



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

City Council Chambers
100 West California Avenue
Ridgecrest, California 93555

July 7, 2010
5:00 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.

CALL TO ORDER at 5:02pm

ROLL CALL

Council Present: Mayor Steven Mayor Morgan, Council Members Ronald Carter, Marshall 'Chip' Council Member Holloway Thomas Wiknich, and Jerry Taylor

Council Absent: None

Staff Present: Interim City Manager Harvey M. Rose; City Clerk Rachel J. Ford; City Attorney Keith Lemieux; and other staff

APPROVAL OF AGENDA

SPECIAL SESSION – 5:00 p.m.

STUDY SESSION

Special Study Session To Discuss Ordinance No. 10-xx An Ordinance Of The Ridgecrest City Council Relating To Curbside Service

- Mayor Morgan provided copies of documents for the public. Would like to incorporate discussion of AB479 into this study session. In particular the state regulations on businesses generating specified cubic yards per week of rubbish.
 - Harvey Rose – read language from AB479 handout.
 - Mayor Morgan – are we interested in incorporating the 4 cubic yard language into city of Ridgecrest ordinance.
 - Council Member Taylor – if put in criteria will be in contest over decimal points. Clarified this capacity is for week.
 - Mayor Morgan – hearing no one is interested then will not pursue.

PUBLIC COMMENT

- Stan Retoraj – presented handout to council with five comments.
 1. ¶ 13-2.2(b), page 5 requests delete entire paragraph.
 - Council Member Taylor – concern about the weekly requirement.
 - Council Member Holloway – no problem removing the language. Latest interpretation is we have to offer the ability to collect trash every seven days, not a requirement to do so.
 2. ¶ 13-2.3(a), page 5 request word change of ‘waste’ to ‘recyclable materials’.
 - Council Member Taylor – not sure why.
 3. ¶ 13-3.3(c)3B, page 7 request putting the word ‘commercial’ in front of the word ‘property’
 - Council Member Taylor – suggesting the words residential and commercial be used specifically. Referred to photos of both commercial and residential with trash over the top so paragraph references both.
 - Stan Retoraj – suggested revisiting other paragraphs to maintain consistency and be clear
 4. ¶ 13-3.3(c)3.B, page 7 request deleting sentences 3 and 4.
 - Stan Retoraj – clean up fee determination should be made by the code enforcement officer and not the franchisee. No problem if made clear that it is code enforcement.
 - Mayor Morgan – will ask attorney
 - Council Member Taylor – intent is to keep over the top filling of cans from happening.
 5. ¶ 133.3(c)3.E,2, page 7 request delete entire paragraph.
 - Stan Retoraj – nothing authorizes Benz to go onto private property for an unscheduled pickup.
 - Mayor Morgan – will ask attorney.
 - Stan Retoraj – if it is primarily residential and people are allowed to have extra service then it is ok. Encouraged by the thought of having more than once a week pickups.
- Mayor Morgan – next document is from David Kniepp which states he is against the policy but gives no suggestions for changes.
- Jim Rachels – outlined areas of concern
 1. 13-2.1(c) – before mandatory trash most people had service from Benz and regulated themselves. If going back to voluntary trash, what is point for city to regulate contractual relationship between individual and private business. Government overstepping bounds, no reason. Some council stated originally had to be language about collections because of mandatory. That isn’t case now so why is city involved.
 - Mayor Morgan – disagreement with regulations?
 - Mr. Rachels – disagree with anything is regulated. If voluntary don’t need a program.
 - Mayor Morgan – if voluntary are not regulated by paragraph C
 - Mr. Rachels – if I choose to take service, ought not be regulated
 - Council Member Holloway – Agree summary regulation only.

MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

July 7, 2010

Page 3

- Council Member Taylor – next page references self-haul.
- Mayor Morgan – does that context define paragraph C?
- Council Member Taylor – have no problem with paragraph C, reasonable.
- Mr. Rachels – exclusion to paragraph C
- 2. Last council discussion was clear that language like qualified self-hauler would require permit. Voted to eliminate permit requirements and limit to notification only. 13-2.3A is one example, permit, application etc. Conflicts with what was voted on.
- 3. 13-3.3E – legal action means what and who initiates the action. Ambiguous.
 - Mayor Morgan – will ask the attorney
- 4. 13-6.1(a) requires franchisee shall notify and attempt to collect payment through all available means. (b) Franchisee has to certify he has met (a) before presenting bill to City. (c) Requires Benz to write demand letter and threaten a lien.
 - Mr. Rachels - Who is filing the lien, Benz or the city? Who has authority to file the lien? Redundant and places lien fee on bill.
- 5. 13-6.2 – horrific section, basically section says council will make, enforce ordinance. If person disagrees with fee to pay can bring dispute to council. Council has authority to make and enforce, now adjudicate. Final and conclusive. Made you legislator, judge, jury, and executioner. Separation of power and check and balances.
 - Mayor Morgan – against council having methodology on collecting past due account.
 - Mr. Rachels – against council putting themselves in position of judges. No recourse of dispute concerning a fee.
- John Burmeister – resident, takes one month to fill recycle container because have been recycling for years. Not much goes into Benz collection. Concern that the way I'm operating doesn't help us meet requirement because not going thru Benz but am recycling. If I go voluntary, will there be a central bin where I can put my stuff for collection?
 - Mayor Morgan – working with county to have facilities at dump and currently have one site near corp. yard for recyclable. If need to increase number of sites will do so.
 - Mr. Burmeister – think people are in favor of recycling and suggest city add sites to be counted for collection.
 - Council Member Taylor – we are being credited for recyclables taken to the local recycling centers.
 - Mr. Burmeister – would stay with Benz if they would agree to once a month pickup, option of different schedule. Also question 50% measured by weight or volume?
 - Mayor Morgan – based on weight.
 - Mr. Burmeister – landfill does not fill up by weight, but by volume.
- Dave Matthews – didn't get past the definitions. Confused on couple of things. One definition concerning recyclable materials which includes wood, plastic waste, bulky goods, waste oil, etc. Know wood and waste oil can't go in blue bin

MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

July 7, 2010

Page 4

now so what are you defining. Also what is bulky goods and plastic waste? Please redefine.

- Other description for waste materials and would like to see those two definitions reworded.
- Ivan Beyer – wondering about week trash requirement. Takes me about 3-4 weeks to collect recyclables but could not prove emptying weekly. Is weekly still in there?
 - Council Member Taylor – that refers to trash and not recyclables. Is a health issue to have wet trash sitting around for several weeks?
 - Ivan – what if I do waste dumping on my own.
 - Council Member Taylor – is a state law and has to enforce, will go back and look at it.
 - Ms Beyer – third point regarding yard waste. Approx. 70lbs of yard waste, called Benz and they have no separation for yard waste, and they take and dump in the landfill. Seems not right.
 - Mayor Morgan – is not a yard waste policy in this ordinance
 - Council Member Taylor – correct, could make argument of how much outrage for a third bin.
 - Ms Beyer – not a third bin, just a separate site to take yard waste that will be accounted for.
 - Council Member Taylor – county will not take it for conversion, would have to take out of town and is not cost effective to transport it. Did not generate enough years round to require a third bin program. Hard enough to justify the 2 bin system.
 - Ms Beyer – not advocating third bin but a place to take the yard waste.
- Harvey Rose – comment to Council Member Taylor, some city parks departments provide dump sites for compost to be used in city parks.
- Council Member Taylor – challenge is to advocate programs considering the current budget. Would love to set up diversion program but need to mandate cost.
- Brian Waterman – 13-2.3(b) parties who submit application to self-haul, second sentence. Asked about that and said would be removed and it is still in there. Want it stricken. If this passes tonight then effective 30 days from today, bills are out for July and August people would have paid extra 3-4 weeks, is a refund procedure set up?
 - Council Member Taylor – will have to go back and review to ensure we agreed to remove.
- Gwen Jensen – think should be something in there about responsibility of Benz leaving trash cans at empty house left for months. Should find out if house is empty. Neighbor house empty and can put on sidewalk, kicked around several months. Benz accommodated me with smaller can but empty can taken into empty yard, is city paying for that?
 - Mayor Morgan – working on being reimbursed for those issues.
 - Ms Jensen – 400 Alvord, 235 Panamint. They put cans there that lay empty for month. Is city paying, should be something about making sure there is someone living at the address where they leave a can.

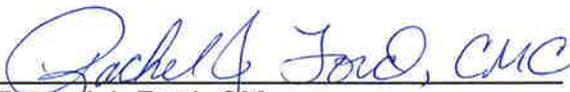
MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - SPECIAL

July 7, 2010

Page 5

- Bud Clamp – only see listed 13-3.3(d) multifamily establishment and business establishment. Speaking for tri-plex owners, only need one of each can, being billed for three of each. Don't see level of service addressed in here. Would like to sit with Benz and discuss levels of service for more than one property but can't because Benz doesn't know where he is at. Bills keep accumulating.
 - Council Member Taylor – 13-2.2(a) only refers to properties of 5 or more. Your reference is considered residential not commercial. Hoping Benz is listening to citizen's comments relative to levels of service. Hoping Benz will be creative with levels of service. If you self-haul must self-haul to other sites, not neighbor's trash can.
 - Mr. Clamp – free up Benz hands for negotiations and remove city references to determining.
- Brian Waterman – application, is there one drafted?
 - Mayor Morgan – no, will have in 30 days if ordinance passes.
- Dave Matthews – yard waste definition of organic material or garden trimmings. Could mean meat or food scraps which are not 'yard waste'. Also concerned about comments from Bud Clamp, thought we were supposed to be able to share with neighbors and be able to haul for neighbor.
- Mayor Morgan – thank you for your input, study session will be closed.

ADJOURNMENT


Rachel J. Ford, CMC - City Clerk