

MINUTES - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

May 5, 2010

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

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

**May 5, 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 solely for the purpose of preparation of minutes.

CALL TO ORDER at 6:00pm

ROLL CALL

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

Staff Present: Interim City Manager Harvey Rose, City Clerk Rachel Ford, Chief of Police Ron Strand, Director of Parks & Recreation Jim Ponek, Director of Public Services Jim McRea, Director of Finance Tyrell Staheli, and other staff

APPROVAL OF AGENDA

- No changes

Motion To Approve Agenda 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.

CLOSED SESSION – 6:00 p.m.

- | | |
|--------------|---|
| GC54956.9(B) | Conference With Legal Counsel - Potential Litigation - Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest |
| GC54957 | Personnel Matters - City Manager - Recruitment Update |

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GC54957.6 Labor Negotiations - UFCW Local 8; PEAR; Confidential; Mid-Management; Management - Agency Negotiator Interim City Manager Harvey M. Rose

GC54956.9 Conference With Legal Counsel - Liability Claim of Steven Dale Felix, Claim No. 10-03

REGULAR SESSION – 6:45 p.m.

PLEDGE OF ALLEGIANCE led by Boy Scout Troop 824

INVOCATION led by Local Pastor

CITY ATTORNEY REPORTS

- ❖ Closed Session
 - Item 1 discussion, no action
 - Direction to Staff
 - Update report on current negotiations
 - Claim 10-03 to be denied
- ❖ Other

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 May 6, 2010

Mayor Morgan – meeting tomorrow and will discuss the sign ordinance and receive staff reports

RACVB

Council Members Chip Holloway, Jerry Taylor

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

Next meeting June 2, 2010 and location Best Western

No Meeting

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 June 3, 2010

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- Carter – meeting next month

Youth Advisory Council

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Wiknich – June 9
- Taylor – June 3 city org.
- Holloway – AB 32 and SB task committee. Policy committee requested suspension of AB32. Board meeting news good, petition should qualify. Concern was to send message to governor, point made that assembly doesn't care anymore. Letter won't change things just offend members, but initiative gives chance to make change. Draft resolution presented to council for league board asking for resolution for end of ballot for end of conference. Need to raise \$5million to advertise initiative.
- Taylor – desert mountain division report. presentation from local city attorney regarding marijuana issues coming in November.
- Wiknich – town hall meeting. Most conversation was regarding trash issue. Saw recycling commercial, some editing yet to be done.
- Morgan – California council of governments SB375 discussions. University presentation and information, high speed rail update, SB1445 discussion proposed, deals with funding for local Councils of governments and committees. Gave recommendations to presenter. Also brought copies of policy briefing regarding SB375.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

ORDINANCES AND RESOLUTIONS

1. **Ordinance 10-02, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Pertains To The Consumption Of Alcoholic Beverages In City Parks** **Ponek**

This Ordinance was brought to Council for First Reading and Introduction by title only at the regular meeting of April 21, 2010. It is being brought back for second reading and adoption.

No added staff report from Mr. Ponek

- Morgan gave background report.
- No Council Comment
- No Public Comment

Recommended Motions - 2 Motions

Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance No. 10-02, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Pertains To The

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Consumption Of Alcoholic Beverages In City Parks made by council member carter, second by taylor, 5 ayes, 0 nays, 0 abstain, 0 absent

Requires A Second

Motion To Adopt, By Title Only, Ordinance No. 10-02, And Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Pertains To The Consumption Of Alcoholic Beverages In City Parks made by council member carter, second Holloway, 5 ayes, 0 nays, 0 abstain, 0 absent.

Requires A Second.

2. Ordinance No. 10-03 An Ordinance Of The City Council Of The City Of Ridgecrest Granting A Non-Exclusive Taxi Franchise Rose

This ordinance was brought before council at the regular meeting of April 21, 2010. It is brought back at this time for second reading and adoption.

- Morgan gave staff report including fiscal impact and rates
- Holloway – what liability issues, insurance
 - Morgan – owner has insurance rider.
- Mike Neel – why should a private business need a franchise with the city.
 - Attorney –
 - Taylor – way to ensure businesses operate legally.
 - Mr. Green – not sure why a franchise, have no problem. Do have a \$1 million dollar policy naming the city.
 - Mike Neel – any state requirements?
 - Mr. Green – no.
 - Mike Neel – only point of city is a franchise fee/tax to the business. Government entering private business. Setting business private rates, socialism.
 - Mr. Morgan read ordinance clause referencing municipal code. There is process involved and this is not a money grab. We welcome you to the community.
- Jim Rachels – does mr green have franchise in rosamond and California city?
- Mr. Green – California City yes, Rosamond no

Recommended Motions - 2 Motions

Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance No. 10-03 An Ordinance Of The City Council Of The City Of Ridgecrest Granting A Non-Exclusive Taxi Franchise made by council member carter, second, taylor, 5 ayes, 0 nays, 0

Requires A Second

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Motion To Adopt, By Title Only, Ordinance No. 10-03 An Ordinance Of The City Council Of The City Of Ridgecrest Granting A Non-Exclusive Taxi Franchise by taylor, second by carter 5 ayes.

Requires A Second

3. Ordinance No. 10- 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 heard for first reading and introductions by title only at the regular council meeting of April 21, 2010. The Ordinance has been amended and is brought back to council at this time for first reading.

- Morgan - gave staff report, continued under first reading. One written list of questions however Mr. Lemieux is not available tonight. Will go thru item as written. Read summary from agenda.
- Carter – ready to move forward, would like to take care of first reading tonight.
- Holloway – excited it gets smaller each time.
- Taylor – understand concerns but agree with Mr. Carter.
- Wiknich – agree with carter and taylor.
- Morgan – discussion to this item will be to the ordinance only. There are clean copies available with staff. Ask those who have read ordinance please reference section.

Opened public comment at 7:14pm

- Stan Retoraj – won't go over comments, highlights (5)
 - Renters cannot opt out – been advertised residents, not renters could opt out. City can do better.
 - Owners responsible to renters on how they recycle. As owner/landlord, landlord does not have authority to control renters. Not reasonable or enforceable, could not possibly comply.
 - Nowhere in ordinance does it prohibit the depositing of waste in other peoples receptacles or on their property.
 - Commercial collection addresses both garbage and recyclable materials. Ned to control recyclables only.
 - Previous drafts permitted property managers or tenants to pay the trash bill, nothing in this new ordinance that allows that to happen. Do not believe you are trying to do away with property managers, would like it looked at.
- Gwynn Jensen – empty house concern, Benz put a can next door at empty house. They finally came and put inside. Is the owner being charged?
 - Morgan – already working on that type of issue.

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- Gwynn Jensen – 400 alvord has been empty for a long time. Concerned there may be someone in house who cannot get out. When cans put out in November were thrown into gate.
- Dave Matthews – haven't had chance to look over, would like to add to comments from Mr. Retoraj. A lot of requirements on the book that are not enforceable. Despite fact they are unenforceable, as long as they are there and someone is discovered to be disobeying then processes could take place. Couldn't find prohibition of putting trash in other peoples containers, suggest we don't allow people to do that unless they are in mutual agreement. Some elderly citizens want to share with neighbors. Should be a provision to allow them to mutually do that.
 - Morgan – asked Mr. Matthews to send comments to us for forwarding to Mr. Lemieux
- Mike Neel – comment on 2 sections.
 - 13-6.3(B) – that paragraph is still there, misdemeanor after second infraction is excessive.
 - 13-2.2 – mandatory collection for commercial premises – discriminating to class of citizens. Citizens who have businesses are citizens. You say residential can self-haul but commercial has to pay. Improper and against constitution. Take it out and let everyone self-haul. Currently have disgruntled citizens, if goes up then cost goes up. Tore up Benz bill and layed on clerks desk.
- Brian Waterman – appreciate efforts to get this squared away.
 - Page 1 ordinance title – 'curbside' stops is it trash or recycling.
 - 13-2.4 – collection fees – owner of property from which waste is collected will pay, such fees set by council by resolution. What fees are to be set. Are these fees here the same as what was set in 09-57.
 - Morgan - \$30.52 per month
 - Taylor – 09-57
 - Waterman – is the fee going to be the same as in 09-57?
 - Taylor – current ordinance references city will set the fee agreed upon franchisee and council. Do not know because of potential inefficiencies may go up or down with non-mandatory participation.
 - 13-2.1(c) – last sentence, does this mean only applicable to commercial accounts?
- Jim Rachels – in awkward position in agreement with Mayor, don't think should be vote for first reading. Has not been provided to public in reasonable fashion. Copy of what is posted on website. Need clean copy. From what did read have comments and questions.
 - Provisions to drop-off at landfill, will that be in place before ordinance is in effect
 - Mayor – don't know, intent is to have in place but don't know for a fact.

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- Taylor – part of agreement which is next item is to have it in place. A lot of moving pieces, now need agreement with county.
- Is intent no mandatory recycling.
 - Intent is for us to allow you to take recyclables yourself.
- Ordinance is silent on solid waste and trash service.
 - Yes
- Is Benz to be exclusive franchisee
 - Yes
- Is resolution in place
- How will you enforce this ordinance? Misdemeanor/Infraction
 - Morgan – enforce by some other means
 - Waterman – what is purpose
 - Morgan – to have something in place in case we need to take action.
 - Waterman – no enforcement action so far, have violated ordinance and would like to be cited.
- Since intent is to remove mandatory collection trash and recycling from residential, can I now refile my small claims again?
- Morgan – you are still required to mandatory recycle, we are only trusting you to self-haul as you have said you would.
- Ron Porter – California laws already covers the use of other peoples services without permission, doesn't need to be put in. this has been totally re-written, hard to read. Puts inference that if you go to the dump have to take all recyclables there. Hard to digest in current form. Adds new term of waste instead of solid waste. Courts recognize solid waste as anything placed in the container. Defines recycling in a couple of different ways. Agree needs to be separated out between residential and commercial and written in a more flowing manner.

Public Comment closed

- Wiknich – take out violations.
- Holloway – reference Stan Retoraj questions, Public v Private facilities, private facilities got out of business because of low volume, have we explored them into accepting more goods as a benefit? Would that take away the burden of working with County?
 - Taylor – Trust issue, photo of someone 2 weeks ago who took their blue bin to dump because they forgot to set it out.
 - McRea – answer is yes and no, they will accept but won't weigh it. Calrecycles is interested in weights. Only money returned is on items that have CRV.
 - Holloway – county began accepting cardboard
 - McRea – did but then stopped because of reason stated. County bury's everything unless hazardous waste, calrecycles says don't take any recycles to landfill. Subset is to get paid for some of it.

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- Holloway – statewide mandatory coming down soon. May make sense to separate commercial and residential now.
- Wiknich – need to remember that if going to allow people to self-haul, state still wants us to measure it. Idea we don't need ordinance, doesn't work, still mandated by state to have it. Asked Mr. Howard if they would weigh and account for items brought in by residents, he said no. went to landfill and spoke with gate guard and asked if they identify between county and city, answer was no. detailed to them the current situation of needing to track and get a proper weight. Concerned with how we will track this. Whether owners should be responsible or not, owned property and lease had CC&R's and tenant had to obey, same time lease required all city laws and ordinances were followed by the tenant. As owner I was responsible, however lease violated by tenant, I demonstrated as owner that I made every possible attempt to ensure tenant followed the rules. Management firm hired also worked to ensure tenant didn't violate the rules. If a citation was pending and I could show I tried, then tenant would get the citation and not me as the owner. Philosophy is to make sure owner and management first are involved.
- Taylor – citizens complaint of what is on the website is difficult to read. Valid comments. Typographical errors. Appreciate Mr. Retoraj written comments. How much can we change without going back to first reading.
- Attorney – typographical can be changed and go on to second reading however substance changes need to be first reading.
- Taylor – need to work on addressing owner comments and property manager comments. Might have gone too far in definition of self-haul. This is exclusive franchise and make it clear we are going to allow people to take their own trash but not jeopardize the franchise issue.
- Morgan – understand that even with caution noted that if there is an affirmative vote, would not preclude us from starting all over at the next meeting?
 - Attorney - correct
 -

Recommended Motions - 2 Motions

Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Curbside Service made by Carter, second by Taylor.

Taylor – need to get this moving, if we change substantially means coming back for another first reading. Do not want the headline to read 'tabled'

Wiknich – when this comes back for second reading, have to make sure clean version will go out to public.

4 ayes, 1 nay (Morgan) 0 abstain, 0 absent.

Requires A Second

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Motion To Introduce, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Curbside Service Made By Carter, Second By Taylor, 4 Ayes, 1 Nay(Morgan), 0 Abstain, 0 Absent

Requires A Second.

DISCUSSION AND OTHER ACTION ITEMS

4. Amended Local Assistance Plan, Residential Curbside Pickup And Recycling, And Kern County Sanitary Landfill Recycling Drop Off Area Conceptual Proposal. Residential Recycling Diversion Numbers McRea

This action item is to review the actions and discussion of the modification of the Amended Local Assistance Plan (ALAP). The City Council, Benz Sanitation, and CalRecycle, have worked together in a partnership to improve the level of service and resolve many of the concerns reported and expressed by the community with respect to Mandatory Curbside Pick-up and Recycling Program.

Jim McRea – gave staff report and power point presentation. Copies of the presentation are available at the clerk's office upon request.

- Holloway – we got here because calrecycle disputed the methods of our calculations, as we go forward have we agreed on the formula we will both use?
 - McRea – no
 - Holloway – so these number don't matter
 - McRea – problem is 75% of disposal comes from base, residents don't recycle a lot of inert material (concrete, asphalt) vast majority comes from commercial. residents recycle paper, glass, tin, and plastic. Formulas is based on weight, a pickup truck of plastic and a wheel barrel of brick, bricks will divert 4 times more in weight. Residents have a lot of paper. We followed their formula, problem is we got fined because they could and said we didn't have any programs. They diminished the quantity of 7 major items, we couldn't prove where it came from. Must have been 7 programs, really the program on base was cancelled and because 80% of the people work on the base calrecycles said 80% must take their stuff to the base.
 - Holloway – was told the same thing, if SB 1016 is important then why do they keep referencing tonnage.

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- Taylor – how do you measure without a goal? They were looking for the slope of the line
- Holloway – those graphs are all over the place.
- McRea – historically, they are interested in the slope of the line, diversion is increasing and you have programs. Earlier AB gave jurisdictions the ability to define their diversion and where it would exist. In the 90's we were doing inerts with pavement. If we pave more roads, our inerts go up. Referenced a mountain of pavement and we couldn't prove where it came from. Could prove where it didn't come from, not county had to come from the city or the base and base was determined to be in the area. Because we couldn't show it came for the city they only gave us a portion of it. Referenced the gun range.
- Taylor – bottom line, we have diversion programs, doing the best we can, isn't the wild wild west, we continue to allow people to dump recyclable in dump and state doesn't want it. So far we have not done the best we could, making strides, now making adjustments and trying to do our best, need the citizens to help us stay in compliance.
- Wiknich – someone knocks out patio and throws concrete in blue bin, is it weighed and what is the maximum weight.
 - McRea – 200 lbs. in a 96 gallon can.
 - Wiknich – want the diversion to go up and trash to go down. will make them happy but if programs do not make that change what then.
 - McRea – last few months recycling in residential has gone up so diversion rate should go down. base however sent wood and concrete to landfill which is diversion, but vinyl floor and glass was buried. We did get credit for diversion on the wood and concrete.
- Taylor – bottom line is the cans get weighed, challenge is self-hauling and commercial diversion. The private entities also required to report to state. We should be able to make argument that commercial is going in right direction and we are going in the right direction. It's about programs.
- Morgan – in the LAP besides October 2010 date which I disagree with, not enough time, it's a baseline for them, believe we need to

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push that date back at this point. By time this is put in place, guess July, that is 1 quarter to monitor

- McRea – reason for October the numbers are not available till November. They want program to end December 2010 and monitoring to end in 2011.
- Morgan – understand but dates are critical, since having difficulty getting this in place, cooperation from private citizens and commercial entities is not what we hoped, do not see how we can round everything up and prove that we are trying our best. Saying to public I think that if we can get everything in place and have little longer lead time, more trend to show them our weight going to landfill is going down. if we can show weight is going down think they'll let us continue with opt out and monitoring. Concerned such short timeline they could hit us with fine and say need to modify opt out but think it would not have been given enough chance. Primary concern with this ALAP. Can conceptually talk about it point is have to do it and want to give us chance to do it.
- Holloway – have until October to get plan in place and monitoring until 2011.
- McRea – somewhat, task 5 summary read. October 31 to determine change to maximize this program including returning to mandatory program. task 4. Included in summary both task 4 and 5 for residential and commercial. there are 8 new subtasks established during extension period, not critical, read resident concerns and modification from ALAP. Advantage to opt-out is asking residents to take personal responsibility to work as team to increase recycling. Benz packer and trucks have scales so the weight can be known. Explained sales tax formula.
- Taylor – better off. Residents bring more into town than what is actually sold in town.
- Carter – agree with mayor, concerned with time. Reason we got into the mess is the dates and timelines, not enough to properly prepare, implement or educate a program. Shouldn't be problem extending dates, mission is not put recycles in landfill and working to achieve. Don't want to be set up to fail, takes time to do this. State and federal need to be realistic. Would like to change dates and expect states support.
- Morgan – not saying don't want to comply, but citizens have said they would help, think we need more time to be sure.

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- Taylor – conversation and emails, state and dates are what they thought we wanted. Don't see problem changing dates, been waiting for this to get back to them.
- Holloway – need to change dates and use residential component of major measuring factor is ridiculous, won't get there from here, going to get there with commercial.
- Morgan – assumption is we will crack down on commercial, residents will help us on voluntary side.
- Holloway – why would they assume we are failing on commercial side? More leverage with commercial.
- Morgan – whole idea of keeping commercial mandatory send firm message that largest contributor to waste stream has to recycle. Residents will benefit from that.
- Taylor – won't get opt-out on residential if we don't keep mandatory for commercial.

Public Comment on ALAP

- William Howard – accounting, such as inert material, should be way to determine how much demolition material will go to landfill and how much to recycle. Noticed several hundred pounds of metal didn't get in your recycling. Need to create some way of accounting for what is distributed to other recycling facilities. Older buildings torn down, need to be able to account for what is recyclable. A lot will go to recycling you won't get credit for it. Golden Empire now issues receipts for all California recycle, requesting people to state their residence. Also on cardboard going to dump, a lot from people moving in from single residence. If happen to take picture that day would not be accurate to day-to-day use. Opportunity for City, County requires cover when taking items to dump, if City charged fee to city residents to cardboard in dump, people may be more interested in putting in recycle bins and not landfill. Restated Golden Empire efforts to work with city and resident's on request for receipts.
- Stan Retoraj – first paragraph of resolution, may provide opportunity to opt-out but require individual responsibility by occupant of site. Ordinance owner, this better. Occupant sign a lease to obey ordinances not good. Already have to obey ordinance. Hauling will cost city money to implement and operate and then have to haul somewhere, concern is haven't taken advantage of private facilities available. People using but haven't seen them encouraged to use facility. If too easy to haul to dump, they won't make money off recycle material. Infrastructure debt, cant just

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throw away additional money, save money. Don't have money to make sacramento happy. Materials not accepted by local facilities would have to work out solution. Roads could use money, not sacramento. Any way to maximize use of what is already available should be done first.

- Morgan – if everyone would use the private then cost for city at dump goes way down. encourage everyone to use the private facilities.
- Stan retoraj – have heard self haul at dump but not private enterprises. Let free enterprise they can do better.
- Taylor – we don't control landfill, would be great to refuse people use of it, now question is have to set something up, someone shows up at landfill, how do we capture it? Ends up in the desert. Problem is as we try to capture that number, the question is cost. Asked county to set up program at dump. Would agree not having it out there, can't allow self-hauling if we don't capture it. Definitely agree with what you said.
- Stan – county was not going to operate self-haul, we will operate it, charge people to use the bin. Closer to use local places.
- Morgan – like the idea, we would intentionally funnel them to places they wouldn't have to pay.
- Stan – not appropriate to encourage them to go to the landfill, let private enterprise make money off it.
- Ron Porter – no matrix in the LAP. Lollipop land at beginning, same now. Unless we are in good favors we lose, no measurements and no accurate landfill measurements. Off the cuff guess.
- Taylor – 3 month numbers from Benz. Yard waste, recycling.14.67% residential.
- Robert Eierman – not only are dates difficult, you stated unless things improve, but what do we need to improve from. What is benchmark. Unless mark is set so we can measure, you don't have any way to win. Getting set up again unless you make sure how you measure the improvement. How can you do that in 3 month. Talking about residential program with little impact. No criteria, you won't know if program has succeeded or failed. If you need to spend money at landfill or have city employees working with people at landfill, maybe look at 449,000 paying this month for unpaid bills. You could hire a person or 2 to go to landfill and save some money in long run. If need to spend some money to save money.

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- Floyd Parris – timeframe, makes more sense to go July 1, 6 months. Even at that you will have problem getting everything in place. Secondly, haven't heard that private recyclers will give you the accounting, will they distinguish between county and city. Would love to use private but need accounting in place to make sense for program. Lastly, real issue is what you do with commercial, this will establish change in program. Get the education process going. Longer time from makes more sense.
- Brian Waterman – hear using the word opt-out, what does that mean.
 - Morgan – you go and tell Benz, don't want service, they get your cans.
 - Mr. Waterman – golden empire receipt presented to council.
- Mike Neel – like to add detail, copy of golden empire receipt. Did not recycle until this started and now recycle, am hauling own trash. Golden empire took everything, weigh it, itemize and give receipt. Agree with Mr. Retoraj. Let people know to take recycles to local recycling centers. Make it sound attractive to get their recycles dumped at local facilities. Help people realize is going to be a good thing. Residents and businesses not paying because don't like being told to do it, make it attractive to them. In addition to timeframe, looks more like its designed to fail. They will manipulate numbers and take us back to mandatory.
- Dave Matthews – I go to local facility and get a receipt, I don't need it the city does. Still a disconnect.
- Bob Millsop – I recycle at Pearson, when you get receipt, you fill out log and that would answer question of how to determine where this stuff is coming from.
- Ray Taylor – friend who has paid bills by the year. Went to pay the other day, if Benz allows level of service, you keep customers. Convenient to a lot of people. Captive audience for Benz. Go back to what is less aggressive or offensive. Let them bring rates down to fair market price. Normal level of service. Would like to have recycling can, don't want both. Willing to go back to level of service had before but not at triple the price. Dump and corp yard problems would be solved reasonably, would get back some of the customers. Half is better than nothing.
 - Council Member Taylor – somebody said City is not going to collect on that debt. Numerous letters to the editor from other side. That is something we have due diligence representing citizens to do. That is what the previous item was about. If price is not made sensitive will lose customers.

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- Ray Taylor – drop rate, service will go up.
- Dan Steele – been paying for a year up to april, went down tried to talk to them, would love to have trash service, but I recycle everything. Would take to recycle place, asked them, wrote letter wanting to continue service, please give me a call, haven't received a call. Next door residence, owner lives in northern California and residence is vacant.
 - Morgan – level of service, understood.
- Paul Foster – asked dual residence question.
 - Morgan – in theory, home is vacant. Provision coming for that.
- Taylor – appreciate comments heard. Reasonable time more than one quarter, asking for reasonable amount of time and don't like snapshot at end of summer, would like it further into fall. Not a point of contention and do not want to break the good will of sacramento.
- Morgan – will go back to sacramento to discuss
- Holloway – will be there 2nd – 5th.
- Morgan – have direction, let council know after your discussions with calrecycles
- Taylor – objects, ordinance, dance with county, and ALAP. Which will take the longest?
 - Morgan – dance with county
 - McRea – closing self-haul on west side no reason they won't allow us to set one up here.
 - Taylor – damaging timeline.
 - McRea – some measures for May but can be mitigated. Asking for 18 month extension and previously did not get cooperation from state.
 - Morgan – if you need someone to assist with conversation let us know.

Recess – 10 minutes

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5. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Adopting By Reference An Addendum To The Memorandum Of Understanding Between UFCW And The City Of Ridgecrest Rose

This Resolution amends the Memorandums of Understanding and Agreements between the City of Ridgecrest and United Food and Commercial Workers Local 8 (UFCW). The amendments are a result of negotiations for contracts and agreements ending June 30, 2010 and take into consideration the current economical situation of the City of Ridgecrest.

- Harvey Rose – gave staff report. extends existing agreement another year, pay frozen, 10% furlough of employees. Not receiving increase in compensation for 2 years and total compensation cut by 10%
- Morgan – take the opportunity to humbly thank city employees who have taken on this burden. Actually impossible to put into words the thanks I know this entire city council gives to you for sacrifices made on behalf of city. Difficult on you and us. Heartfelt appreciation to all of you for this negotiation of this contract. Question Mr. Rose, council had also gone to finance department and cut our stipend, does it continue or do we have to redo.
- Harvey Rose – UFCW is one of 4 organized labor groups, negotiations with other still going.
- Taylor – agree with Mr. Morgan, load on the backs of our employees appreciate everything done.
- Carter – thank all the employees, many years ago district had major deficit with state taking money away and employees took pay cut so kids weren't harmed. Ridgecrest unique, positive community. Tired of seeing employees and teachers take pay cuts to keep government running, happening everywhere, falling on employees. Teachers spend money back into classroom, employees buy own equipment. State needs to get act together, can't expect employees to keep supporting government.
- Wiknich – offer my sincere thanks to employees for helping the city. Friends and neighbors voluntarily making cuts to keep the city running. Appreciate them very much.
- Holloway – ditto all that, opportunity given to sacrifice employees last year and they chose not to do that, level of service has not dropped that much. When talking about city hall, these are people with hopes and dreams who make up city hall and don't get credit for what they do. Just like we don't get thanked, you should thank the employees. Found out yesterday that 2.5 million taken from city and due May 10 and this is money that could have supported employees. Local taxpayer initiative can stop this.
- Wiknich – court said they can take the money this year and last year they said they couldn't.

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- Randy Jenkins – by virtue of the fact that police department is under national average, they should not be required to take another 10% of pay from their families. Already working 24 hour shifts, more gangs moving in, graffiti increasing. We need police force and can't lose another 3 or 4 officers because of budget crisis. First priority of city is public safety, should not be cut down further. Tremendous people of the PD. Even at end of shift are there in minutes and do their best. Can't afford to let them suffer these things.

Motion by Holloway, second by carter, 5 ayes, 0 nays, 0 abstain, and 0 absent

6. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing The City To Forward An Opposition Letter To The State Pertaining To AB155 Holloway

Like the state, the economic recession has had a profound impact on local governments' revenues. AB 155 inserts politics into the bankruptcy process by giving a state appointed commission the authority to deny, approve, or set conditions on a city's application to proceed into bankruptcy. This is a process that is currently conducted by neutral and expert bankruptcy judges who are not subject to political pressure.

- Holloway – gave staff report on AB155. Local control issue, trying to take control from city to try bankruptcy. League does not want them getting involved in this even if we don't ever have to do it.
- Taylor – not about us, just supporting other cities.

Motion by taylor, second by Holloway, 5 ayes, 0 nays, 0 abstain, 0 absent.

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.

7. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of May 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

- ↓ *Mental Health Month - May 2010*
- ↓ *Honoring Ridgecrest Citizen - Craig Peterson*
- ↓ *Armed Forces Day - May 15, 2010*

These Proclamations will be presented on Thursday, May 6, 2010 at 12:00 Noon at City Hall

8. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Authorizing The Right Of Way Acceptance For Ward Signal Project **Speer**

A Resolution by the City Council approving the Certificate of Acceptance of a Grant of Easement as described as a portion of Lot 1, Tract No 1251 in the City of Ridgecrest, or more commonly known as the northwest corner of Ward Avenue and China Lake Blvd.

9. Resolution No. 10-, A Resolution Of The Ridgecrest City Council Adopting And Reaffirming The City's Annual Statement Of Investments And Delegating The Authority To Make Such Investments To The City Treasurer **Staheli**

The Government Code of the State of California requires that the City Treasurer or Chief Financial Officer annually render a statement of investment policy to the City Council. The attached resolution adopts the City of Ridgecrest Annual Investment Policy.

10. Investment Reports For Quarter Ending March 31, 2010 **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

11. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of April 21, 2010 **Ford**

12. Council Expenditure Approval List (DWR) Dated April 1, 2010 In The Amount Of \$ 240,357.17 **Staheli**

13. Council Expenditure Approval List (DWR) Dated April 9, 2010 In The Amount Of \$ 207,322.35 **Staheli**

14. Council Expenditure Approval List (DWR) Dated April 23, 2010 In The Amount Of \$ 190,723.60 **Staheli**

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15. Agency Expenditure Approval List (DWR) Dated April 9, 2010 In The Amount Of \$ 24,049.39 **Staheli**
16. Agency Expenditure Approval List (DWR) Dated April 23, 2010 In The Amount Of \$ 3,770.36 **Staheli**
17. Agency Expenditure Approval List (DWR) Dated April 28, 2010 In The Amount Of \$ 10,000.00 **Staheli**

Mayor Morgan read consent calendar item titles.

Item 12 pulled by Robert Eierman

Motion by wiknich, second by taylor, 5 ayes.

- Item 12 discussion
- Robert Eierman - Benz collection and payment items. Read figures, you are welcome to cite me and take to court.

Motion by Carter, second by taylor, 5 ayes, 0 nays, 0 abstain, 0 absent

PUBLIC COMMENT

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

- Opened at 10:04pm
- Stan Retoraj – at last council meeting complained about bill on duplex for trash up 2.88% suggested by council to transition to commercial account to save money. Inquired at Benz to change account and received funny looks and told if transition to commercial the cheapest account possible would double current rate. Visited property manager in town to get broader perspective of what was going on. Single residence went up 2.4 and business went up 2.9, tri-plex up 3.9 after recycling. 8 plex went up 2.9. discussion of right-sizing but rates are too high. No data but rates seem too high. Haven't been able to get data, no more service than before. Earlier comments that affordable rates people would use the service. Work done now to opt-out is good and progress being made, don't see progress in affordability. More attention needs to be made. Can't justify the cost.

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- Dave Matthews – pass along information. Saw former city clerk and brief conversation and is enjoying retirement. Few items ago, comment made by council men how state needs to get act together. Mr. Carter made strong statements which I agree with. Run for governor.
- Randy Jenkins – read dissertation. Person throwing rocks at children. Doesn't drive himself and he sits in back seat of car and throws rocks. Looks like older blue crown Victoria. Others leaves notes, third person, blood will come out, die. Letting persons know to call police. Very tall with long hair. Coming about every other day, hope to get license plate. Dark windows, can't see driver. Drives by so fast can't get license number. Has threatened to kill police on notes, initials JB.
 - Morgan – have you contacted Police
 - Randy Jenkins – yes, been doing this months and very smart. Only there for moments, very accurate, brings rock with him.
 - Morgan – directed Chief strand to reissue report to council.
- Brian Waterman – reading new review noticed letter to city of ridgecrest and comment of reported to police department bins turned upside down in street. Is there a nuisance ordinance about stuff like this.
 - Taylor – probably violates something.
 - Waterman – is there an ordinance?
 - Morgan – right of way, city could get involved.
- Mike Neel – present for beginning of meeting at 6:00pm when recall notices served. Mr. carter statement is “this is sad”. Read excerpts from news review blog. (get copy for record) People qualified initiative to go on ballot and council not follow California law. Said had to happen at all, understand why getting recall notice.
- Robert Eierman – Thank you Mayor Morgan for invite. What was wanting to say was that the people of community continue to speak and continue to do that with the lack of use of checkbook. Nice to see council headed toward voluntary system and beginning to address some of issues citizens had, wish you would go further and understand you feel constrained by state. Said in past and before me, we try to be good citizens and feel initiative would provide you insulation from state. Didn't do what we did for the heck of it, a lot of thought and effort in provision of initiative. Would point out that initiative power is same legislative ability you have, set up that way. We were told ‘ you don't understand, you can't change an old law’. We have same power as legislative body and you are changing an old law. We the citizens should be in charge. Underlying concept that you are all facing recall, some of you will not see the end of your term, could have been different. Citizens were not asking anything other than you to be on their side, didn't have to go to war with citizen, but go to war with state. If they had sued you they would have had the burden of proof. Listening to city attorney that doesn't want to fight. Next week we will see you in superior in court, appellate court if necessary. Will of people will come to pass and get on the ballot and stop all this. Residents and commercial will

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be on voluntary. Once passed will be city's law and you can't sue yourself. You missed the opportunity to challenge, once passed can't do anything about it. Look forward to seeing you next week in court.

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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.

- Morgan – ridgecrest armed forces day celebration flyer read. 7:30pm freedom park (Friday). Saturday may 15 celebrations 10:00am freedom park. Honorable Juan Garcia guest speaker, traveling wall. Mayors prayer breakfast 6:00am. Fair opens tomorrow Thursday thru Sunday. Accused repeatedly by same people who filed illegal initiative then lawyer filed wrong paperwork. I love it. I'll take that blame. I follow laws and constitution of state, I am bound to abide by those laws. Not allowed to flip the bird at those laws, allowed to disagree and try to get them changed. That is why I attend various meeting. Certain segment of population don't get it. Narrowminded and wrong and will be proven again. Will go somewhere else and be proven wrong. Don't get their wrong, be wrong as much as you want.
- Carter – being recall because I would not put an illegal petition on the ballot, if I did that I would be breaking the law and I don't break the law. Also wouldn't be following the constitution. Ironic that I'm call names and told I'm going against the constitution. You've done nothing to help us or this city, you've been bullies. I don't like or respect bullies. I believe in constitution, but those doing major harm to community won't get me to vote your way unless it's the right way. Will follow the laws and do what is right. Sad a small portion will disrupt community because not getting what they want.
- Wiknik – candidate for city manager stated sometime when get into fight sometimes stop thinking about the big picture and start looking at what you want. Question I have is I've strived hard to get inputs from other people other than just being up here. When 2 people come to me with opposing views, how do I represent both, but have duty to represent both. Have to pick what I feel is best for everyone, not always right. Last call for friends for national rifle association dinner, tickets available at guns for us.

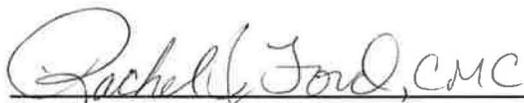
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- Holloway – if didn't know better, just read paper, attended council meetings you would think this town was in total disarray. Last Sunday witnessed 11 churches getting together and instead of going to church, did over 50 community needs. Picked up trash, changed garbage disposal at 78 year ladies home. Then met at 6pm that evening and prayed for this community. Would much rather work with those type of people and feel they represent this community more than the few that try to destroy this community. Look at who really needs help, willing to fight that fight and tried but I ended up in same spot as everyone else. End of day none of this matters, what matters is what are you going to do for your neighbor? This stuff doesn't matter at the end of the day, I applaud those volunteers and feel they truly represent this community.
- Taylor – amazing 2 people who voted the way certain people wanted are still up for recall and election in November. This is stupid. Request you put out there who is going to run against us. Been an interesting time here. Bottom line is very disruptive for city, we do represent state law and constitution, may not like it. When law passed do have to abide by it. Certain individuals tried to use the initiative process to tell the state where to go. Represent all citizens of ridgecrest. Look forward to you trying to collect the other 2700 needed to try and get us recalled. Applaud Howard Auld for his efforts for Armed Forces Day
- Morgan – don't forget the health fair on the 8th.

ADJOURNMENT


Rachel J. Ford CMC, City Clerk