



**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**

**March 3, 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 at 6:00 pm

ROLL CALL

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

Absent Chip Holloway

Staff Present: Interim City Manager Harvey M. Harvey Rose; City Clerk Rachel J. Ford; and Other Staff

APPROVAL OF AGENDA

Add

- Closed Session Item – Michael Nichols – Claim No. 10-01 – immediate action

Motion to add Closed Session Item, Claim No. 10-01 made by Council Member Carter, second by Council Member Taylor. Motion carried by voice vote of 4 ayes, 0 nays, 0 abstain, and 1 absent (Chip Holloway)

- Presentation – Desert Valley FCU President Eric Bruen
- Presentation – CMC Designation award to City Clerk

Move

- Item No. 8 moved to item no. 1 under ordinances & resolutions, depending on audience but may reserve to later time for more audience participation

Pull

- Item No. 3 – Naming of Denny's Park

Amend

- Ord. 10-02 language
- Resolution – elected mayor section 1

Motion to approve agenda as amended was made by Council Member Carter, Second by Council Member Taylor. Motion carried by voice vote of 4 ayes, 0 nays, 0 abstain, and 1 absent (Chip Holloway)

CLOSED SESSION – 6:00 p.m.

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GC54957 Personnel Matter – City Manager Recruitment – Update Report

GC54956.9 Conference with Legal Counsel – Potential Litigation – Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest

GC54956.9 Conference with Legal Counsel – Potential Litigation – Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest

REGULAR SESSION – 6:30 p.m.

Convened out of closed session at 7:08pm

Council Member Holloway joined meeting during closed session.

PLEDGE OF ALLEGIANCE

Led by Mayor Morgan

INVOCATION

Led by a member of the public.

CITY ATTORNEY REPORTS

- ❖ Closed Session
 - Added liability claim of Mark Nichols, council received report, council rejects claim, city clerk send out notice of rejection
 - Potential litigation – report give, no action taken
 - 2 other matter continued to end of regular meeting
- ❖ Other

PRESENTATIONS

- CMC Presentation to Rachel Ford
- Eric Bruin, President of Desert Valley Federal Credit Union gave presentation of current changes in the financial institutions, especially credit unions and legislation that credit unions are mandated to follow. Recent changes and the effect of those changes on financial institutions. Credit Unions are legislatively required to maintain 7% capital, 2 ½ time above other bank reserves. If they drop below that level, they are legally mandated to take action to bring the capital back to the level required. Due to current economic downturn, credit unions have struggled to maintain this level and the regulator has the legal right to dictate actions to the credit union that will bring the capital back up to the required level. Credit union have independent decisions on setting their goals for achieving the capital levels needed and encouraging customer to use their financial institution.

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- Mayor Morgan – regarding Kern Schools Federal Credit Union closure in Ridgecrest. Letter has been sent to the credit union president, offering use of council chambers for a meeting to explain their closure. Response received and read. Align expenses with expected income. Least distasteful choice was Ridgecrest, citing other credit unions are available to community members.
- Council Member Taylor – same form letter received
- Council Member Holloway – Kern Schools website, board of directors should be contacted.
- Eric Bruin – direct letters to both chairman of the board and president.
- Council Member Holloway – regulators don't care which branches close so long as capital goes back to 7%. Next time you decide which choice for financial institution, keep this in mind. Reserve is larger for credit unions.
- Council Member Wiknich – how long before regulator steps in and forces decision?
- Eric Bruin – reasonable time frame and plan approved by regulator, sometimes 12 months, sometimes 5 years. Addresses ability to control growth and improve income. Been in a plan since 2001 but has continued to grow. Strategic plan of organization, relationship with regulator... Desert Valleys had a case of embezzled fraud which took capital reserve down to 2%, been building ever since, still haven't reached that level.
- Council Member Holloway – write the board. Kern schools board members did not want to close branch but regulator tied their hands.

COMMITTEES, BOARDS AND COMMISSIONS

First Council Meeting (1st Wednesday of the month)

Public Services Department Director's Report

- Jim McRea gave brief update of curbside and recycling program, billing issues, hotline, website, and Benz contact. Brief description of items which may be put into blue recycling bins. Drop-off locations listed. Household hazardous waste and toxic round-up schedule monthly second Saturday. Program delinquency analysis from November 1, 2009 to December 31, 2009. Current staff workload responding to calls, emails and letters. Continued discussions with CALRecycle and Benz.

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

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Next meeting March 4, 2010

- Mayor Morgan – met and discussed first-time home-buyer loan modification program on agenda tonight.
- Next meeting April 1 at 5pm in council conference room.

RACVB

Council Members Chip Holloway, Jerry Taylor

Meetings: 1st Wednesday of the month, 8:00 a.m.

Next meeting March 3, 2010

- Council Member Holloway gave report of today's meeting. Read Dough Lueck meeting report
- Next meeting April 7, location to be announced.

Parks, Recreation and Cultural Affairs Department Director's Report

Parks, Recreation and Quality of Life Committee

Members: Ron Carter, Chip Holloway, Craig Porter, Jason Patin

Meetings: 3rd Thursday of the month at 5:00 p.m.; Kerr-McGee Center

Next meeting March 18, 2010

- Ron Carter – have not met, next meeting April 1, will discuss recommendations for names of Denny's Park.

Youth Advisory Council

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Wiknich - Infrastructure April 14 at Council conference chamber
- Taylor – city org, Monday, vacant property ordinance on agenda
- Morgan – Kern COG awards dinner in Bakersfield, one recipient of award is Michael Avery for public service.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- None

PUBLIC HEARINGS

1. A Public Hearing for CaliforniaFIRST Energy Efficiency Grant A. Taylor

Public Hearing, Notice of Proposed Participation by the Ridgecrest "City" in the California FIRST program of the California Statewide Communities Development Authority. Participation in the California FIRST Program will enable property owners to finance renewable energy, energy efficiency and water efficiency improvements on their property through the levy of contractual assessments pursuant to chapter 29 of division 7 of the Streets and Highway Code ("Chapter

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9”) and the issuance of improvement bonds under the Improvement Bond Act of 1915 (Streets and Highways Code Sections 8500 and following) upon the security of the unpaid contractual assessments. Chapter 29 provides the assessments, may be levied under its provisions only with the free and willing consent of the owner of each lot or parcel on which an assessment is levied at the time the assessment is levied. There are two resolutions required for this item:

- Ann Taylor – gave report to council. California FIRST program for property owners to finance renewable energy project thru bond purchases.
- Mayor Morgan – only if members of public wish to participate, limited amount of funding. Entire documentation available

Public Comment: 7:42pm

- Betty Bassinger – this issue, new technology, power pipes, narrow down with turbine, generates power. Would be good use for this money.
- Mike Neel – took time to look over program information. Exhibit A very informational when consider how much money going into and what people will be getting out of it. Grant up to 16.5 million dollars used for operational costs, further down funding structure, fees; administration totaling 1 million 110 thousand dollars, administrators taking it away. Cost will be to those taking out loans and taxpayers. Perhaps credit unions could give these loans rather than government.

Council Comments

- None
- a. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing The City Of Ridgecrest/County Of Kern To Join The CaliforniaFIRST Program; Authorizing The California Statewide Communities Development Authority To Accept Applications From Property Owners, Conduct Contractual Assessment Proceedings And Levy Contractual Assessments Within The Territory Of The City Of Ridgecrest; And Authorizing Related Actions
- Motion to approve resolution made by Council Member Taylor, second by Council Member Carter. Motion carried by voice vote of 4 ayes, 1 no (Chip Holloway), 0 abstain, and 0 absent
- b. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing The County Of Sacramento To Apply For State Energy Program Funds On Behalf Of The City of Ridgecrest

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Motion to approve resolution made by Mayor Morgan, second by Council Member Carter. Motion carried by voice vote of 4 ayes, 1 no (chip Holloway), 0 abstain, and 0 absent.

- Council Member Taylor – program no cost to City
 - Council Member Holloway – agree except infuriated with overhead costs. Sample given not true numbers at this time. Too much administrative cost.
 - Council Member Taylor – disagree.
 - Ann Taylor – positives will give homeowner better percentage rate for loan of 7% or 8%.
 - Council Member Holloway – agree with that part, financial institutions wouldn't finance.

ORDINANCES AND RESOLUTIONS

8. recycling initiative discussion and action. Report.

- Harvey Rose – introduction and comment from grand jury system. Explanation of function of grand jury. Kern County grand jury investigation of mandatory trash and recycling in Ridgecrest. Met in Ridgecrest and submitted report made available today. Conclusion of report is staff and officials demonstrated sound knowledge...all issues identified by committee satisfactory answered. 2 recommendations made by Grand Jury. At request of Council, report of initiative prepared and presented. One minor correction, references to past requirement of commercial accounts to recycle is not correct. Commercial accounts have been served, not an ordinance requirement. Council has reviewed report, if council finds initiative ordinance to be lawfully submitted, council must adopt or order for election.
- Keith Lemieux – major component of report is legal analysis of initiative. Clear that role is not to be impediment to political process, how can we facilitate for people and help to move forward. Other problems with initiatives changes were made to correct. Had long conversation with Robert Eierman who disagreed with analysis. What are obligations tonight and what are legal ramifications should it pass. Report contains legal problems which is different than should this go to voters. Two significant problems tonight, both deal with form, rather than substance. How presented. Is this initiative or referendum? Timing limitations on referendums not initiatives. Initiative creates new law, referendum amends law passed by council. Described as new law and some do exist, however modifications are majority. My opinion is referendum. Secondly, form of initiative, law requires entire text of law considered for adoption, in the proposal. The way this was drafted, only sections, sentences or paragraphs that contained changes were present, creates sections of missing text. Example, section of definitions. Original contains franchisee and several others. Current form of

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initiative does not contain them. Proponents may say they intended to keep those portions, however not included. Voters would therefore not know what they are voting. Binding rule is entire sections, once revised, must be presented. Other example, chapter 13 paragraphs A,B,C,D,E. referendum eliminated B & E. court doesn't want voters to do legal research to find out what's missing. Other possibility is the proponents want this to be the entirety of law, problem with this approach is repeals large majority of chapter 13. Unintended consequences. You need to make decision tonight of whether form is legal for ballot. You need to decide should this go forward, my opinion is it is incomplete.

Public Comment: 8:02pm

Limit to one time and 5 minutes. If questions posed that staff could not answer tonight would need to respond at another time.

- Wince Baluster – if anybody heard what city attorney said and understood it, you are a genius. City Council members, this issue boils down to whether trash collection is mandatory or voluntary. Majority people don't want mandatory service. Please understand it, it's simple.
- Betty Bassinger – 20 pages to say mistakes were made. The whole thing is matter of mandatory recycling, not mandatory trash. Separate issue, rates for Benz doubled. Timing is suspicious. Everyone confused about mandatory trash they didn't realize rates were doubled. Need mandatory recycling, trash can be voluntary. I pay for trash services. Building at dump should be for recyclables we put in bins, not taken to Tehachapi. Need mandatory recycling, transparency of why rates were doubled. Don't tread on me is confusing, should be don't trash our rights. Admit mistake was made and start over.
- Ronald Porter – not an attorney, can say attorney's report. Not an referendum, is an initiative. Standing is illogical, California constitution states can change existing law. If review legislation presented in California is presented in same format. Review, no one puts entire ordinance there when they file a bill, if a problem, simply say will attach where it says will change an existing section. Attorney misled under definitions, says add definition. States this is new stuff, and what is strikeout. Makes no sense.
 - Keith Lemieux – first, you are correct that portion of constitution refers to legislation however on page 5 Glendale and Oceanside case that rule applies to other legislation. When we pass an ordinance, we show the entire ordinance, not just the section that was changed. You have to state the whole thing; a voter doesn't understand what sections are not there.
 - Mr. Porter – if you check state legislature, they don't show the whole thing.
- Walt Maurer – appreciate city attorney concern. Discussed reference a website which has both parts of the initiative. Quoted from report. Takes exception to that statement. Children could understand. More bearing on decision tonight.

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Text of election code 9215. Asked council or attorney to read. Read section with independent comments. Does not say anything about council or attorney opinion, legality, nobody given opinion at all, must do either A or B. Adopt or submit resolution. March 12, which is also the deadline for elections office to receive the resolution? Opinions don't count here tonight.

- Keith Lemieux – when I describe this as poorly written, not casting dispersion on you. As far as legal points, agree that section does say however presumes that it is lawfully presented. Report page 7, discusses situation which may be taking place tonight where initiative failed to contain all language to be voted on, court said City should reject.
- Robert Eierman – point is once court decided, you as city attorney and council, had opportunity to take this to court. Chose not to. City attorney made argument twice before, if he truly believed it then responded to your demand to give title and summary, he violated ethical duties as attorney. If not, then not being truthful now. Mayor and Council, simple choice to make, only lawful decision at this point is to adopt or place on ballot, no other choice complies with law. Right of citizens to vote and election law is most important law in this state. Read EC9215 again. No qualifiers or caveats. City manager added inappropriate words before recommendation. No place for that. Should not pay attention to it, neither Mr. Rose nor City Attorney can make new law. Law is clear, adopt or place on ballot. Matters not how you feel, what you think of initiative, consequences of initiative. Duty and oath to obey the law. Do not allow sun to rise on community knowing elected leaders violated the law and election process. Vote to put on June 8 ballots.
 - Keith Lemieux – have been accused of violating ethical responsibilities and called me a liar. Both are unfounded. Referred again to previous conversations, effort was to help the initiative process to move forward and you chose not to follow.
- Joe Falgetter – cities and countries destroyed by earthquakes, physical things that man has no control over. What I have observed with yellow shirted group and city of Ridgecrest is man-made earthquake that has shook our city for various reasons. Caused us to spend so much volunteer time to do justice to concerns and loud voices of righteous position to vote on such a matter. Can't tell you how tired I am and how unrepresented you are of people in my neighborhood who like their trash and recycles picked up. Making a big deal out of something... better ways to spend your time. Ill-prepared and incomplete proposition and you want these people on this dais to put on ballot for our citizens to try and figure out. Get your act together and put forward something that works. Urge council to reject this and take advice of attorney. Would hate to see this on ballot, if your group would like to do homework and bring something back, that's your right. This is ill prepared.
- Doris Lafoom – don't know who your neighbors are but mine don't feel that way. Been coming several months, excited, now losing heart cause don't see much of

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change. People aren't stupid, don't have to have every word correct. Not dumb, understand problem. My bill went up 400%. Think council should use common sense, get rid of lawyer, and do what is right.

- Cecil Nordic – would like to know why we weren't allowed to vote for mandatory recycling before city made law? Seems like shoved down our throat and doesn't settle well.
 - Council Member Taylor – City agreement in 2007
- Brian Waterman – don't know where you think your rights are but I have rights too. Read article from paper quoting statement made by Lemieux. If choose not to do anything, you are violating my rights. You say you have to act in the best interest of people, don't disagree, I am one of the people. I say I am the only one that matters. Not egotistical, each person is the only one who matters. Read declaration of independence. Asserting my right and I don't consent, you are to protect my rights given to me by creator. Let voters have a say.
- Bud Clamp – something being forced on public. Forced to work with sole provider who won't work with customers. Anything that precludes Benz from working with customers on level of service. They have been given monopoly and forced on public that public has to participate in. how many of the council thinks it is right for any business to have monopoly. People are speaking, please listen.
- Mike Neel – Mr. shillings gave good lead in for something said last week. What more can a report tell us? Page 15 presentation for state mandates cost \$60,000, CALRecycle claim \$60,000; claiming contract buy-out forces city to spend \$60,000,000 to nullify contract with Benz. One year trash agreement for 6,000,000 and lost franchise fees of 3,000,000. Page 16 – fines are \$5,000 per day, never going to get \$5,000,000 in fines. Can't possibly predict. Could be 5 million or could be zero. This is political scare tactics. Unbelievable. Page 18 state attorney, contractual obligation. Just a smoke screen, been reading between the lines for years.
- Paul Benz Jr. – address issue from Mr. Clamp. Insinuation that Benz is difficult to deal with. Have been at previous meetings and this gentleman has not come up. Any issue we can solve, we will try but you have to let us know. Easy to point finger at Benz, take exception to it. Been here for most meeting and 5 top members of staff including owner. Sometimes we don't have the power. More at stake including state laws. Council can't supersede state law.
- Dan Clark – don't know where to start. Gentleman, Socrates was wonderful gadfly, appreciate efforts and council is in constant change trying to make this program work for us. Understand feeling of community, CIWMB didn't give us a choice. Gentleman, my concern now is I don't feel you are part of solution, just part of problem. Should work with council to make this problem right, don't know if that is your goal. Initiative you wrote won't fly. Responsibility to community. Not to tie up lawyers to make this thing work. Personal assassinations aren't

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going to work. Will end up in court, love this community and this is tearing community apart. Work with council.

- Betty Rivera Sembach – would like to remind us that any government is of the people, by the people, for the people. We elect people to represent us but don't mean those same people will make a decision without coming back to the people. They have to be considered. There is a problem here, always taken trash and never had problems. Benz has customers everywhere. How many people want to be demanded to do something? None of you including the attorney. Nobody in world wants to be demanded to do something they don't want to do. A lot of older people, young people, even children not even born will be affected. Hurts to see dissension in community. Let's get together. Money spent on travel time to Sacramento, Washington, etc. that money could be spent on education. Been here since '60's, people know how to vote. Agree they are putting things complicated, this community doesn't want mandatory anything. Most of us and especially those in work force, fought for freedom. City council is trying to take those freedoms away, want not to be demanded. Especially the way it was done. Council has said these was a bad deal, if a bad deal then work with our people and get it to be the right deal. Let's not try to fool anyone or befriend somebody for brownie points.
- Vonda Hill – problem is that program is mandatory and people trying to correct by making it voluntary are being criticized. More than 3000 people signed the petition and more are willing. Important. Don't oppose people's desire for freedom of choice. Applaud people standing up for my freedom. To say this shouldn't go to voters because we won't understand. We want voluntary trash.
 - Keith Lemieux – not suggesting that people are stupid. Problem is the issue of form. If form is not proper, then court believes some people won't have all the information to make an informed decision. That is the rule. Understand people are concerned, not saying there is no form; suggest variations and they chose not to go that way. If anybody has an initiative we will make effort that it can go forward if possible.
- Deborah Taliaferro – thanked proponents. Feel they are on my side for my voice to be heard, don't feel council is on my side. Feel disheartened about what is going to happen here, written on the wall. Be nice to go home with different outcome than what I think is coming.
- Kurt Bullock – when came here tonight didn't know what to expect. Lived here for 45 years and first council meeting ever attended. Got the biggest kick out of pledge and prayer. Not going to badger anyone, don't know much about this issue. However, leaders held to higher standard, don't know which way you stand, but you need to pray on this to try and come up with the right thing to do. This is really getting forced down throat. Don't know what you can do about it.
- Al Huey – want to remind everyone including council, when portrayed as not wanting to work with council to resolve this issue. This began over a year ago,

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people pleaded with council to fight the state. They stood behind the numbers, 2006 diversion numbers, city claimed to be in excess of 50%. County confirmed and so did independent contractor. Citizens pleaded council to fight, council ignored. Don't tread on me people evolved after that. Goes back to 2007, discussions with Mr. McRea who said he was opposed to state's opinion of our numbers. What's been going on with initiative is political two-step between proponents and council. Anticipated this, not surprised. If you do not do one of 2 options before you tonight and decide to take into court we are prepared. Not threats, just saying are prepared just as you are prepared. What would be better is put on ballot and if passed by people then challenge. Not an attorney and haven't studied case law but any judge would probably not hear it cause mute issue until voted into law. Please put on ballot. Don't continue dance any longer.

- Jeff Sanchez – Benz Sanitation employee – watched meeting several times and hasn't said anything, but need to now. Needs to stop, council trying to do their best, let's move forward and give us and council a chance to do what needs to be done. Nobody had choice in matter. Best at time and trying to improve. Benz isn't demanding anything. We put together contract with all of us doing the best could at time. Does need to be tweaked. State is demanding, not Benz or Council. Mr. McRae's spreadsheet showed how many calls received. City takes 100's of calls today and I personally take 30 per day. If it is something we can take care of then we do it, unless prohibited in contract. We are not a monopoly, just a franchise. We pay a fee for the franchise. Trying to be part of community and quit tearing down council and staff. If you don't agree with situation, call me. We are there. Voluntary, if we could go voluntary we would, have to do what is before us now as a mandate of the state. These gentlemen need your support to go down the avenue before them and see what we can come up with. No one on the council is trying to sneak anything over on anyone. Be patient and civil.
- Mayor Morgan – started before last year. Started in 1999. 2005-06 council notified about diversion concerns by state this community was notified. Currently state is trying to make diversion 75%. Now you are all aware. There is an amount whether you self-haul or have service that goes to dump and is weighed. In 2006 state came up with number of how much is going to dump and we had to reduce it. Programs, cans & bottles, and other programs enacted by city and brought out to the people, tried to cut number back so amount of garbage weighed and calculated from trucks and CRV. Now those local facilities are taking more product, paper; cardboard, etc. all of that counts as diversion. City council put together 2 solid waste committees; I specifically asked the second committee come up with plan for universal mandatory recycling. When someone comes up and says I ignored you, public statements in 2005-06. How come he won't tell you that? How come that committee said we meet our requirements, so we should do anything? Council listened to you. Anybody remember Ridgecrest Recycles program, flyers, meetings, booths at fairgrounds, pencils, cups and other freebies. Told community to please recycle voluntarily to meet AB839. Some people took to heart and have come here and said they recycle everything, not enough of us did. I can't argue what state did to our numbers. We said we met it, county, contractor said we met it. State took things out.

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Proponents said we should fight that. Courts and other communities who argued their cases were fined like we did. We were fined 27,000. Part of this initiative says we will no longer pay those fines. Will make the court tell us to pay those fines. That is illegal. Subverting state law and legislation. You talk about supporting or defending the law, our job is to listen to you and try and deal best we can with the law. This initiative tells us to break the law. I can't sign that, I took an oath, this initiative tells us to break the law, that's a problem. We are desperately trying to put together a program allowing people to opt out but we have to get you on board, state on board, county on board. Later we have a little poison pill also, county found out we allowed commercial to go to smaller carts, county said we aren't getting out tipping fee, county increasing fee. This program involves a lot more detail than we can go into this evening, we are listening and trying to work on different solution. Meeting with state and county and taking what you told us to them, yet you have been led to believe that we are some trout on a hook and not defending you. I take great offense to that, I did not ignore the public. I am caught in a trap, we are going to get to a solution but you cannot ask me to sign an illegal document. I would have to put my signature on this initiative that is not legal. This dance talked about, would you really rather it go to election and then to court and waste another 8 months of dancing or rather go to judge now and get a decision, All the while continue to modify this program. Since day voted in, been trying to adjust it, firmly believe county is afraid to talk to us until they get a legal opinion of their own, therefore a partner we need to work with won't talk to us. Without county and dump involved, can't create a solution. Have to have facilities at dump for self-haul and self-separate. We need that for it to work, have to get it weighed and get that number to put with our diversion rates, for those who don't want a service to help us reach our diversion requirements. That is not part of the initiative and if you will recall I asked the initiative individuals for their plan, wasn't trying to be cute but trying to see if there was any rocks we hadn't turned over. One response received was not happening, another response was here's my email address. Another case asked a proponent to come to a meeting with us and he stood up there and flatly said no. I'm not ignoring you, not on a lectern on high, I am you, I am for the people, and I'm trying my hardest just like the rest of these gentlemen. We admit we made mistakes. We are taking your suggestions and trying to build a program. I can't sign this, everything in my being tells me when something isn't right, I can't do it. Doesn't mean I'm not working for a solution. Don't know why you don't believe that. Do all of you truly believe I'm just flopping around and not trying to help you? Mr. Eierman believes that, that's what you are voting for.

- Council Member Carter – been at this long time, many months. Been fighting for what you want and to tell me I'm not, you are wrong. I don't like what's going on just like you don't like it. Don't have a lot of option. We are getting movement from state and trying to work with all ideas given, trying to put that so we can move forward and working with Benz. Have to show diversion rate, need supervisor McQuiston help, have to have things happen with county so we can have rate. Have to document it, can't just say I recycle. Have pictures that show this community isn't doing what it can do. All in this together. Problem isn't going away, need to work together to solve. Don't divide me out from

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community; I represent you and doing it with proper authorities. A lot of pieces to come together before final conclusion. Will not vote for something I believe is illegal. At beginning when presented if listened to attorney who tried to guide you so wouldn't be a problem now. You got angry and wouldn't listen and I believe if you had listened we wouldn't have the problem we have tonight. In present form, this referendum could cause harm to community. If passed, all will say why did we do it, you knew problems and loose ends, why did you put on ballot. This is no win for us, doesn't matter what we do. When faced with that, as educator taught kids whatever you have in front of you may all be bad and still have to pick one. All of our choices right now are bad, still have to move forward, state doesn't care what is in our plan, just bottom line of diversion rate, right now can't do it, and need your help and counties help so asking McQuiston to help.

- Council Member Wiknich – when elected didn't know about this problem either, maybe wasn't watching city hall close enough. Mayor gave good history of what has been done over the years. Went forward trying to figure out what to do. To those who say this started years ago and city wasn't listening, at one time we did not have options from state. Only thing state would accept was mandatory recycling program including trash to capture entire waste stream. During that time voluntary was not an option, now with activities and opposition; CALRecycle has become more open to some form of voluntary recycling. This came after program was adopted. Are trying to find solution and move forward. I want you to know that as a businessman I was nailed with bill too, bitter pill mayor mentioned is mine also. Another bill every pickup not from us, or California but from the county. We will continue to try and find a way to change this program to be fairer. I really believe people have chance to vote on this at same time deeply concerned with how flawed, guaranteed to end up in court. Still believe in listening to people and want to hear your opinion. Would like to see this go on the ballot
- Council Member Holloway – first Benz sanitation, frustrating that for 33 years as a vendor had glowing reports from community, I voted no when no wasn't cool, so if Benz should be upset should have been me, never had any issues with them. Customer service issues and miscommunication, yes, but to destroy reputation of business that has served for 33 years is misplaced. Have talked to other people, just changing haulers isn't solution. A little disappointed tonight, lawyer was trying to help you, and you said absolutely don't need his help. When this report came out it took the wind out of my sails. Passion, lack of information, desire to stop a tyrant makes you do crazy things. 1984 scar and adult beverages when female friend accosted by 6 ft. 3 in. tyrant, I forgot my size and tried to stop, now have scar. Passion you had to move forward to stop Sacramento tyrant, may not get there from here. This has gotten too personal between council and Treaders. June and January meetings had difference in attitude from state so you are to be credited for that. Confused in goals, community wants levels of service and choices. Can be achieved but Benz and State need to give some wiggle room. Agree with Tom, think in spite of flaws people have right to vote on it. Emphasis is on Don't Tread On Me to answer why they aren't concerned about the potential of 76 million at risk? Until

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somebody convinces me we don't have to fear this will actively encourage community not to vote for this, meantime council committed to changes program so this wouldn't be necessary.

- Council Member Taylor – before us is interesting constantly told to uphold the law and when it isn't in favor of the people we get it thrown back in our faces. Trying to keep us out of hot water with state diversion reports, we all understand what you want and most people signed the initiative wanting voluntary. Difficult to pass this on and then try to fight it, counterintuitive. Public wants to vote and tell us where to go. Things people don't appreciate it. Simple question, do you want something or don't you? Voluntary or mandatory? if this is a referendum, they are too late. Understand why a lot of congressmen are lawyers. Willing to put forward by march 12 is to allow citizen to vote do they want voluntary or mandatory trash/recycling. I still have people on my block protesting, and appreciate those who are participating. I feel bad I didn't do it sooner; I now fill up a blue bin every week. People who did sign, willing to take to voters, but not what has been put forward. Not asking the simple question, had you done that we would be voting it in right now.
 - Keith Lemieux – could pass resolution calling for initiative but meeting would have to take place prior to March 12.
 - Council Member Taylor – I know what that vote would be, want people to be satisfied. Throwing out as ideas to try to build community and work thru for everybody. Do not have time to write new ordinance. Mayor initiative is not an ordinance, just a question.
- Mayor Morgan – how do you want this to be broken down?
- Council Member Taylor – people don't want word mandatory in vocabulary. Don't like what I see in this report, in hard place. Mandatory/voluntary recycling yes or no?
 - Keith Lemieux – can put something together like that
- Council Member Taylor – don't think reasonable to put on ballot knowing will turn around and sue.
- Council Member Carter – a lot of meeting with public and Benz. Council has recommendations to put forward but need county and Benz and can put together and pass what was previously put forth.
- Council Member Taylor – also proposing can we fix ordinance 09-01?
 - Keith Lemieux – absolutely, nothing ties your hands from doing that.
- Council Member Taylor – don't want to be perceived as not allowing public to vote, willing to listen to public but simply ask question of do you want it or not.

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Just as frustrated as the rest of you and this could untie our hands and move forward. Allows people to shove it down our throat.

- Council Member Carter – same wavelength. Already gave recommendation to staff, take care of what you are doing and still bring back to staff.
- Council Member Wiknich – what are we going to do with this thing?
- Council Member Taylor – cannot stop fellow council members from making motion, just proposing ask staff hold special meeting to place the question on ballot.
- Mayor Morgan – does council have to make a determination that they believe initiative is illegal?
 - Keith Lemieux – current proposed action is to place initiative on ballot. Second item of direction to staff.

Motion to approve resolution made by Council Member Holloway, Second by Council Member Wiknich. Motion failed by voice vote of 2 ayes, 3 nays (Council Members Taylor, Carter, and Mayor Morgan against.)

Direction to staff to create a ballot item question voluntary/mandatory. Keith Lemieux to prepare for special meeting.

Scheduled Special Meeting March 5 At 8am Closed Session Approximately 11am. Public Notice To Be Posted.

2. **Ordinance No. 10-02 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**

This ordinance was introduced for first reading, by title only, at the regular Council meeting of February 17, 2010. it is brought to the Council at this time for second reading and adoption.

Harvey Rose gave description of comments made at last meeting. Invited a representative from ABC to discuss how this special use of alcohol in park would work.

Armando Gonzalez – here to answer questions or discuss concerns of daily licenses in parks. State department has exclusive right to regulate alcohol sales in state. Gaming and non-catering licenses for 1,2, or 3 days for social gathering of non-profit organizations. Application filed in department, make sure city approval is there, work well with Ridgecrest police department. Concerns are discussed prior to approval. Enforcement is by ABC investigators, police department and attached conditions such as guards and hours. May also create a beer garden to contain the alcohol. Easy process for non-profits. Also caterers

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licenses for events away from their normal location. Violations are penalized with administrative action.

- Harvey Rose – concern if used to facilitate beverages in special events in park with booths, are we exposing children to alcohol.
 - Armando Gonzalez – confined area to no one under 21 in the beer garden.
- Harvey Rose – those who serve alcohol must be trained to identify underage drinkers or other problems.
 - Armando Gonzalez – yes, we have training programs for the public.
- Council Member Taylor – policy issue only.

Public Comment

- Dave Matthews – want to propose scenario of individuals in park with picnic. If have wine or beer at picnic would I be violating state laws?
 - Armando Gonzalez – not to my knowledge, not sure of county or city ordinance regarding drinking in public.
 - Harvey Rose – city does have ordinance that prohibits alcohol in parks, special events allowance. Your scenario you are violating city ordinance.
- Richard Wagner – do like idea of beer gardens. Do you have time restraints such as not before 12 noon or after 10pm? Recently went to park event for costume parade and don't want him around alcohol. Area where children are present can alcohol not be permitted? Do we need to sell alcohol at 9am?
 - Armando Gonzalez – every application discloses hours of operation, concerns would be discussed if time disclosed is too much. Look at what is best for community and event. Can condition the hours and location. Application discloses a highlighted area where alcohol would be permitted, consumption and sales can only take place in that area.
- Jake Easley – each non-profit has to fill out application, do they have to provide insurance or does that fall on the city? I think we should think about morals. As a business owner, we know providing alcohol brings in more business. The morals of it, some people want children kept away. Some state events and parks provide alcohol and they still take their children to those places.
 - Mayor Morgan – non-profits have to self-insure and indemnify all other partners such as property owner.
 - Armando Gonzalez – ABC doesn't require insurance but have seen it done.

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- Mike Neel – first, desire is as little consumption in parks. Second, ordinance is at request of Maturango Junction, wasn't a lot of money made and they have requested this ordinance go thru to make more money. Read excerpt from constitution regarding 'class of people'. Special interest is highlighted. Leave it the way it is or make available to every group that might want to do this. Probably don't want to have the perception that you are extending to one special interest group.
 - Harvey Rose – agree on one point, special event permits, one group comes in and gets license, another group can come in and also get a license. Council is amending language to require report from chief of police to council for transparency.
 - Mike Neel – criteria written into the ordinance?
 - Harvey Rose – special event permit outlines use of public parks and insurances required.
 - Mike Neel – by ordinance or staff direction.
- Mayor Morgan – if he wants to see that permit?
 - Harvey Rose – police chief will draft a new application.
- Dave Matthews – was hoping this ordinance would be amended to take into exceptions for family outings and such. I am unhappy this is going forward because did not know it is prohibited by family unit.
- Bud Clamp – does this ordinance contain or could it have an amendment for such an area such as beer garden?
 - Mayor Morgan – in the permit?
 - Harvey Rose – when alcohol is served, it is required to identify an area within the alcohol is served, could be small are or could be description of entire event area?
 - Armando Gonzalez – yes
 - Mayor Morgan – in particular, if there is an area where children are present that area would be excluded.
 - Harvey Rose – to get the license, that area is identified.
 - Council Member Holloway – don't think this is written properly, intent is to allow alcoholic beverage sales in park, how can you enforce it?
- Council Member Taylor – are each individual vendor going to be selling alcohol?

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- Jim Ponek – intent is for event organizer to invite caterers, such as Tommy's. they will be selling the alcohol.
- Mayor Morgan – take back to staff.
 - Keith Lemieux – will work with staff to re-write and bring back.
- Armando Gonzalez – can only license one vendor at an event.

Item 3 pulled

3. Resolution No. 10- A Resolution Of The Ridgecrest City Council Naming The Park Property At The Corner Of China Lake And Ridgecrest Boulevard, Formerly Referred To As Denny's Park Ponek

This item is brought to Council for discussion and possible adoption to formally name the new park property at the corner of Ridgecrest Blvd. and China Lake Blvd. At the request of City Council to recommend a name for this Park, the Parks, Recreation and Quality of Life Committee is making the recommendation to the City Council to name the property Rose Varga Park recognizing her years of community service and financial contributions to the community of Ridgecrest. Several other suggestions have been made including Pat's Park; and Betham's Corner.

DISCUSSION AND OTHER ACTION ITEMS

4. CalPERS Optional Two Year Service Credit Purchase (Golden Handshake) Estimated Employer Cost Report A. Taylor

Government Code Section 7507 requires that the costs to provide this benefit be made at a public meeting at least two weeks prior to the adoption of the resolution. This is an estimate of the present value of additional employer contributions which will be required in the future for providing the two years service credit.

- Ann Taylor gave staff report to council. Previously brought before council and PERS did not guide that this step must be done prior to adopting resolution. Will rescind previous resolution and adopt new after announcing the cost at a public meeting.
- City does not pay cost for 2 years and paid after 2 years. 37,940 X 2 savings for city. This is discussion item only. Government code says to announce cost then resolution in 2 weeks.

5. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Requesting Consolidation With Kern County Board Of Supervisors For The General Election Of June 8, 2010 Rose

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Request for consolidation with Kern County for Election Services for the General Election of June 8, 2010 and naming of certain officers.

- Harvey Rose – gave staff report, this resolution only requests county services. Each initiative that goes to the ballot will have it's own individual resolution.
- Council Member Taylor – up to 2 initiatives?
 - Mayor Morgan – this resolution simply state there shall be a consolidated election.

Motion to approve resolution made by Council Member Taylor, second Council Member Carter. Motion carried by voice vote of 5 ayes, 0 nays, 0 abstain, and 0 absent.

6. Sufficiency Report of the Elections Officer On The Petition Initiative To Submit To A Vote Of The People The Question Of Whether The City Of Ridgecrest Mayor Should Be An Elected Mayor Ford

The Elections Code requires the Elections Officer to submit a report as to the sufficiency or insufficiency of an initiative petition circulated within the jurisdiction of the legislative body.

- Walt Maurer – when first submitted it fell short of signatures and supplemental signatures were gathered and submitted.
 - Keith Lemieux – how was it, whose decision to allow extra signatures.
 - Walt Maurer – is this a case by case or for all future petitions.
 - Keith Lemieux – policy was to get things voted on by the public, 23 signatures short and still had time to gain more, so seemed fair to allow. City has obligation to treat anyone else the same way.

7. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Ordering Elected Mayor Initiative To Be Placed On The Ballot For General Election Of June 8, 2010 Rose

Having received the sufficiency report, this item is brought to Council for discussion and action pursuant to Elections Code. Council may take one of the following three actions:

- a. Adopt an ordinance immediately or within 10 days.
- b. Order the item to go to election at the next general election.
- c. Order a report on the initiative.

Harvey Rose – gave staff report including 3 options open to council with regard to the petition initiative to be placed on the ballot.

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- Council Member Taylor – when we will see the structure of the ordinance.
 - Harvey Rose – this is a vote asking people if they want a direct elect mayor.
 - Council Member Wiknich – petition is only telling council to put on the ballot the two questions. June is that question. In November will be the two questions.
 - Council Member Taylor – intent to have council to create an ordinance
 - Council Member Wiknich – intent is to satisfy the people and allow council to create the ordinance.
 - Harvey Rose – this is only to compel the council to put the issue on the ballot in November then it would allow council to come back and do an ordinance.

- Barbara Auld – this is complicated for voters to figure out. Hope that initiative comes out so people understand that is all it is rather than what was in the paper. I think voting public needs to know what will be on the ballot.

Motion to approve resolution made by Council Member Holloway, second by Council Member Wiknich, 4 ayes, 0 nays, 1 abstain (Mayor Morgan) and 0 absent.

8. A 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

At the February 17, 2010 Regular meeting of the City Council, a sufficiency report was presented verifying that an initiative petition to repeal and amend certain portions of the Ridgecrest Municipal code related to recycling and sanitation services was submitted by the Elections Officer. Pursuant to Elections Code 9215, Council ordered a report be prepared by staff regarding the impact of the initiative to be presented at the next regular meeting of March 3, 2010.

9. Discussion Item Regarding SERAF Payments To The State Of California

Wiknich

This item is brought to Council to discuss the possibility of remanding SERAF payments required by the State of California directly to Sierra Sands Unified School District

- Council Member Wiknich – made comment about this and wanted to have potential for real discussion of money going to the state. Specific reason state is taking funds from us is to fund schools k-12. If sierra sands owes us money, we should tell the state that we will honor that amount in funds to sierra sands. No financial impact to school, doing what state says they want us to do and want us to write a letter to state.

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- Council Member Taylor – understand and current fight is intent to get the money back. Still sitting here with our money and school still owes us. Not sure want to condone it right now.
- Council Member Wiknich – how much has state taken in ERAF in past years.
- Harvey Rose – today about 1.3 million average of 1million per year from general fund. Redevelopment different story. In addition to 2million have put another 600k from redevelopment.
- Mayor Morgan – ERAF educational relief augmentation fund, now supplemental educational relief augmentation fund.
- Harvey Rose – had conversation with Dave McEwen and waiting on a list from him. Suggest table and bring back. Appears better chance this battle will succeed.
- Ron Porter – when are the payments due?
- Council Member Holloway – May 10. Court date is in March and payment not due till May.
- Ron Porter – usually when you pay something, league of California cities should ask money put into escrow or impound account until ruling and immediately paid to city.
- Council Member Holloway – sent that question to league, still waiting for answer. Good point.
- Harvey Rose – both league and California association of redevelopment agencies are bring forward suits. Similar suits like governor davis borrowing from public retirement system. Davis opted to pay the entire sum in one or two payments nearly bankrupting state.
- Ron Porter – that's the reason to have it in an impound account.
- Dave Matthews – having trouble tracking what is going on here. Sounded to me like state is taking or demanding we pay them money to go to schools and the school already owes the redevelopment agency money from a loan and you are saying that money should go to the loan?
- Harvey Rose - number of years ago, state passed ERAF and paid out of state general fund, so they decided to take monies or property taxes to pay schools releasing general funds. Counties, cities etc lost billions and school got less money. State is looking for additional ways to take local government's money so now they are applying ERAF to redevelopment agencies. State laws prohibit the taking of that money but state took it

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anyway. Governor Davis said if agency can't pay it then city will pay out of general fund. Been in court ever since. As far as the loan, a number of years ago 1980's, redevelopment agency put up money for a number of projects including 4million for building gateway elementary school, supposed to have been paid back, calculation made by auditor of county was so small wouldn't pay principal. Current with interest would be 9 million, we are asking for original 4 million back and argument is who pays. If ERAF is for purpose of funding schools anyway, why don't we keep that money and call is partial payback from school district.

- Mayor Morgan – this will be coming back with McEwen's information.

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.

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

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various events and observations. The resolution lists proclamations that have been processed and will be presented at City Hall on the date and time shown.

Honoring Ridgecrest Citizen – Ken Kelley

TO BE PRESENTED AT CITY HALL ON THURSDAY, MARCH 4, 2010 AT 1200 NOON

11. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing Ratification Of Rate Change For Bin Disposal For Non-Residential Waste In 96 Gallon Carts** **Rose**

Resolution presented to Council to ratify the current rate for solid waste bin disposal for non-residential waste in 96 gallon carts.

12. **Ridgecrest Redevelopment Agency 2010 First Time Home Buyer Loan Program Modifications** **McRea**

The Ridgecrest Redevelopment Agency has funded a First Time Home Buyer Down Payment Assistance Loan Program for several years to assist both low and moderate income first time home buyers in purchasing single family homes. The program requires meeting income limitations and borrower's participation. The Agency goal is to provide

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additional low income housing units as well as assisting in the improvement and preservation of affordable housings. The program is being requested to be modified to increase participation and provide better assistance to low and moderate income first time homebuyers during the current economic downturn.

13. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council To Enter Into Negotiations With The Consulting Firm Of Provost And Pritchard As The City Advisor Owner's Representative For The New Wastewater Treatment Facility** **Speer**

The City of Ridgecrest desires to have a new wastewater treatment facility capital improvement completed no later than December 31, 2012. The total expansion project costs are estimated at approximately \$45 million. The City Advisor will be an integral partner to ensure the successful outcome of the Design-Build contract, from project conception through initial operation monitoring period.

14. **Resolution No. 10-, A Resolution Of The Ridgecrest City Council Approving And Amending The City Of Ridgecrest Classification Plan And Adopting The Job Specifications Of Senior Bus Drive/Dispatcher To Senior Transit Dispatcher** **Speer**

The city of Ridgecrest formally adopted into the Classification Plan a job specifications for the position of Senior Bus Driver/Dispatcher by Resolution No. 04-10 on January 21, 2004. This resolution amends the job title and scope of work for the classification.

15. **Quarterly Investment Report For Quarter Ending December 31, 2009** **Staheli**

Government Code Section 53646 and the City's Investment Policy require that Treasurer of the City of Ridgecrest submit a quarterly investment report to the City Council on a quarterly basis. The attached report shows the summary of investments for quarter ending December 31, 2009. The report shows where the City's money is invested, value, yield and interest accrued.

16. **Minutes of the Special City Council/Redevelopment Agency Meeting of February 2, 2010** **Ford**

17. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of February 3, 2010** **Ford**

18. **Minutes Of The Special City Council/Redevelopment Agency Meeting Of February 10, 2010** **Ford**

19. **Council Expenditure Approval List (DWR) Dated January 29, 2010 In The Amount Of \$ 473,336.24** **Staheli**

20. **Council Expenditure Approval List (DWR) Dated February 2, 2010 In The Amount Of \$ 223,558.68** **Staheli**

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21. Council Expenditure Approval List (DWR) Dated February 12, 2010 In The Amount Of \$ 477,027.16 Staheli
22. Agency Expenditure Approval List (DWR) Dated January 29, 2010 In The Amount Of \$ 4,972.50 Staheli
23. Agency Expenditure Approval List (DWR) Dated February 12, 2010 In The Amount Of \$ 10,680.00 Staheli

Pulled items:

Items 11, 12, 20,

Motion to approve Consent Calendar as amended 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

Item 11 discussion:

- Council Member Holloway – this the resolution is wrong, says 4.34 per month but rate changes depending on number of pick-ups
- Harvey Rose – going by copy of letter sent by county to Benz.
- Council Member Holloway – you are reading it right, that's assuming everyone gets only 1 pick-up per week.
- Mayor Morgan – if pass tonight, need to make sure it is correct.
- Ron Porter – any other documentation that came with this from anybody?
- Harvey Rose – no
- Ron Porter – assuming one a week pickup rate. Explained current billing and doesn't understand the extra tipping fee. According to county this was there all along and no reason for additional amount, not a new fee.
- Council Member Taylor – fee built into 3 yard bin, not a cart. Rate for commercial cart, density and location was more difficult to get to so purpose for fee.
- Council Member Holloway – residential is paid for dump fee, rare for commercial to have 3 gallon cart.
- Ron porter – has seen for years and cost already included tipping fee.
- Mayor Morgan – need to ask the county if tipping fee was already included.
- Ron Porter – calculation explained.
- Council Member Holloway – they just completed an audit. Can't play games with this fee.
- Ron Porter – my question is, is the fee already included in the cost.
- Robert Eierman – this fee instituted in 1993, not a new fee. Aurora Rush telephone conversation. What is that 9.48 fee already being charged by Benz and how could they deserve another 4.43? this is not a new fee and has been in place for commercial using the 96 gallon cart since 1993. Why are we approving to give Benz another 4.43? did Benz ask for it?
- Mayor Morgan – county asked for it. Will send your question to county.
- Council Member Taylor – state's approved fee

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- Robert Eierman – year before it was \$2.05 and went up in July due to California index increase.
- Ron Porter – don't have letter but my recollection is it was just explaining the calculation of the fee, not asking for more money.
- Council Member Taylor – that is correct. I think the citizens have asked a valid question. Need more information.
- Harvey Rose – will bring back at next meeting.
- Jim McRea – you are not talking about a gate or tipping fee, but a bin disposal fee. Disposal fee broken out separately, march 1 bill would have had bin fee plus bin disposal fee or a billed container and disposal fee of container. Is on the bill people will receive this week.
- Mayor Morgan – make sure Benz is not asking for more money.
- Council Member Taylor – agreed with Jim McRae's interpretation.
- Unknown speaker – seems to be a .26 cent increase.
- Mayor Morgan – is there a motion to approve resolution, no motion, send back to staff.

Item 12 discussion:

- Council Member Holloway – had privilege of hearing presentation earlier and great program but has major flaw, 35 years before property can be sold unless low income. We have potential of taking same 3million for rehab of low income in community. Ask we do that rather than this program.
- Council Member Carter – we have had this program for first time home buyers and not in favor of abandoning it.
- Council Member Holloway – this can stay in place but allocate funds for other programs.

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

Direction to staff to work on secondary program to direct some funds to rehab low income properties.

- Jim McRea – state requires substantial rehab or it doesn't qualify.

Item 20 discussion

- Robert Eierman – 3 payments to Benz, Residential 164,000, one commercial 78,000 and another 38,000 commercial. why is commercial broken into 2 lines.
- Tyrell Staheli – one commercial is business and the other is apartments.
- Robert Eierman – paid on past due accounts

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- Tyrell Staheli – correct
- Robert Eierman – how many accounts each.
- Tyrell Staheli – give me a call and I can give it to you. Tomorrow afternoon.

Motion to approve item 20 by chip, second by taylor, 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.

Opened at 11:36pm

- Dan Brady – Southern California Edison – updates of what is happening in community. Environmental Protection Agency award to SCE for energy efficiency and major factor to receiving the award was the partnership with City of Ridgecrest. Appreciate your partnership, does have an impact. SCE April 14 Kerr McGee 6:30-8:30pm Solar Class, Free to public. Educate on incentives for homeowners register at website www.sce.com/solartraining class will speak on benefits, tax credits, and upfront costs. Cerro Coso college green jobs initiative and college received 100k to fund scholarships for students in green jobs. Glad to serve you.
- Dave Matthews – last council meeting read letter to editor that got published in both papers, discussing the way I was handling my trash bill. One thing said was that program was in state of flux, think we saw evidence that statement is true. Still urge citizens to be patient and work out. Suggest state get their act together. Brought in two identical plastic bottles however one has no CRV. Why aren't these treated the same, still the same product. Same with milk. This is food, my water I need and I pay CRV. Recycle everything the same way. Use funds they receive to find ways to bring businesses back into California. Finally, would like to offer public sympathy to Etoch family for tragic loss of son. Everyone of us can violate the laws of man, state, and God but can't violate the laws of physics.
- Richard Wagner – happy to see flyers in trash bills. Agree with grand jury report and re-evaluate our billing. Mr. Taylor, don't think we need a vote for voluntary, with petition numbers and those not paying their bills speaks that we want a voluntary system and until we have a plan in place, since we as a community aren't complying with state requirements, place more city bins around for people, also all waste picked up should go to Tehachapi and be sorted and then weighed. To citizens, if my 4 year old son can identify what is recyclable, so can you.

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- Walt Maurer – report content on trash initiative. Bulk of report is on cost to city, potentially 75 million. Vast bulk is about 60 million to potential litigation with Benz sanitation. As we watched your proceedings tonight, largest contingency of Benz ever seen present. Lacking was large elephant of cost of Benz services. I asked one representative tonight during the break why none have said anything of revenue neutral, what does that mean? It means as long as you pay us the money we don't care whether you put out your bin. I have enjoyed good service from Benz for 20 years, he said do I have to talk about it? I asked if Benz would sue the City if mandatory is abolished? He said will jump off that bridge when we get there. If they have the intent to sue the city, that is the issue, money. I didn't get a sense that they are not really going to do it. They have the city over a barrel, I did not get the sense they were willing to work with the city. Suggest you ask them that question when they are here in the room, change it all you want, I might be interested in it.
- Ronald Porter – want to be clear that CIWMB and council, the council worked with them in good faith. Comments later made regarding legality of initiative. Written to give authority to give them equal venue and help the City get out from under the tyrant. A lot of talk about city being divided, there are difference of opinion. Always given support to government and council, may have difference of opinion and that is all it is. Not a division of community, good government for people to look at things, decide on it and put it forward. If ever was disrespectful, then I apologize.

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 – Mr. Porter, agree you have treated me with respect and hope I have done the same for you. One yellow-shirt did come to me and said the decision made was evil, not by you. That is when it changed from a discussion to another level when I was accused of making an evil decision. The council set up two committees to move forward on the trash ordinance. Asking do we need to get involved to try and get something voluntary back to council. Looking for direction.
 - Mayor Morgan – at this time no, things you brought forward is now being worked on between staff and Benz. If find we need you back in there will ask.
- Council Member Wiknich – town hall on 24th and volunteers to attend. Condolences to Etoch family and young Mr. Etoch.

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- Council Member Carter – My condolences to Etoch family, Evan was a fantastic young man, I was his principal. I've worked with 1000's of students and he was in top 1% of all students. A leader at school and community, youth advisory committee. Regardless of what was happening always had a smile, brought the rest of us with his presence. Will miss him, he was an inspiration to everyone at the school.
- Mayor Morgan – echo sentiments and grieve for the Etoch family. KernCOG awards in Bakersfield tomorrow night to honor Mike Avery for years of service. Friday historical society luncheon will be attending. March 6 is PACT dinner and will be attending also. If you need to reach me to discuss issues, cell phone will be turned off March 10 until March 13 to attend out of town meeting Quad state and celebrating 49th birthday. Come Saturday morning more quotes and beratements will occur, very emotional when perception placed out to public that I am ignoring you. I want with all my heart to do the best I can to represent you as your council member. Don't do it because I think it makes me special, do it to try and make things better. Everything I have worked for for years has been destroyed in the last few months, not fair that certain groups or individuals have been constantly telling the public that I don't care and I'm not listening, not true.
- Council Member Taylor – new day, appreciate everyone's comments, will make this better, timeline here, work faster. Understand comments about cost issue, oversight on state's side. Appreciate SCE being here, Cerro Coso program last year, good program if interested in solar. Attended fundraiser for school musical group. Keep eye out, good for community, citizens contributing back into community. Will be attending award dinner for Mike Avery. Also our condolences to Etoch family, been here since 1963, certain names well-recognized in community, directly affects the kids playing basketball. Our sincere sympathy goes to family.
- Council Member Holloway – president statement everything that could be said has been said. Thanks to Ridgecrest police department for their good work. Involved with youth ministries and youth in community have started some incredible positive programs out of this tragedy. Thoughts and prayers go out to Etoch family.

ADJOURNMENT

Adjourned to closed session at 12:14am will report out of closed session.

Report out of closed session

- No Action Taken, Report Only

Meeting Adjourned at 12:20am



Rachel J. Ford, CMC - City Clerk