



**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**

**February 17, 2010
6:00 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.

ROLL CALL

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

Staff Present: Interim City Manager Harvey M. Rose; City Clerk Rachel J. Ford; Director of Public Service Jim McRea; Chief of Police Ronald Strand; director of Parks, Recreation and Cultural Affairs Jim Ponek; Director of Finance Tyrell Staheli; Director of Public Works Dennis Speer; and other staff

APPROVAL OF AGENDA

Motion to approve agenda as amended made by Council Member Taylor; Second by Council Member Wiknich. Motion carried by voice vote of 5 Ayes; 0 Nays; 0 Abstain; and 0 Absent.

CLOSED SESSION – 6:00 p.m.

- GC54956.9 Conference With Legal Council - Anticipated Litigation - Disclosure of Anticipated Litigant Would Prejudice The City Of Ridgecrest
- GC54956.9 Conference With Legal Council - Anticipated Litigation - Disclosure of Anticipated Litigant Would Prejudice The City Of Ridgecrest
- GC54956.8 Redevelopment Agency Real Property negotiations - Strip of vacant land adjacent to Civic Center, APN 478-010-5, Agency negotiators Harvey Rose, and James McRea
- GC54957 Personnel Matters – Public Employee Recruitment – City Manager – Update Report to Council

Adjourned to closed session at 6:06 pm with notification to public that Council may be late resuming regular session

REGULAR SESSION

Resumed at 6:57pm

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PLEDGE OF ALLEGIANCE

INVOCATION

CITY ATTORNEY REPORTS

❖ Closed Session

- Discussed only item no. 1 of closed session, received city attorney report, no action taken.
- Balance of items will be discussed by Council at the end of regular session and a report of that closed session will be provided at the end of closed session.

❖ Other

- None

COMMITTEES, BOARDS AND COMMISSIONS

Second Council Meeting (3rd Wednesday of the month)

Finance Director's Report - copy attached

- Tyrell Staheli gave FY10 Mid-Year Budget Report to Council. PowerPoint presentation and handouts were available to the audience.
- Mayor Morgan – document is available on the City Website and hard copies are available at the front desk
 - Council Member Wiknich- schedule for next year's budget?
 - Tyrell Staheli – April or May. Department meetings are currently underway.
 - Council Member Taylor – Park & Recreation budget, verify totals difference in revenue is general fund?
 - Tyrell Staheli – yes
 - Council Member Taylor – does this include Pool?
 - Tyrell Staheli – yes
- Jim Winegardner – commends Mr. Staheli for fine summary this evening and suggests Council focus on performance activity as governmental GAP requires. Some of Mr. Staheli comments such as under budget concerns is what Council should focus on, community doesn't understand wrong numbers but do understand statements of 'we have a problem here...' other problem is cash-flow treasurer report. Monthly summary should be part of Council deliberation. Will identify when contract are approved if you have cash available in funds or if cash is in general fund to backfill those funds.

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 March 10, 2010

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- Council Member Wiknich – reviewing driveway drainage problems; wastewater treatment facility study; engineering services; close to having City Engineer.

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 March 8, 2010

- Council Member Taylor – didn't meet, computer failure, will have March meeting for budget items.

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 March 8, 2010

- Council Member Carter – Have not met, next meeting announced.

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Council Member Holloway – league board 3 items; Letter to governor to suspend AB72. Board will bring letter to all committees. League position of open primary. Resolution supporting local taxpayers for next council meeting.
- Mayor Morgan – greenhouse gases and rural community's discussion tomorrow evening at Kern COG. March 10-12 annual redevelopment association conference in Pasadena, asked Council Members to consider attending.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- None

PUBLIC HEARINGS

1. Ridgecrest Redevelopment Agency Refund Bond List Projects McRea

The City Council at an earlier Public Hearing adopted the Five Year Implementation Plan for 2009-10 through 2013-14. That Plan contained in outline form, the proposed projects and improvement program of a pending issuance. The various committees over the past two year have developed and reviewed the proposed projects. The current listing is present for consideration to the City Council, as a Committee of the Whole for recommendations to the Fiscal Consultants of the issuance. Individual project will be reviewed by the Committees and by the City Council prior to any implementation.

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- Jim McRea gave summary of agenda item including redevelopment 5-year implementation plan highlighting housing spending projections. RSG introduced to give PowerPoint presentation of the 5-year plan.
- Jim Simmons of RSG gave presentation outlining how Redevelopment works; history of Redevelopment; implementation plan components; reasons for implementation plans; Ridgecrest Redevelopment facts and goals; Proposed 5-year implementation plan for Ridgecrest.
- Jim McRea reviewed the 5-year implementation plan provided in the Agenda packet for Council. Need for Public Hear to be conducted prior to discussion of the Bond List Projects. Public Comment relative to the 5-year implementation plan.

Public Hearing Opened at 7:45pm

- Mayor Morgan limited comments to 5 minutes each speaker.
- Dave Burdick – Local friends of the Library volunteer organization to support Library and its mission. Proposal plan for redevelopment agency 1986 redevelopment agency and county agreement giving preferential treatment to City for first 25 years of Redevelopment agency. 2012 expiration. After 25 years most of tax will be used for projects that benefit County's interest. Proposal to council is that City of Ridgecrest library needs larger quarters. Too small by factor of 4. Should be 30,000 sq. ft. to meet standards, inadequate parking, poor handicap access, materials and computers too small. Propose library move to large empty commercial buildings in City. 4 to choose including Rite-Aid, Vaughn's, Mervyns, perhaps Wal-Mart building. Sav-On building been empty the longest may be first choice. Propose redevelopment funds be used to acquire suitable site large enough to handle library needs and move the library into the site. Satisfies County interest. Feels proposal is as good as any in bond list today, removes commercial blight.
 - Morgan – clarified wish library project to be included in plan. Sit down with County to discuss.
 - McRea – Mr. Burdick request has been included in the list.
- Mike Neel – questions of specific items on list.
 - McRea – after action taken on implementation plan would be appropriate to discuss the list.
- Dave Matthews – concern about implementation/funding of redevelopment agencies. Understanding funds that come in are the amount of taxes collected above a certain assessed valuation of properties after it is sold. If correct, how are we to get increase in funds when housing market is on the decline?
- Mayor Morgan – only way to move forward is if funds received above baseline, plan in place in case we receive additional funds.
 - Jim McRea – tax assessments goes up and down based on market value, it is tax increment increase over assessed from base year.
- Mayor Morgan closed public hearing at 7:55pm

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- Council Member Taylor – this is a plan, some things will talk more details. How much are we locked into this plan if we want more capital improvements etc?
 - Jim McRea – these are goals with preliminary costs, 1986 plan with amendments each 5 years. Just a plan, activities consistent with the plan, closing block that relates to plan consistent with redevelopment plan. Agency not encumbered by plan, just goals for next 5-year plan. 1993-98 plan did nothing.
 - Harvey Rose – certain obligations, housing set aside, county set aside. Contractual, 3 times state mandate for County. Projects based on permitted redevelopment law. Drainage projects etc logical projects within redevelopment area.
- Council Member Holloway – affordable housing 10-year plan on page 13. Playing catch-up?
 - Jim McRea – yes. Not based on needs of community but region
 - Council Member Holloway – senior can qualify?
- Council Member Taylor – age restricted percentage. Low income section 8 discussion on 48.
 - Jim McRea – new covenant with property owner would be required, now they are 55 years not 20 and include substantial rehabilitation. Single family homes goes down to 45 years.

Motion to approve Resolution 5 year implementation plan made by Council Member Taylor, Second by Council Member Carter, motion carried by roll call vote of 5 ayes, 0 nays, 0 abstain, and 0 absent.

- Jim McRea – non-housing generalization of proposals, 17 years left and major transition and tax schedule for 2014, looking at bond market. 2 presentations previously and been working on a general bond list contained within the plan adopted. Not specific should timing, funding, and community desire to fund other projects. Statement is prospectus for future bond buyers. Asking board to review list and asking consultants for issuance and projects will be reviewed by agency board before any implementation. Based on interest and reserves, could be between 17 & 19 million dollars, asking for 18 million with percentages to be dedicated to streets, infrastructure, blight, parks & recreation. Presented to board for consideration and recommendation.
- Agency Member Taylor – question of status of redevelopment agency, this might be last bond issued before negotiation with county.
 - Jim McRea – yes, 10 or 15 bond.
 - Agency Member – school district repayment status?
 - Jim McRea – executive director and staff discussed with McEwen's special council, will negotiate interest in best interest of community.
 - Agency Member Taylor – last chance to make infrastructure improvements thru RRA?
 - Jim McRea – yes.
 - Agency Member Taylor – various committees have reviewed projects and input is result. Olde Towne is loan program?
 - Jim McRea – not loan, grants.

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- Agency Member Taylor – page 6 revolving loans for redevelopment.
- Jim McRea – project implementation plan redevelopment agency can make a loan but not refund bond issuance.
- Agency Member Taylor – acquiring property? Is this dated? Additional land to north or what is later on the agenda?
- Jim McRea – that is part of it but also includes Ridgecrest boulevard projects. Projects initiated but not closed, if funding becomes available first may be used for other projects. Norma street example of gas tax and CDBG funds to pave Norma street. Possible source of 1 million dollars could be funded by other sources. This is only indication of how funds may be used, not obligation to fulfill those projects.
- Agency Member Taylor – USO created problem with Parks & Recreation need for infrastructure. Struggling for prioritization. Need to solve Mr. Ponek's problem but not sure this is the way. Think will have budget issues and don't see need for aquatics park, can extend life of current pool tough to spend 2 million for aquatics.
- Chair Morgan – speak on corporate city yards and implementation into plan. Redevelopment of facilities currently outdated and in need of fund not currently in general fund. Other city assets all over the place because no room, this would incorporate them together. Combination of assets makes the project viable, debatable whether it stays on list. Overall goal is to take funds and try to help community as whole, certain community members will be happy and others won't. if gets to that point, will work out with entire community benefit. Improve certain areas of town, create jobs, and create revenue.
- Agency Member Holloway – question, floating number with county and don't see on this list, negotiate with county to extend agreement.
 - Jim McRea – 600K for county projects and might be funded out of bond issue, don't know if bond will realize 19 million or 17 million. If 17 million Taylors concerns would be cut off list. Reason included is 38 acres adjoining for sale and develop for drainage of new street connects to Las Flores, low to moderate apartments and sale would help one-time budget funding. More than facility construction, facilities for transit, maintenance as well as parks. Cant' use desert mix to maintenance Norma, new materials.
 - Agency Member Holloway – OSHA violations need to be corrected.
- Agency Member Wiknich – procedural question, if plan only for next 5 years, pick one plan, if don't do it can we replace with other projects not on the list. Could we as a board change the allocations?
 - Jim McRea – yes. Be careful, matrix designed for tax increment. Paving a street will not generate property tax unless encourages additional development and homes. Should be something that generates sales tax or assessed valuation.
 - Agency Member Wiknich – if sponsor says they will build concession stand, we can then move those funds to other projects.
 - Jim McRea – yes.
- Agency Member Carter – parks and recreation, need to complete those parks. Getting to point could cause city major problem if not upgraded to legal

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requirements of a park. Kerr McGee complex and Jackson complex upgraded to prevent legal issues.

Public Comment opened at 8:22pm

- Mike Neel – suggest move microphone. On list, addition streets CIP of 3.6 million.
 - Chair Morgan – CIP is capital improvement plan, additional 3.6 million in measure for streets improvements for list of repairs needed.
 - Mr. Neel – community development business retention grant program?
 - Jim McRea – could be incentive to reoccupy Mervyns building, manufacturing facility, encourage jobs and economic development of business.
 - Mr. Neel – page 6 for grants or loans.
 - Jim McRea – yes, grants within bond list, loan within RRA
 - Mr. Neel – Olde Towne enhancement program
 - Jim McRea – Olde Towne committee recommendations for balsam and Ridgecrest blvd. 2015 and 2020 moved out and no funding. Intended to create downtown business district, walk able, customer friendly, special events.
 - Chair Morgan – not enough money for this aspect, current guidelines coming down, trying to co-mingle housing and business, possibility business rehab to balsam and create home at same location, another way funds could be used to redevelopment balsam street area.
 - Mr. Neel – parks and recreation, ½ million dollar concession stand? What is it and why cost so high.
 - Jim McRea – master plan concept at quality of life with support, baseball, football, and other sports, includes expansion and enhancement.
 - Council Member Holloway – biggest cost is to make restrooms ADA compliant?
 - Jim McRea – ADA compliance is estimated at 300k.
 - Agency Member Taylor – not handing a check to Ponck, have to come back as agenda items for public comments prior to approval.
 - Mr. Neel – comments on walking trail, bike path, and other similar items, take of list. Focus on necessary items. Agree with Taylor on aquatics; want to see tax money spent on what is needed. This is last chance to use funding like this, would appear regular general fund to fix streets would vote to spend more on streets.
- Dave Burdick – comments of Olde Towne proposal, comparable to a 30,000 sq. ft. library, suggest using heritage square building, think library proposal could fit under categories but point out benefits for all community. Library benefits largest section of community, all ages, students, trades. If library on list will greased skins with county. Confident would not frown on finding the library on the list. Consolidating services in corporate yard. Same subject could combine all county services for county if library moves. McQuiston offices could expand. Not expecting redevelopment to provide all funding, also proposed to CDBG agency. Some offers of private donations that could benefit. Put library on list and make time to discuss with county.

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Public Comment closed at 8:39

Agency Member discussion

- Chair Morgan – extension on agreement will have to deal with some type of project such as the library.
- Agency Member Taylor – we as agency limited to city limits can't do upgrades outside area, hope staff will work with joint effort at county dump. Other things we could offset costs with county.
- Agency Member Carter – would like to add Library to list and open to discuss numbers with agency.
- Agency Member Holloway – agree with joint project, may need to be more specific, long-term benefit with county.
 - Harvey Rose – regarding library project, this library was originally city library then deeded to county resulting in a portion of tax to operate library in future. 1986 agreement calls for 60% set aside for county of redevelopment funds, 3 times state mandate. Currently exceeds 1 million dollars now, if used as intended for projects benefitting local community, that kind of payment would pay off debt in excess of 10 million dollars. Need to take this into consideration.
- Chair Morgan – a request by one council member to add library into community development incentive grant program area and a request by an agency member to eliminate aquatics complex from this list. List not an approved project list, all projects will have to come back for further discussions before funding.
- Agency Member Wiknich – make sure playing on same page, this increment is portion city in control for city projects. County projects are for county. If library goes in this list, takes county percentage and adds to it. Support agreement with county to use funds for library, object to them already having large portion now. Discuss when we renegotiate county agreement. City can't afford these things and redevelopment stepping up.
- Agency Member Taylor – understands, here to solve our problems. Reality is not building library, trying to improve infrastructure. Looking at list and see 1.3 million for college heights, agreement with Wal-Mart under Environmental impact report. Infrastructure for us, whether library or aquatics.
- Agency Member Holloway – understand, diversion issue with state is largest issue. Needs agreement at landfill with supervisor. Ability to free up money in one area by us taking burden with this library. Need to come up with more detail information.

Motion to adopt list striking aquatics park, add rehab of existing pool, add library facility made by Agency Member Taylor, second by Agency Member Carter. Motion carried by roll call vote of 5 ayes; 0 nays; 0 abstain; and 0 absent.

- Agency Member Carter supports recommendation but would like current pool covered.

Recess for 5 minutes.

Meeting resumed at 8:59pm

2. Joint City Council & RRA Public Hearing, Notice Of Real Property Sale, Exchange, And Disposition Development Agreement (DDA) To Construct, Develop, Or Sell A Commercial Use On Parcels 32 & 33, Parcel Map 10819, APN 33-070-32 & 33, Ridgecrest Business Park, In Exchange For A Portion Of APN 598-020-10, Ne ¼ Sec 5 T.27s R.40 E, A Vacant Parcel, Developer John Landry MD And Resolution 10- **McRea**

A joint Public Hearing relating to the development of a DDA for the sale and development of Parcels 32 & 33 of the Ridgecrest Business Park by Mr. John Landry, The 33343 Summary Information Report and Resolution 10- is presented for adoption. The site will be developed pursuant to the DDA and CC&R's.

- Jim McRea gave review of public hearing item for real property sale, exchange, and disposition on commercial properties 32 & 33 in the Ridgecrest Business Park. Summarized 3 documents involved with this item. Public comment pertaining to DDA. Conclusion of public hearing recommendation for sale. Will return to council for final review prior to execution of documents.
- Dave Matthews – sat thru committee meetings, need for expansion, and go for it.
- Mike Neel – notes the appraisal value of property and don't believe high dollar value. Conversation with realtor and can't justify value. Would like copy of report. Didn't see additional \$125,000, who pays.
 - Jim McRea – correct, explained group 2 property regulations, we must pay for conveyance.
 - Mike Neel – second appraisals, value seems too high. Other properties available. \$700k seems inflated. Was given numbers of comparable plans in area. Interested in seeing report.
 - Jim McRea – professional services of Butler, Burger group and 3 appraisals dated January 2010. Based on comps of similar properties in area. City doesn't have anything to do with the numbers of the value of the property.
 - Mayor Morgan – appraiser is responsible for accuracy of appraisal.
 - Mike Neel – curious to look at it.

Motion to approve Resolution made by Council Member Wiknich; Second by Council Member Carter. Motion carried by voice vote of 5 Ayes; 0 Nays; 0 Abstain; and 0 Absent.

Motion to approve Resolution relative to purchase made by Council Member Carter; Second by Council Member Wiknich. Motion carried by voice vote of 5 Ayes; 0 Nays; 0 Abstain; and 0 Absent.

ORDINANCES AND RESOLUTIONS

3. **Ordinance No. 10- Introduction And First Reading An Ordinance of the Ridgecrest City Council Amending Chapter IV, Article 7, Section 102, of the Ridgecrest Municipal Code as it pertains to alcoholic beverages in City Parks** Ponek

The Parks, Recreation and Quality of Life Committee is recommending to City Council to amend Chapter IV, Article 7, Section 102, of the Ridgecrest Municipal Code that will allow alcohol in Parks with written approval from the Chief of Police. This recommendation is being made in an effort to allow alcohol during specified special events, such as the annual Maturango Junction.

- Jim Ponek gave review of existing ordinance and reasons why the ordinance is recommended for amendment.
- Council Member Holloway – real issue is quality of life committee trying to come up with mechanism for self-insurance fund to allow.
 - Jim Ponek – next step which staff is working on at this time. If city co-sponsors event. Need to approve to have the option, nothing will be approved if going to be a liability. Insurances not in place, no alcohol allowed in park.
 - Harvey Rose – support effort to legalize in our parks for special events. If city sponsors event insurance covers under our policy. Insurance is currently calculating sum of additional costs, will be able to present those costs when we come back with request to sponsor event.
- Council Member Taylor – fine if we have sign-off, let Chief decide and have authority to say no. liability is big issue, we have been sued in past and sensitive to liability issues later.
- Dorothy Brown – when hear parks, or parks & recreation think of kids. Don't think alcoholic beverage appropriate in any park at any time. Kids involved. Not enough responsible parents to watch kids, will cost city and residents more money for more police protection. Not anti-drink, like glass of wine and beer, can't see it or feel is responsible in parks unless kids are kept out and drunks kept in.
- Richard Wagner – agree with Ms. Brown. Has children and attends events. Ask council use judgment not use alcohol if children involved and no glass containers, plastic only and recycle containers.
- Carol Dean – question, has alcohol been served in past?
 - Jim Ponek – last year event had a beer vendor with setup in parking lot roped for that area. One reason to bring approval for parks, watching out for city, some people sneak out and bring into parks. Do not believe will be a problem in our freedom park.
 - Carol Dean – against, family function and alcohol not appropriate.
- Dave Matthews – with respect to past, when Maturango Junction was at Leroy Jackson park, commercial vendors had area set up with bartenders, checked id's and drinks stayed in that area. Would like to see that continue. Scenario – family weekend with out of town visitors unexpected, decide to have picnic at park; beer and wine included; go to city park. Adults drinking, not children, is family's responsibility. Not hypothetical

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situation, didn't know alcohol wasn't allowed and did it myself. Other have done same thing. Was disappointed the ordinance won't include family picnics. England and Germany it is family event.

- Bud Clamp – do not drink alcohol but feel if permitted at events, City should not pick up bill, vendors of alcohol.
- Mike Neel – who lobbied to change the ordinance?
 - Jim Ponek – parks and recreation quality of life committee?
 - Mike Neel – who asked them?
 - Jim Ponek – event came to freedom park last year, one thing that came out of event last year was the alcohol. Great event last year and anticipate it to be larger this year. Chamber feedback was comments to allow alcohol.
 - Mike Neel – chamber getting money from this, who's getting something out of this. Chief of police agreement, will there be more officers needed to cover this event? Some people don't know how to contain themselves, harder to control in this type of situation, more police needed. Children at the event, been where there was alcohol and those with no alcohol, would prefer non-alcohol. Large number of sex criminals in town who know where children are at, don't see a good reason for this. Maturango junction been fine without it.
- Cecil Nordic – here since 1958 never needed alcohol in parks, many children and people don't know when to stop drinking.
- Council Member Holloway – suggest that ordinance be amended application come before council before chief approval.
 - Council Member Carter – why
 - Council Member Holloway – want to be able to evaluate before event takes place.
 - Keith Lemieux – what is specific language
 - Council Member Holloway – gave sample language
 - Council Member Taylor - ...unless written permission of chief of police and approved by council
 - Keith Lemieux – prior to giving such permission the chief of police shall present a report regarding any such request to the City Council.

Recommended Motions - 2 motions

Motion To Waive Reading In Full Of An Ordinance as amended Of The City Council Of The City Of Ridgecrest Amending Chapter IV, Article 7, Section 102, Of The Ridgecrest Municipal Code As It Pertains To Alcoholic Beverages In City Parks Was Made By Council Member Carter, Second By Council Member Wiknich. Motion Carried By Roll Call Vote Of 4 Ayes, 1 Nay, 0 Abstain And 0 Absent.

Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending Chapter IV, Article 7, Section 102, Of The Ridgecrest Municipal Code As It Pertains To Alcoholic Beverages In City Parks

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Was Made By Council Member Carter, Second By Council Member Wiknich.
Motion Carried By Roll Call Vote Of 4 Ayes, 1 Nay, 0 Abstain And 0 Absent.

- Harvey Rose – suggest report of alcohol laws be presented to council at next reading.

OTHER ACTION ITEMS

4. **A Report Of The Elections Official To The City Council As To The Sufficiency Of A Petition For An Initiative To Repeal And Amend Certain Portions Of The Ridgecrest Municipal Code Related To Recycling And Sanitation Services** Ford

California Elections Code requires that the Elections Official submit a report of sufficiency to the legislative board when an initiative petition is circulated by proponents within the jurisdiction of the legislative board. This petition was circulated in accordance with all provisions of the elections code and the report is brought to Council for acceptance and filing.

- Rachel Ford – gave report to council for acceptance and filing.

5. **Discussion And Action Item Of The Ridgecrest City Council Regarding An Initiative Ordinance To Repeal And Amend Certain Portions Of The Ridgecrest Municipal Code Related To Recycling And Sanitation Services** Rose

A California election Code requires a Legislative Board to take action immediately or within 10 days of the Elections Official submitting a report of sufficiency for initiative petitions. A sufficiency report qualifying an initiative petition has been presented to Council at this meeting and Council now must select one of three possible actions to take pertaining to that petition. The three options available to the Council in EC9111 are:

- a) Adopt the ordinance
- b) Order an election
- c) Order a report

- Harvey Rose presented petition to council for action pursuant to EC 9111. Staff recommendation of option 3 ordering report on impact to local and state laws. Report recommendation to be presented to council on March 3, 2010 meeting so resolution for order of election and consolidation of election for ballot.
- Council Member Taylor – reasonable recommendation

Public comment began at 9:39

- Bud Clamp – other than fiscal impact, what is the purpose of ordering a report.

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- Harvey Rose – report would pertain to fiscal impact, consistency with local and state law.
 - Keith Lemieux – point of report is so council can make informed decision as to whether to adopt the resolution or set for election.
- Dorothy Brown – what happens if the report isn't produced by next council meeting.
 - Keith Lemieux – recommendation is to do it so we will.
 - Dorothy Brown – can't be postponed again for any other reason? Either accept or put on election.
 - Mayor Morgan – my intention is this makes the June 8 ballot if that is what council decides.
- Walter Maurer – appreciates mayor comments and council, appreciate resolution. Quote letter submitted to council January 19. Letter recommended consolidation and suggested report prior to now. Satisfied with what is said today so long as item makes ballot for June 8. Deadline is March 12. Read email from Kern County programs coordinator with cost, special election would cost \$98,000. Applaud council for stating that nobody wants special election. Cost for general election, elected mayor and this initiative, is around \$7,000 - \$10,000.
- Will Robertson – read from a prepared statement provided to press.
 - Council Member Wiknich – fully understand passion and concern. Council is trying to move in direction for voluntary residential service, would you help and participate in voluntary system?
 - Mr. Robertson – no intelligent human being intentionally fowls own nest, already voluntary recycle. Yes, don't know where state has come up with sudden change of heart. Nobody asked me if I recycle, what is margin of error?
- Cecil Nordic – trash company put receptacle in yard and has never picked it up. Haven't used, only sent one barrel, can't afford, how do I pay for it? Two bills already without an agreement. State has mandated we recycle, have been for years, still pay fee to dump and haul to dump. How could Sacramento make a ruling to mandate people pay for something they don't use? Want it to stop.
- Joe Conway – are you going to ask CALRecycle for grant money?
 - Mayor Morgan – have asked for assistance.
 - Council Member Taylor – not received an affirmative response.
- Ron Cramm – first say adopt ordinance now. Other thing, is voluntary really voluntary or does it mean going to Benz and getting contract? I don't have contract with Benz and not going to get one. How can you come after me when I don't have a contract? Numbers seen, this is very lucrative, put it out to real bid and get lowest 3 bids. Others have offered in community to do service.
- David Knight – regarding recommendation for report, fiscal impact pertaining to potential litigation been discussed to a degree that a report is unnecessary? What information could a report provide that isn't already supplied and how accurate could it be? Voluntary program considered, if state agency has review over the program term is not voluntary.

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- Hillary Wood – clear by recommending report instead of putting on June ballot, stonewalling. If you stonewall again tonight will hear from public. Could have done one before or do one after. Promised but no positive results. Proposal of one negative aspect. Clear citizens need to decide what's best for them. Will bank on citizens, don't have council endorsement. Don't put thru in timely manner, line Benz pockets. Show us behind us and vote to put on June ballot tonight.
- Will Roberts – did you ask if I would voluntary get contract with Benz?
 - Council Member Wiknich – no, just would you participate.
- Mike Neel – point of clarification, city talking about going to voluntary program which could be temporary, initiative requires 2/3 vote of public to change. Also has provision that evergreen contract with Benz will go away and we'll have competition. Not possible right now, initiative will have to wait a few years but will be done.
- Will Roberts – where is county in all this? County dump. 1989 they should have been diverting a long time ago.
 - Mayor Morgan – we are working with county on some type of plan.
 - Will Roberts – where are they?
- Ron Porter – thank you for guarantee of resolution on March 3. Believe Council well aware of time frames and had adequate time, and have responsibility to keep community informed. If put up for vote tonight, won't harm in providing information for future. Best for city and council to pass on agenda tonight for ballot measure.
- Walter Maurer – would like mayor to clarify remark, if pass for ballot tonight would force special election. Would like attorney to respond, proponents have looked into and was a contradiction between elections code and what Kern County has stated.
 - Keith Lemieux – don't believe there is a reason council can't set for election tonight.
 - Walter Maurer – would not be special election.
 - Mayor Morgan – I was mistaken.
- Richard Wagner – want to remind people that if we do go voluntary the recycling, shampoo bottles and other items are recyclable, not just CRV's.
- Brian Waterman – no need tonight to stall this item. Would like to ask citizens here tonight, come up to podium to ask council to vote this tonight.
- Lance ? – vote to place on ballot
- Bud Clamp – vote to place on ballot
- Ray Taylor – vote to place on ballot
- Marilyn Neel – vote to place on ballot
- Fred Mansfield – vote to place on ballot
- Charlie smith – vote to place on ballot
- Deborah Taliaferro – vote to place on ballot
- Richard graham – vote to place on ballot
- Cecil Nordic – vote to place on ballot
- Joe Conway – vote to place on ballot
- Mike Neel – vote to place on ballot
- Melody Neel – vote to place on ballot

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- Jim Rachels – vote to place on ballot
- Walt Foster – vote to place on ballot
- Randall Palsam – vote to place on ballot
- Robert Eierman – vote to place on ballot
- William Brown – vote to place on ballot
- Al Huey – vote to place on ballot
- Roger Beegan – vote to place on ballot
- Dorothy Brown – vote to place on ballot
- Walt Maurer – vote to place on ballot

Mayor Morgan - Direction to staff to provide a report of the fiscal impact and legality of the petition to be presented at the next regular meeting of March 3, 2010 at which time Council will act in accordance with EC9111.

- Council Member Taylor – understand anger of those here and have talked to some who don't want to come down here. Represent other people in City; don't agree with current direction tonight. Don't have all the facts, asked for report.
- Mayor Morgan – believe there are issues in report to public that need to be made.
- Council Member Carter – want to see a report, originally voted no on mandatory trash pickup, want a report that won't harm time frame.

Motion to approve Resolution made by Council Member Wiknich; Second by Council Member Holloway. Motion did not pass by roll call vote of 2 Ayes(Council Members Holloway and Wiknich); 3 Nays (Mayor Morgan, Council Members Carter and Taylor); 0 Abstain; and 0 Absent.

Motion to order a report on the initiative to be delivered to Council at the March 3, 2010 regular meeting was made by Council Member Taylor, Second by Council Member Carter. Motion carried by roll call vote of 5 ayes, 0 noes, 0 abstains, 0 absent.

- Council Member Holloway – this will be on June 8 election,
- Council Member Wiknich – this information won't change inevitable, support getting report at this time.

CONSENT CALENDAR

Item no. 8 pulled

Motion to approve Consent Calendar as amended was made by Council Member Taylor; Second by Council Member Holloway. Motion carried by voice vote of 5 Ayes; 0 Nays; 0 Abstain; and 0 Absent.

6. **Tentative Tract No. 6731: Utilization Of Development Impact Traffic And Drainage Fees For Off-Site Improvements For A 40.6 Acres Project Located**

North Of The Northwest Corner Of Kendall Ave And S. Norma, (Kern County) **McRea**

The City Council considered Tentative Tract Map 6731 relating to pre-zoning and annexation of the proposed project into the Corporate Limits of the City. The recommendations and conditions of approval of the Tentative Tract map made by the Planning Commission by PC Resolution 09-08 required two public access routes and a linear 30 foot parkway and park sump within the project. The Taft Corp has been working with the City Engineer in regards to these conditions of approval and reached tentative design standards and acceptable improvements.

The Developer has requested an agreement to utilize a portion of the Development Impact Traffic and Drainage Fees for these off-site improvements. It would be appropriate to receive the request and any presentation and authorize the City Engineer and Public Works Director to authorize a reimbursement credit agreement, not to exceed the Impact Fee for approved offsite improvements.

7. **Resolution No. 10- , A Resolution Of The Ridgecrest Redevelopment Agency Authorizing The Payment Of Fiscal Year 2010 Supplemental Educational Revenue Augmentation Fund (SERAF) Assessments By The State Of California In Conformance With Health And Safety Code 33690 And The Amendment Of The Annual Ridgecrest Redevelopment Agency Budget For This Payment** **Staheli**

As part of the State of California budget package for the FY 2010, Redevelopment Agencies are required to shift \$1.7 billion in property tax revenues to Supplemental Educational Revenue Augmentation Fund (SERAF)

8. **Resolution No. 10- , A Resolution Of The Ridgecrest City Council Authorizing Retainer Services In Connection With The City Of Ridgecrest's Interests Before The California Integrated Waste Management Board Or It's Successor State Agency Or Department** **Staheli**

City Council previously authorized the City Manager to secure the services of Flannigan Law Firm to represent the City's interest before the California Integrated Waste Management Board recently reorganized as CALRecycle. The City has a purchasing policy and procedure which requires a resolution of Council to authorize purchase orders above a designated dollar amount.

- Ron Porter – when did council hire this firm.
 - Keith Lemieux – done under previous city manager authority. Not done thru formal resolution, informal under city manager authority.
 - Ron Porter – what are we getting for our money
 - Mayor Morgan – intermediary between us and CALRecycle.
 - Ron Porter – contract?
 - Harvey Rose – purchase order needs to be approved so we can pay the existing contract. This is not the contract; it is for a purchase order.

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- Ron Porter – contract already signed this is just the purchase order to pay them.
- Harvey Rose – yes.
- Robert Eierman – internet said one year contract, is there a math error.
 - Harvey Rose – a month already covered, this is the balance.

Motion to approve Item 8 was made by Council Member Holloway, second Council Member Carter. Motion carried by voice vote of 5 ayes, 0 nays, 0 abstain, and 0 absent.

PUBLIC COMMENT

Persons wishing to address the Council on matters that are within the Council's jurisdiction and do not already appear on the agenda, may do so at this time. Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on this Agenda. Speakers are limited to five (5) minutes. The PUBLIC COMMENT section of the Agenda is limited to a total of sixty (60) minutes. Speakers are asked to provide their name and address for the record.

Public Comment Opened At 10:28pm

- Dave Matthews – would like to call attention to meeting for Engineers Week, would like to see this continued. This afternoon stopped by papers with letter to editor, read letter to council about not being happy with price and implementation of recycling program. Many people not paying bills and Benz turning charges over to City. Urging citizens to pay their bills but include written protest. Requesting levels of service for recycling. Mention of burdening city with additional work and money problems.
- Joe Conway – Councilman Wiknich seem to have doubt about voluntary, why?
 - Council Member Wiknich – it isn't doubt in people and willingness to recycle, problem is not enough people are recycling. To get to 50%, all asking are people willing to help us get into compliance with the law. No preconceived idea of how we are going to do this, are people willing to help us?
 - Mr. Conway – last number?
 - Council Member Wiknich – 36%
 - Mr. Conway – how was this derived
 - Council Member Wiknich – went thru largest contributors and brought the numbers down.
 - Mr. Conway – in best interest to have mandatory so takes problem out of their hands and puts in yours. Have participated for years on front end. Taken months to get 2 small trash cans. City of Berkley is voluntary and city having to lay off employees because working so well. You seemed to be unsure in knowing other programs. Did city have place to divert recycles too? Same people listening to this argument will step up. Can't imagine citizens won't do it.

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- Deborah Taliaferro – disappointed, felt threatened about not paying bill, if city is upset, send it to state for payment. Outflow can't be greater than inflow, they will tax us some more. We are going to be working poor. Don't know who is thinking this stuff up. Also upset with city streets, major issues, when will they get done? Disappointed in tonight.
- Russ Mathewson – thank you for having courage to stand up to fringe elements of the community, silent folks of city are watching, you are asking for help and applaud you are getting the report, not popular but the right thing to do. Lawsuits and not paying bills is not getting us to the other end, active participation will get us there. Is possible active majority is silent. Encourage you to make the best decisions for us. Good luck.
- Mike Neel – say no to tyranny speech. Read written article. No copy provided to clerk. Don't think this was right and will see it through.
- Walter Maurer – respect those who disagree but when called fringe element chuckle. No initiative qualified in 12 hours of signature collection. Couple words about study; is this council ready to admit exceeded 50% diversion rating are wrong? Plan has been laid out, first decide is there a problem. Assume Sacramento is correct; they have not convinced community their studies are wrong. Look forward to day when you publicly concede CALRecycle was correct. Look at numbers and can we meet with true voluntary measures. How does council intend to morph ordinance into voluntary? Appreciate good intentions but unless those provisions are stricken is still mandatory. another subject, police in paper showed arrested photos. Commend police department for job well done, keeping us safe. Gubernatorial candidate was here today, appreciate cities policy. Candidate came, met with policy at no charge to sponsoring organization. A good policy and will be used again.
 - Harvey Rose – welcome candidates, is a \$35.00 charge per hour for room.
- Marilyn Neel – respond to statement made on fringe element, those opposed to trash mandate. People might need to take note; we are a part of growing number of Americans that don't see that government has a place in every part of our lives. Past notes over 2 months 33 states have made resolutions on 10th amendment. Proper response to aggressive expansion to national authority. States standing up on national level. Quote from court. Americans realize we love our liberty and regardless of what is said and name-calling, government has limitations. When people fear government, we're slaves.

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.

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- Council Member Taylor – here to represent all, get information that isn't in tune with just the people who came down here. Came in here after some council members had already signed agreement with state. City signed up to implement program, ill designed at the time, little late to be suing someone. Will vote my conscious.
- Council Member Holloway – most people frustrated including me. Several of us disagree on this issue, I disagreed from day one on principal, yet at same time we will discuss things and move forward to get thing done for the city. Not personal. Been told because I'm against the council, attacking the mayor. I'm not, hold out hope there are other option. No reason to attack council when everyone is clear on where they stand. Be confident and happy that everyone is concerned about what's best for community based on the information they have and their level of expertise. Community tearing itself apart, a gift we know where each council member stands, not seen in other cities, can't talk to them, can't get a response. Never had a problem getting dialogue with any council member here. Hurts when I see Jerry Taylor get attacked in the ways he gets attacked. I know for a fact they all care about this community. Ok, to disagree, debate and keep it respectful.
- Council Member Wiknich – tonight's agenda dealt with ERAF payment, school district owes us a large amount of money. Read states letter regarding ERAF 2.6 million dollars. Notify state we will apply to school district bill. Have staff look into and get report.
 - Harvey Rose – interesting thought, rule used to be if the monies committed to debt services, protected from state. Gov. Gray Davis changed and policy has not been reversed. State association of redevelopment agencies has sued and failed, new suit and feel there is better chance of winning this time. To suggest to state to use in different fashion won't get us anywhere.
 - Council Member Wiknich – they say to be used for school district, let's use it that way. Anyway would like it looked into. Thank Mr. Benz and Jr. for being here tonight.
- Council Member Carter – Working hard to stay in reality, part of solving problem not part of being problem. We need to work together, stop splitting community, start working on solutions. Not always what we want. Voluntary service we have to be able to document what is being diverted. Need help from county and citizens. Thank Benz for attending.
- Mayor Morgan – congratulation to IWV volunteers for declaration from Roy Ashburn. Council members came up with plan and citizens have been arguing against, to say they have a plan is a lie, not enough to say we're going to voluntary and then deal with it there. Go back in time, council created 2 solid waste committees in past, especially second one had opportunity to put recycling element on shelf. Group filed report didn't need to do anything because we meet standards. Council realized problem, thought this could occur, put together group to create plan that we didn't get. Bullet points are taken out of text to be put on radio, that's fine. City is now awake, have been on a voluntary report since last committee said we were doing fine. City gave out information at public meetings, recycle encouragements;

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council didn't beat into head because you are intelligent. Not placing blame on anyone but me, been mentioned we have intelligent community and we'll do it. I still believe that and maybe we'll get there now. Hope we do. As much as my integrity, love for community, listening to people. Always questioned by certain group and they have won, my integrity is shot, but I'm still not going to stop working for this community. They can still talk about me. Initiative unnecessary.

Reconvened into closed session at 11:12pm

Report out of Closed Session at 12:30pm

- Council received reports only, no action taken

ADJOURNMENT

Meeting was adjourned at 12:32pm



Rachel J. Ford, CMC
City Clerk