



**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**

**July 7, 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.

CALL TO ORDER

ROLL CALL

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

No changes

Motion by Council Member Carter, second by Council Member Wiknich, 5 ayes, 0 nays, 0 abstain, 0 absent.

CLOSED SESSION – 6:06 p.m.

GC54956.9 (B) Conference with Legal Counsel - Potential Litigation - Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest

GC54956.9 (A) Conference With Legal Counsel - Litigation - Will C. Robertson v. Steven P. Mayor Morgan .et.al

REGULAR SESSION – 7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

CITY ATTORNEY REPORTS

❖ Closed Session

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- Council met on 2 items, Robertson case received brief report, no action taken
- Undisclosed potential litigation, report only, no action
- ❖ Other - None

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 August 5, 2010

- Mayor Morgan – announced next meeting date and encouraged public to submit agenda items.

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 – gave RACVB report from this morning's meeting Wednesday, August 4 at Springhill suites

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 August 5, 2010

- Council Member Carter – announced next meeting date

Youth Advisory Council

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Council Member Wiknich – infrastructure committee next Wednesday at 5pm
- Council Member Taylor – city org has not met

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- ❖ GFOA – award announcement given by Harvey Rose. City has been awarded once again for fiscal reporting. This year award will be presented to Tyrell Staheli. Significant award that shows financial reporting of City is open and honest.

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- ❖ Tax Allocation Bond Report
 - Harvey Rose – gave update report of tax allocation bonds. Designated account for funds deposit and next meeting report should be that funds are in hand.
- ❖ Introduction of City Engineer
 - Dennis Speer introduced new City Engineer Loren Culp. Licensed civil engineer and land surveyor.
 - Loren Culp – gave brief assurance to council that he would perform his duties to the best of his abilities. Open door policy, willing to meet with public regarding concerns. Encourages public involvement. Thanked for the opportunity to serve the community and council.
- ❖ Budget Amendments
 - Harvey Rose – discussed the approved budget and amendments which will be brought to council during July. Example of desire to fund housing element study. Determined the funds can come from redevelopment funds or done in-house and is now funded. Pavement Maintenance Study for public works \$60k can come from traffic development impact fees. More money in the drainage development impact account, public works priority list for equipment, 2 items identified for purchase at cost of \$175k for dump truck and front end loader. Propose to take balance needed from drainage impact account leaving funds to cover the PMS. Police captain position mentioned by police chief could be a retirement. Proposal was to not fill the retirement vacancy and keep the police records clerk. Additionally will find the \$2000 for youth council will be found in salary savings from the police captain. Hope to report at next meeting regarding CALRecycle LAP, planning tech, and street lights. Building inspector question of bringing in-house will take more time to analyze and contact private companies and county discussions. This item will be brought back to staff after July. RFP for median maintenance will be developed by the parks and recreation director.

ORDINANCES AND RESOLUTIONS

1. **Ordinance 10-04 - An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Curbside Service** **Rose**

This ordinance was introduced for first reading, by title only, at the regular Council meeting of June 16, 2010. It is brought to the Council at this time for second reading and adoption.

- Mayor Morgan – study session held prior to this meeting, attorney is here and we will attempt to go thru each of these items, then questions from the board followed by public questions. Sec. 13-2.2(b) strike paragraph was suggested.
- Keith Lemieux – commercial property 'right-sizing' unlike residential, this allowed for flexibility because businesses have a larger variety.

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- Mayor Morgan – because of this, the paragraph is ambiguous in its current form.
- Keith Lemieux – don't think ambiguous, reason doesn't spell out size is that is determined by the franchisee.
- Council Member Holloway – request wording change.
- Mayor Morgan – 13.2.3(a) change wording
- Keith Lemieux – default setting is tell us both
- Mayor Morgan – over the top program changes reviewed
- Stan Retoraj – definitions need to be changed.
- Mayor Morgan – any container, residential or commercial needs to be covered.
- Council Member Taylor – definitions of level full relative to commercial then definition of overfilled meaning any container.
- Keith Lemieux – no other section discusses.
- Mayor Morgan – request to strike 2 sentences
- Keith Lemieux – Franchisee can be changed to city, franchisee would still need
- Council Member Holloway – doesn't D leave unlimited options thereby eliminating E?
- Keith Lemieux – suggests cutting D rather than E. Commercial property affected.
- Council Member Holloway – every option is present in D that is also in E.
- Keith Lemieux – putting this in is for the benefit of the public to understand.
- Council Member Taylor – difference in two is D addresses things in code enforcement. What is in E is question of someone not addressing the proper level of service they should have.
- Mayor Morgan – should we kill D, E, Both, or leave both in. If eliminate E are we still covered.
- Keith Lemieux – if eliminate E then no longer bound to process before resorting to legal remedies. This is procedure that ties our hands and slows us down before going into court.
- Council Member Carter – do want some due process. E gives the due process.
- Mayor Morgan – willing to cut D, both stay.
- Mayor Morgan – 13-3.3(c) 3.E, 2 – additional pickups?
- Keith Lemieux – read that city has acknowledged that more pickups than normal had to be made.
- Council Member Taylor – remove additional pickup language.
- Keith Lemieux – streamlining process, cannot meaningfully change the significance of the section. At some point may have a problem?
- Mayor Morgan – other comments received in study session. Definitions.
- Keith Lemieux – this is from other statutes in the code. Adopted from those.
- Council Member Wiknich – wood is listed as being recyclable but have been told can't take it.

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- Paul Benz – wood is recyclable but no value or market for it.
- Harvey Rose – wood and oil are things can't put into can so why include in can.
- Keith Lemieux – asked Mr. Benz to come up and assist us with this definition.
- Paul Benz Jr. – not what is recyclable but what programs city has set up. Wood has not program currently.
- Council Member Taylor – would like this to refer to a list that can be amended as programs are created. Such as oil.
- Paul Benz Jr. – potentially everything is recyclable, can you get permitted for certain things or find a market for certain things. Defining everything here would be a big list. Will city redefine the list in the ordinance every time a market becomes available? Recyclable value that is reasonable to process. Possible to recycle without losing money. State is not going to allow burning all garbage.
- Keith Lemieux – what we are saying, the way it is changed doesn't say thou shall recycle all materials listed here, if in future wood is recyclable, isn't important because this is a list of things that could potentially be recyclable. Do we need both definitions? These were offered by Benz attorney and don't recall these being used meaningfully different. Can cut second definition.
- Paul Benz Jr. – every things would be listed if left to us and be 40 pages long.
- Keith Lemieux – these are things that might be recyclable material.
- Mayor Morgan – educational materials would define what goes in blue can.
- Paul Benz Jr. – bulky goods are things like couches and large items.
- Keith Lemieux – purpose of definition is you pull out as recycled material then it stays that. These are examples
- Keith Lemieux – given use of term, do not want to adjust franchisee section.
- Ron Porter – wording suggesting. A complete list of recyclable material that will be accepted by franchisee is maintained for public inspection by the city and the franchisee.
- Council Member Taylor – list of materials part of educational materials.
- Mayor Morgan – 13-2.1(c) – this is for the franchisee and we have right to regulate these aspects of the service.
- Mayor Morgan – what you are saying is (c) gives city authority and we are in charge.
- Keith Lemieux – if we give an exclusive franchise, we maintain the right to regulate aspects of trash service.
- Mayor Morgan – comment or question of recycling on a different schedule. We are saying you can opt out, have both, or have one or the other.
- Keith Lemieux – this is for commercial so there is no opt out.
- Mayor Morgan – there is no provision at this time for service on a different schedule

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- Keith Lemieux – correct.
- Council Member Wiknich – not a permit needed, city needs to be put on notice that you are self-hauling
- Keith Lemieux – all requiring is they fill out a piece of paper stating their address and opting out of service.
- Council Member Wiknich – change wording.
- Keith Lemieux – regarding returning bins, first draft required an affidavit to get permit. People still had to return the bins just didn't have to swear under oath.
- Mayor Morgan – since billing cycle went out and if someone has paid the bill then chooses to opt-out when this takes effect, there may be a refund due to the customer.
- Keith Lemieux – at end of 30 days people may exercise their rights. If they do, obligation for service ends at that time. Could have take effect at end of billing cycle.
- Mayor Morgan – 13-3.3(b) 'as determined by City'.
- Mayor Morgan – 13-6.1(a) payment to franchisee.
- Paul Benz Sr. – attorney is not present, have never seen this document. Accusations are made and don't have chance to defend ourselves.
- Mayor Morgan – you don't want that statement in there correct?
- Keith Lemieux – do you attempt to collect delinquent accounts?
- Paul Sr. – we attempt two times.
- Paul Jr. – we do not want this ordinance to be changed.
- Paul Jr. – we do the billing. This changes several things. I don't understand it or know how to direct my people after this in enacted.
- Paul Sr. – we are not included in this. Will contact our negotiating attorney and discuss this. Accusations he has approved some of this garbage.
- Mayor Morgan – once hearing is concluded on disputes, option of going to judicial court is still available.
- Council Member Holloway – sale or gift of recyclables, does that prohibit donations to charitable organizations?
- Council Member Taylor – example of bottles cans to boy scouts.
- Council Member Holloway – may want to change municipal code 4 article 5
- Council Member Holloway – property owner communicate confirmation of property manager to franchisee in writing.
- Paul Jr. – in writing. Email is acceptable. Something for the file.
- Council Member Holloway – can create a form.
- Council Member Holloway – page 7 C, in the event we go to conversion process of trash to diesel, will this restrict us so we no longer have control of the trash stream?
- Keith Lemieux – would have to change at that time.
- Council Member Taylor – understood that if we go that direction would have to change and would include other waste streams.
- Council Member Holloway – not real confident, don't think is clear to legal remedies.

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- Keith Lemieux – publically expressing objection.
- Council Member Holloway – don't want to be in the mix on that as a council man.
- Paul Benz Sr. – state law does not allow any entity to regulate recycling. What you are doing here is giving us the right to pick it up. Doesn't stop you from picking up recyclables for other people. To clarify, state has already taken care of that. Can't collect rubbish or non-recyclables. Don't think you have to even address this. We and you cannot regulate who can recycle in the state of California.
- Mayor Morgan – open for public comment. Remind that all the stuff discussed about fines, liens or penalties is for those who remain in the program and don't pay the bill. Does not apply to those who opt out.

PUBLIC COMMENT:

- Jim Rachels – frustrated because council doesn't get it. Before mandatory trash was no obsession about relationship between private business and city. Public is demanding council give up control, council is saying no. Why? Last council meeting public was clear that city should not be involved with regulation regarding residential trash if voluntary. Council Member Wiknich stated to gut the ordinance leaving notification to self haul only. Only thing city needs to do is regulate the price. Level of service, pick up times or anything else city does not need to be involved. Regarding ordinance, demand council not vote on tonight, this document does not look like what was agreed to verbally at last council meeting. Public should have right to see final written version before council votes. To be fair should see final version. Idea city says will record lien necessary is repugnant.
- Mayor Morgan – that is for someone receiving service and doesn't pay the bill.
- Mr. Rachels – if council intends to attach property taxes, that clouds property, same as a lien. City is redundant. Unnecessary expense to owner. Finally, I don't trust city council. Have relied too much on intent when in your benefit but if not in your benefit rely on written document. When you say Final and conclusive isn't that, I don't trust you. Should be your burden to bring legal action against nonpayers, not the other way around. City entered into foolish contract with Benz and has been trying to shift liability of contract onto residents. City should opt out of being in trash business.
- Keith Lemieux – statement made that council member Council Member Wiknich instructed to cut out sections and not done. I believe made all changes instructed. Did cut all portions of 13.2.3 regarding conditions of receiving permit. What is left is application to fill out.
- Mr. Rachels – did you review tapes of meeting or just notes.
- Keith Lemieux – just the notes.
- Robert Eierman – Mr. Lemieux did not do adequate job. Review the tapes. You have presented a substandard document that does not

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comply with first reading. Mr. Council Member Wiknich suggestions not done, application changed to notification. Slightly off topic, comment on what Paul Benz Sr. said and that is that 1994 Supreme Court decision rancho mirage. Declared exclusive recycling franchise to be unconstitutional and not in compliance with AB939. One of the lead attorneys on winning side was Flannigan and Flannigan. You should know contract is null and void, cannot take peoples recyclable material without compensating them.

- Keith Lemieux – section 13.2.3(d) does use term application repeatedly, if you want to change it to notification then that is fine.
- David Kniepp – adding bureaucratic function. Invasive regard to property rights. Example of dad and son playing basketball and net getting torn. Requirement to replace before being allowed to play. Same condition is parallel. Strike. 13-2.3(b). Giving notification is requirement prior to self-hauling.
- Bud Clamp – still confused, does city council give Benz and me permission to sit down and discuss my level of service at home address and tri-plex? Would rather not self-haul.
- Keith Lemieux – tri-plex is considered single residential premises. Obligation is only for one trash service. Believe can ask for additional services for any residence, could also elect to not have any service.
- Bud Clamp – since this came into effect we went from single set of cans and are now being billed for 3 of each. Did not ask for or want the additional service. Am I allowed to sit down to discuss.
- Paul Benz Jr. – what Bud has been asking is Benz was under agreement to provide trash and recycling for each residential dwelling. If this passes tonight, would be eligible to have just one. Benz would like to give level of service, but don't want to break agreement with City.
- Council Member Taylor – that is what has changed, you can negotiate.
- Bud Clamp – for single residential, had trash service and want to continue to have trash and recycle, but fill recycle can only once per month.
- Mayor Morgan – no provision for that right now.
- Ron Porter – one thing bothering me is health code problems, city's authority to deal with nuisances is already covered in the California government code. Causes more problems. Could just refer to code, this is overkill. Other point is it says in 13.1.3 solid waste removed at least one per week. Literally means have to empty trash in bathroom once a week or in violation. Understand standing trash is health concern but this is overly bearing. All falls under health and safety code.
- Keith Lemieux – did come up at last meeting, can provide to you after meeting.
- Ron Porter – basic self-haul is citizen has to make notification to city without permitting process.
- Keith Lemieux – correct, will be clear that you are, where you are, and which services you are opting out of so we can notify Benz.
- Joe Conway – regarding lien. Equal justice. Punishment is skewed toward homeowner. Here are allowing individual subscribers in 13-2.4 on

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residential properties each unit having own residential service? Homeowner gets hit with the lien and apartment dweller could walk out on service and no lien. Idea of lien is like using sledgehammer rather than traditional collections. Where do you apply a lien?

- Keith Lemieux – if they owe us money, and they have property identified, then yes. Enforcing against a renter is more difficult for the city but in the interest of giving people the choice we put this section in.
- Joe Conway – normally you would take someone to collections. You have allowed renters to walk out but property owner gets a lien.
- Council Member Taylor – talking about 13-2.4(b) was added to be more clear for renters. Let's assume you are a renter, we won't lien your property if you have delegated to renters. Only if you are the resident.
- Joe Conway – took water board to court for liens. You are opening a large can of worms. Had I been successful, water board would have had to go back 60k to adjust liens. Take out the word lien. This is too big for property owners.
- Paul Benz Jr. – try to be brief, honestly believe everybody has good intentions to solve this issue. Benz sanitation can't support ordinance change. Too much involved and too many unknowns. Want to be put on record with that. Everybody is frustrated, can't support because this document requires a lot of enforcement which will take more people, man-hours, and money. Contradictory with city's agreement with Benz. Confused how to proceed. Don't have agreement on how to change things. Franchise agreement or ordinance, which do we follow? Too many changes to implement. We have to figure out what to do with the supplies when we make changes to individual accounts. Billing is getting better, trying to straighten it up and have reimbursed city for billing errors. Going to get hairy to make changes with billing when this goes into effect. Having trouble with mandatory and voluntary which do not go together. This is confusing with billing, potential for refunds, property owners, property managers, renters. If I have to produce this information have to have promise to replace lost or damaged carts and unpaid bills. While intentions are good, other things need to go along with that. Fiscal impact is unknown. That is an honest statement. Trying to pass something we do not know what it will do to Benz or the city, such as hiring more code enforcement officers or Benz loses percentage of investment. Caution council and this will create more of storm than it will solve.
- Ivan Beyer – had couple of comments. 13-6.1(a) strike 'available means' and regarding tri-plex understand that two renters are on travel major time and don't generate enough trash for once per month. Level of service would be wonderful. Regarding trash carts that are \$60 per cart, trash cans will often blow down street and some loss due to wind. Recycling cans have stenciled numbers and are traceable and need replacement, but possible suggestion is if cans aren't retrieved, charge renters up front the cost for trash can and they get it back when they discontinue service and return can. Level of service, may not need as many trucks as purchased. Nobody wants to overspend on capital. Hope there is more

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room for negotiations with Benz and room for improvement. Want to see in writing before approval. When making changes you have a form and to condition to help on revisions. Even programs have such things that highlight the changes.

- Walt Maurer – I too write specifications and going back and forth with contractor that once sign off then that's it. We have all discussion then pass, don't define after passed. Some of us do not trust. To try to wordsmith in real time is risky. There are so many changes that have occurred even since the special study session at 5:00pm. Thank citizens for their comments. Would like it if you would think more in line as citizens so burden doesn't fall on citizens. Interesting situation. Benz expressed they do not want this ordinance passed. Every citizen here would prefer you not pass this ordinance tonight. Downside is every week this voluntary ordinance isn't passed is that much more time we are under mandatory system with additional costs. I find it a rare occasion when we are in agreement with city's trash collector. Asked for show of hands.
- Craig Bradley – topic for council, when council approved charges there was a cost per service and cost per added regarding collections added by Benz. Concern that if you don't address that tonight when people adjust service, how will be handled? \$3.74 cent per month charge currently, may be left on bill and public will be upset for costs when bill doesn't go down. Use caution.
- Dave Matthews – reluctant to suggest but will go ahead. Been waiting a long time to get this opt-out option. However, considering some comments made previously and what Mr. Benz has said, would urge you to not do second reading tonight and get a final version out and let everyone look at it. Once concern thought there was an October time limit and is it in effect. If you delay another reading where do we stand?
 - Harvey Rose – answer is yes and would have to file for an extension.
- Brian Waterman – any reason can't call special council meeting and review again?

Public comment closed at 9:20pm

- Council Member Holloway – last meeting came to point where we bridged a gap with citizens and council. Agree with public. I see so much ambiguity that I am frustrated it won't make it in translation. Reminded of electric football game. Calrecycles gave parameters, those have changed, then public said don't put on tax rolls and they would pay and then weren't happy, Benz agreement based on CALRecycle way and now has changed and capital investment was changed. Council trying to deal with public and getting further apart. Biggest concern is that if this is going to get passed and Benz is confused to implement, cost for enforcement, why go down this path. Calrecycles has become the most flexible of the group. They are willing to give us enough time and flexibility with the assumption we will meet the diversion rate. Wait for another council meeting this month and start with voluntary. Point with Benz, we need to

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go back to square one. Two attorneys' in room in friendly environment and everyone agrees have to start over and all going to take hits. Need third party arbitrator. Feel need to start over. Good money after bad and compounding those losses. Need different ordinances for commercial and residential. We went backwards and not willing to approve this.

- Council Member Taylor – understand chip's point, appreciate input but my concern is I don't think we will ever bring an ordinance thru that certain people will ever like. Concerned about the others out there who expect us to move forward and do something. Don't see where this council or administration has been out there, only did it because of state. Agreements were passed in 2007, trying to get thru this and not willing to keep kicking this can down the road. We won't get agreement from citizens even if we put everything in this. Fine if we want to rewrite and bring back, no matter what ordinance we pass, anything that includes opt-out for Citizens Benz won't agree. Don't disagree with why they are in this position, trying to move forward, and wordsmith to death at this point.
- Council Member Wiknich – agree but same arguments can be used to do it or not do it. In my contact with people in this community since last September, the only thing heard continuously is you have to give voluntary segment to trash ordinance. Get rid of mandatory for residential property owners. Not because 50 people here but also because others out there have said it. Have taken too long and is time to make decision and work on implementing new section to this program. Number of changes on commercial side as well as residential. People have said to make these changes, we are not done and there is more to be done, but have to move forward. Mr. Maurer good point of longer we have mandatory on residential side the bill is getting bigger. Finally will put an end for those who want out of the program. Also working on correcting errors on the billing. Trying to make this better and this is a big step to move forward and give people opportunity to opt-out. Longer we don't madder they (the citizens) get.
- Council Member Carter – impossible to please everyone, not going to happen. Success of government is compromise and some people won't compromise. I'm here to represent everyone; citizens want to opt-out. Tired of delaying the decision. Ready to pass this tonight.
- Mayor Morgan – when you work on issue so long and try to make changes people request, twist and turn, you get to point that is counterproductive. Understand this is not perfect ordinance, citizens have spoken and want this option. Agree pieces of puzzle are not all in place, but believe we can work forward. Appreciate everyone's comments and input. Do I have a motion?

Recommended Motions - 2 motions

Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance No. 10-14, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Curbside

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Service made by Council Member Carter, second by Council Member Taylor. 4 ayes, 1 nay (Council Member Holloway)

Requires A Second

Motion to adopt, by title only, ordinance no. 10-04, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Curbside Service as amended made by Council Member Carter, second by Council Member Taylor, 4 ayes, 1 nay.

Requires A Second

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.

- 2. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Adopting A Sewer User Charge For District Fund 20455 For The 2010-2011 Fiscal Year **Speer****

This Resolution adopts a sewer user charge equal to the previous year's charges. The charges are for the use of City sanitation facilities for the 2010-2011 fiscal years. The charges are as follows:

Single Family Residence	\$120.00
Multi Family Residence	\$ 96.00
Mobile Homes	\$ 74.00

- 3. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Approving A Loan Between The Waste Water Fund And The City General Fund For Cash Flow Purposes **Staheli****

With the adoption of the Fiscal Year 2011 budget we knew the General Fund reserve would be below the recommended level. In order to maintain the recommended City services using the lower than ideal reserve level we find it necessary to submit for a short term loan from the City's Waste Water fund. We are requesting \$3 million loan which will be paid back on or before June 30th, 2011.

- 4. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of July 2010 And Scheduled Date Of Presentation **Rose****

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various event and observations. The following proclamations

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have been processed and will be presented at location, date and time shown below:

Proclamation Titles With Date, Time And Location Of Presentations

1. *Honoring Ridgcrest Citizens – Rev. ‘Chuck’ and Helen Hobson – June 2010*

This proclamation will be presented on Thursday, July 8, 2010 at 12:00 NOON at City Hall

5. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of May 19, 2010** Ford
6. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of June 2, 2010** Ford
7. **Council Expenditure Approval List (DWR) Dated June 18, 2010 In The Amount Of \$283,125.91** Staheli
8. **Council Expenditure Approval List (DWR) Dated June 22, 2010 In The Amount Of \$2,159.66** Staheli
9. **Agency Expenditure Approval List (DWR) Dated June 18, 2010 In The Amount Of \$ 18,443.66** Staheli
10. **Agency Expenditure Approval List (DWR) Dated June 22, 2010 In The Amount Of \$ 430,641.88** Staheli

- Item 2 & 3 pulled
- Motion by Council Member Wiknich, second by Council Member Carter. Motion carried voice vote of 5 ayes.

Item 2 discussion:

- Dave Matthews – annual recertification, sewer fees more for single family residence?
 - Harvey Rose – each unit, no change to fees.
- Ron Porter – why is this on the agenda? Article 13 to put on property taxes?
 - Dennis Speer – is required to adopt annually even if no change.
 - Ron Porter – if Article 13 to put on tax rolls, number 3 wants to borrow money from it. That is the way it is put on property taxes, question borrowing money from it in item 3.
 - Harvey Rose – internal loan since insufficient funds to begin new year, permitted by state law provided we state payback. General revenues begin after first quarter.
- Mike Neel – researched necessary information on status of fund. Understand wastewater fund has about 12 million and annual revenues are 2 million. Overhead expenditures of 1 million and a franchisee fee of 875k. increase to fund is only 125k yet online to build new plant in 2013. Making a loan for first

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quarter. What kind of revenues expecting and likelihood these revenues will be as anticipated. Cannot deplete the wastewater fund. If can't pay back where are we.

- Harvey Rose – users are not expected to pay the entire cost, pursuing grants and low interest loans to build the plant. Revenues are on different schedule. Normally general fund has sufficient funds to carry over to next quarter. Is not the case, short term loan internally? Fortunately can set own interest rate to pay back. Finance director has given up to six month but anticipates payback in first quarter.
- Mike Neel – grant generally covers about 1/3 of cost of plant and paying a lobbyist to get this grant.
- Mayor Morgan – need to have agenda item to discuss wastewater plant construction.
- Mike Neel – personally let spending get out of control and let reserve deplete, did not amend spending, robbing peter to pay Paul didn't pay peter back. Critical part of infrastructure and can't let it go down.

2 & 3 motion by Council Member Taylor, second by Council Member Carter, 5 ayes.

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.

- David Allen – year ago spoke on variances and CUP's. Offering help. Worked with several people to correct these. Thanked council for service, doing great job.
 - Mayor Morgan – have Mr. Allen get with Matthew Alexander.
- Walt Maurer – Mr. Council Member Taylor's reference to advisory vote of measures A & B. voluntary is already in effect because was not advertised as an advisory vote. Secondly point out that number of people looked at basic intent on March 3 to adopt or resolve the resolution. Council did not look at basic intent but at legality that could cause problems for council. Lastly, mayor's policy requests refrain of applause of speakers. Applause is not done out of spite or disrespect to city council. Cannot construe as disruptive. Telling you tonight, when I hear speaker with whom I agree, I want to express that agreement by short simple applause and encouragement to those who got up and expressed their opinion and continue to do the same.
- Dave Matthews – look around with respect to Mr. Council Member Holloway here with his I-phone has come a long way with technology. When look at ordinances and hear references of what state and federal are saying. Made comment, long ways since Moses came down from mountain with ten commandments.
- Mike Neel – thank Mr. Mayor Morgan in role of fireworks show last weekend. Thank you very much.

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- Robert Kirk – matter of public safety. Tonight at Jackson park, a lot of cars parked along curb. Disabled lady in wheelchair. Dark enough other cars could not see her, needs to be redlined and a cross walk and maybe a four-way stop. All four sides redlined with a cross walk. During school time, kids cross over and there have been several close calls and this time was a lady in a wheelchair.

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 – would like to echo compliment received of Mr. Mayor Morgan about the fireworks. Hope is bigger and better next year. Great display. Thank a number of people who came by to see me on trash issue, received a lot of encouragement to move forward. While not perfect we will march on. Hope we use this as step toward getting closer toward something that is a little bit fairer for people. Goal to reach decisions that are fair. Frustrated with not having answer all the time. Depend on people to give me their ideas. A lot of times those ideas are good.
- Council Member Carter - what was passed tonight came from the citizens. Appreciate it very much, easier to accomplish with citizen input. Need to stop pulling in opposite directions and begin to move forward in the same direction. Some people does not matter what we do, you find a way to argue and fight. Don't believe is the American way.
- Council Member Taylor – appreciate what the lion's club has done. Sure will see lots of letters to editor from individuals not satisfied, but certain we have done what most citizens wanted. As good as could get at this point and understand a lot to do to implement. Appreciate people coming down. appreciate Mr. Allen holding us accountable. Relative to the crossing, Mr. Speer and I do not see eye to eye but going to put more pressure to try and get a safer intersection. Ask parents to see that intersection stays safe. Won't look at letters to the editor, going to bed knowing we are moving forward to put this behind us.
- Council Member Holloway – no matter what side of the issue you are on, still get blasted and taken to court. Lost more votes in last year on council, starts from the beginning. Whole exercise has irritated me from the beginning. Brian Brittany said 90% of what we do is dictated by the state. As I go to state offices and see how arrogant officials at the state are, I am more frustrated that we did not take them on. Calrecycles gets more heat than council, and they are only trying to enforce the state law. Concern with ordinance is level of service and price has not been addressed. Think need to come back with same voracity and address those issues. Relationship between franchisee and customer will continue to suffer, need to come forward with new facility. Also missed fireworks show, but in past two days reviews have been incredible. Would not have been what it was without the spirit of Mr. Mayor Morgan.

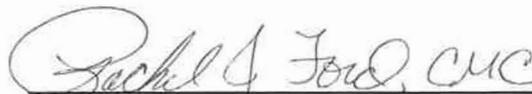
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- Mayor Morgan – one thing draft environment impact report dealing with our landfill, expand capacity of landfill and lifespan to 2025. Critical this occur and hope citizens with go to kern county site and make comments supervisors need to approve permit. Did something tonight, a step forward. Some people will disagree and vehemently argue that. Chip left out information; rates over the years, council constantly denied rate increases or gave minimal increases. Cost for services was because contract was in place. If take all fees Benz wanted, rate would have been over 20.00 per month. When looking at the cost, take that type of information into formula. Labor of love on fireworks, major contributor is Ridgecrest Lions Club. We did this at one point in our life because we wanted to improve the community, at some time will get filleted won't stop, certain individuals will question everything we do because that is how they will get their 15 minutes of fame. That's just how it is. I'm ok with that because you can't expect being in public office and not have people rip you to shreds. Hope everyone had a safe and happy fourth of July, condolences to Jerry Council Member Taylor and family. Please have safe week and back at it again in couple of week. We need your comments, email us talk to us.

ADJOURNMENT



Rachel J. Ford, CMC - City Clerk