am from County Supervisor McQuiston's office, I will get with Christina Witt after the meeting regarding the College Heights Blvd. project.

Regarding Benz, if the City wins in court and citizens have opted out of service, are they going to be liable for the fees later?

- Keith Lemieux – court found today that the opt-out is a legislative function, do not have the answer yet but it seems to follow that it was a legal policy.
 - Lori Acton – why do we not have right sizing of cans?
 - Council Member Taylor – will discuss this with you after the meeting.
 - Lori Acton – Do the elected mayor and term limits have to be elected by the body?
 - Kurt Wilson – those who want to run for the mayor position would be on the ballot for that measure.
- Warren Campbell – Mayor and Council, wish you merry Christmas and thank you for your service to the community.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- Kurt Wilson – on the Monday prior to council meeting, myself or a member of staff is available to public to respond to questions pertaining to the agenda. Also want to wish everyone happy holidays.

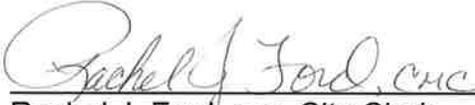
MAYOR AND COUNCIL COMMENTS

- Mayor Carter – discussed strategic planning session, next meeting on the 22nd at 11:00am. proud of council
- Council Member Holloway – thank city manager for this session, step in right direction. Thank Kathy Armstrong for gift and tree lighting ceremony. Also mention at last council meeting concerned with communications between the city and the base, met with Commander Dodson for two hours and am excited about the direction we are going. Merry Christmas
- Council Member Taylor – ask city staff to bring change of ordinance to eliminate Vice Mayor. Believe is the appropriate time and appreciate reminder from citizens. Ask people to remember at this time those less fortunate, Salvation Army, toys for tots, and other organizations who are valuable to people at this time of year. To county, when comments are made it is to inform citizens of the dynamics. Looking forward to working with county to make college heights a safer road for students. Clarify comments, the Navy (not China Lake) we have a tax base with the Navy. Trying to figure out how to get more revenue, this is a federal issue, Navy is large employer and we do not receive a tax base from this. Looking forward to future meetings. Merry Christmas to staff and thank you for the hard work. Special thank you to Ernie Carter.
- Council Member Morgan – thanks for planning strategic planning session. Also, communications have been ongoing with the base, is no communication problem

with the base. Thank the entire city staff at this time of year for all of their hard work, effort and pain and suffering they go thru for things we say and do up here, you are all fantastic people and I respect you. To staff, fellow council and citizens, please have a very merry Christmas and happy New Year.

- Council Member Patin – went to hotel group hospitality meeting, was late and they referred to me as council, looked around to see who they were talking about. Enjoyed the strategic planning session, and within four hours we accomplished almost everything we needed to do which says we as a council are moving in the same direction. Next session will narrow down to reasonably accomplishable priorities. Will look at the direct elect mayor and term limits closer to see how this will affect the city. Redevelopment is a priority, creates tax dollars and revenue for city. Thanks to Ron Carter for appointing me on planning commission to help me learn city process and also during those two years established friendship with Chip Holloway who was always available to answer questions. Proud to live in city with Christmas tree lighting and posts 'in god we trust' banner. Merry Christmas.

ADJOURNMENT at 7:45 pm



Rachel J. Ford, CMC, City Clerk