



**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**

**October 6, 2010
5:30 p.m.**

This meeting was recorded and will be on file in the Office of the City Clerk for a certain period of time from date of approval by City Council/Redevelopment Agency. Meetings are recorded for the purpose of preparation of minutes.

CALL TO ORDER at 5:30pm

ROLL CALL

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

Staff Present: City Manager Kurt O. Wilson; City Clerk Rachel J. Ford; Other Staff

APPROVAL OF AGENDA

Motion To Approve Agenda Made By Council Member Wiknich , Second By Council Member Carter . Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, 0 Absent

CLOSED SESSION PUBLIC COMMENT

- No Member Of Public Made Comments.

CLOSED SESSION – 5:30 p.m.

GC54956.9(b) Conference With Legal Counsel - Anticipated Litigation.
Party: Benz Sanitation, Inc.

REGULAR SESSION – 6:00 p.m.

- ❖ Pledge of Allegiance
- ❖ Invocation

CITY ATTORNEY REPORTS

- ❖ Closed Session
 - Council met to discuss item identified. After report from attorney, council by unanimous consent authorized the attorney office to submit pending disputes to alternative dispute process pursuant to the 1995 franchise agreement with Benz. Does not mean that city is terminating agreement, just alternate
- ❖ Other

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- Subsequent to last meeting received written opinion of case Eierman v. Morgan et.al. DTOM filed lawsuit of decision to not call for election was illegal, council did not call for election on initiative because found initiative was not lawful. Written opinion of court upheld council decision in full. We filed a demur which assumes everything said by other party, still have not alleged law was broken. After hearing our reasoning, court agreed and in written order decided DTOM could not continue with lawsuit. Initiative was incomplete and tried to change law without providing the full code. DTOM has right to appeal.

PUBLIC COMMENT

Opened at 6:11pm

- Randy Jenkins – in front of city hall, noticed plaque which reads memory of Ed Colin dedicated to people's right to know. Near daily independent on Cashmere Lane. About 91 feet of Cashmere Lane where children wait for the school bus, the road is unfit, dangerous and needs attention. Also around la mirage, Cimarron Gardens convinced the bloods and cribs have established in that area, gunshots, police called, drive by shooting, mothers won't let children play outside for fear of being shot. Also as instance of what can happen, several weeks ago someone said RCPD was out there, called out to rescue a man being beaten by nine gang members. When they arrived was a near riot situation with 60 people with sticks and rocks trying to attach the police officers. As soon as police left the gang members found the man and began beating him again. Police called again. Admire police for their work. Next to draw attention to is regarding the golden handshake given to Pam Hill because of elimination of position in budget cuts. With her going, there is loss of potential revenue, CEQA and maps, needs to be looked at again. Also an article, reference the water ordinance. Controversy over water article read.
- Bob McDermott – few weeks ago was at meet and greet with new city manager, one topic was savings from lighting. As I take morning walk, comment comes to mind was that lights couldn't be taken out because of circuitry. Suggest putting a dummy bulb. Circuit could continue. Also, possibility of reducing wattage or putting in florescent bulbs.
- Bob Anderson – since now not on mandatory recycling, if you eliminate this does it take us up to paying more money to Benz?
 - Kurt Wilson – if you choose to opt out does it relieve you to making payment to Benz. Short answer is yes but caveat is depending on time of month you turn in the request to opt out. From the point you turn in the paper forward.
 - Bob Anderson – is there a deadline to turn in?
 - Kurt Wilson – no
 - Bob Anderson – how many recycling trucks were purchased for this city
 - Mayor Morgan – we believe 4, you will need to ask Benz

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- Council Member Taylor – public comment, not public question and answer. You can ask question but are not able to engage in real time.
- Jack Noyer – number one couldn't attend two meeting the other day, planning commission issue is veterinarian building. Can't afford SPCA rates high and was told people couldn't afford police dogs and other animals needing vet care. Try to induce Dr. Hanna to take one of RDA properties and turn into animal hospital. Administration just sign SBA money, local businesses should pursue some of this money. I have done small business loans; council members Holloway's financial institution also has done some. Next, several items in various budget, have gone back to find out how come not spending as much money on our police dogs. Line items in budget, consent items. Three pages with questions and will address in consent.

Closed at 6:26pm

Mayor Morgan – welcome to students, some of you have forms to sign, come up now for signatures.

PRESENTATIONS

1. **Presentation And Update Report Of American Recovery And Rehabilitation Act (ARRA) Lighting Improvements** **A. Taylor**
 - Ann Taylor gave presentation to council.
 - Kurt Wilson – this is one project council tasked staff to find fund, this also reduces electric bill. With regard to street lights, these are city owned not SCE lights. SCE owns approximately 96% of the city street lights.

DISCUSSION AND OTHER ACTION ITEMS

2. **Authorization To Award A Construction Contract For Construction/Reconstruction Of South Norma Street From Church Avenue To Upjohn Avenue To Bowman Asphalt, Inc.** **Speer**
 - Dennis Speer – gave staff report to council. Purpose construct/reconstruct street with CDBG funds. Outlined the bid process. Based on review, Bowman Asphalt, Inc. was lowest bidder. Recommendation to approve award, authorize City Manager to sign contract, and budget adjustment
 - Mayor Morgan – these are funds city apply for thru kern COG.
 - Dennis Speer – CDBG is administered by county.
 - Mayor Morgan – we apply for funds, get a few but not a bunch
 - Dennis Speer – correct, transportation funds different, these are more limited
 - Mayor Morgan – continue to put in for funds but not always successful.

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- Dennis Speer – allocated so much per year, when we get enough to do a project then can move forward. This was a project from last spring, rollover of funds from last year, and this year's allocation and advances two more years allocations.
- Randy Jenkins – ask question of mayor, Mr. Speer said you have taken some funds. Is this a flat bid? Can they add costs that can exceed the cost? Are they going to add things later?
 - Mayor Morgan – cannot add things later.

Motion To Approve Resolution Was Made By Council Member Holloway, Second By Council Member Taylor, Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, 0 Absent.

3. Authorization To Submit An Application For Federal Funding Under The Special Appropriations Act Project (SAAP) Grants Identified In The State And Tribal Assistance Grants (STAG) Account Of The Fiscal Year (FY) 2010 Appropriations Act **Speer**

- Dennis Speer – request to authorize submittal of application for special funding for the purpose to assist with cost of new wastewater facility. Phase I request was signed into law, final amount is 388,000. Matching funds are required. Environmental protection agency is requiring application for disbursement of funds.
- Council Member Holloway – this grant is based on total project cost?
 - Dennis Speer – no, in order to receive funds have to be prepared to match the funds received.
 - Council Member Holloway – actual cost of plat have anything to do with amount?
 - Dennis Speer – no
 - Council Member Holloway – hope we come in under the 46 million dollar mark.
- Jack Noyer – understanding now is wastewater treatment facility is located on base, owned by city and operated by government.
 - Mayor Morgan – we run it, base allows free rent to have on base.
 - Dennis Speer – in exchange for allowing city to be on base and operate, 30% of inflow to plant is from the base.
 - Jack Noyer – based on projected growth, why are we spending 46 million for our own facility? If rent free and everyone paying for usage, where is the 46 million dollar cost.
 - Council Member Taylor – capacity problem
 - Dennis Speer – currently operating at about 71% and will receive notices from environmental at 75%
 - Council Member Taylor – if reach capacity can't allow people to have own connections.

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- Mayor Morgan – if you would like to discuss further would be happy to discuss the history.
- Randy Jenkins – how much is our part of potentially 46 million?
 - Mayor Morgan – depends on number of grants we can get at time of construction.
 - Randy Jenkins – when is the building to begin
 - Mayor Morgan – current plant has capacity ok at this time, planning for the future to put project on shelf for when it is necessary. Upgraded the plant already and gained capacity lost over the years because plant had become inefficient. Had to fix and realign the ponds. A lot of money spent to get back into compliance; downturn of residency helped at the time, that trend has changed. Affluent is slowly reaching a point where we were in the early 90's and reaching a point that we may have to expand.
 - Randy Jenkins – can we do same as before rather than build
 - Mayor Morgan – unfortunately plant flow reaches 3 million, Lahontan will ask to see our plan, and we want to be ready for them.
 - Council Member Taylor – navy does not want us to expand facility on their property.
- Dave Matthews – will new plant include any water treatment to reuse the water?
 - Dennis Speer – one reason city has retained firms to prepare study to present to council of various types of treatment including fiduciary treatment.
 - Mayor Morgan – mention purple pipe, separate system to move that water. That will be looked at strongly. Vital interest to community.
 - Council Member Taylor – to save having to build, take shorter showers and flush less.

Motion To Approve Resolution Was Made By Council Member Carter, Second By Council Member Taylor, Motion Carried By Voice Vote.5 Ayes, 0 Nays, 0 Abstain, 0 Absent

CONSENT CALENDAR

4. Update The Federal Drug And Alcohol Testing Policy For The City Of Ridgecrest A. Taylor
5. Approve A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of October 2010 And Schedule Date Of Presentation Ford
6. Approve Council Expenditure List (DWR) Dated August 27, 2010 In The Amount Of \$381,448.10 Staheli
7. Approve Council Expenditure List (DWR) Dated September 10, 2010 In The Amount Of \$293,462.01 Staheli

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8. Approve Council Expenditure List (DWR) Dated September 24, 2010 In The Amount Of \$255,195.27 Staheli
9. Approve Agency Expenditure List (DWR) Dated August 27, 2010 In The Amount Of \$ 134,803.05 Staheli
10. Approve Agency Expenditure List (DWR) Dated September 10, 2010 In The Amount Of \$ 5,678.76 Staheli
11. Approve Agency Expenditure List (DWR) Dated September 24, 2010 In The Amount Of \$ 907.90 Staheli

Items Removed

- Item 6 removed by Jack Noyer

Motion To Approve Consent Calendar With Item 6 Pulled Was Made By Council Member Taylor, Second By Council Member Carter, 5 Ayes, 0 Nays, 0 Abstain, 0 Absent

Item 6 discussion

- Jack Noyer – look at budget and expenditures and lengthy lecture by finance about how does each department know they are within the guidelines. Page 11 Lemieux & O’Neill expenditures. Generally when you gave retainer it was applied to current billing then reduced by hours.
 - Keith Lemieux – retainer that is flat rate for general such as this meeting. Certain items are billed on an hourly or task basis, such as litigation.
 - Jack Noyer – did receive clarification about shredding service. Why don’t we use dart?
 - Tyrell Staheli – had problems with how shredding material was being disposed of.
 - Jack Noyer – if not compliant then understand. I did meet with Mr. Ponek who explained page 19 why we had to purchase manure when appears to be abundance in this room on occasion. He did explain it was needed for parks. Wanted to let you know that I am reading the budget. Assume you do go to department heads and get information and updates. You let department heads run the budget, saw a cooking class and some tootsie rolls. Appreciate your time.

Motion to approve item 6 was made by Council Member Wiknich, second by Council Member Taylor, motion carried by voice vote of 5 ayes, 0 nays, 0 abstain, and 0 absent.

COMMITTEES, BOARDS AND COMMISSIONS

Community Development Committee

Member: Steve Morgan, Ron Carter, Eric Kauffman, Jason Patin

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Meetings: 1st Thursday of the month at 5:00 p.m.; Council Conference Room

Next meeting October 7, 2010

- Mayor Morgan - Met Thursday, September 9. List from Gary Parsons will be discussed at next few meetings. List to work off of that is flexible on how to use funds in the community. County library was on agenda but major component did not attend. Bring back to following meeting. Old town committee update. Bringing back for budget discussions. Did not receive director's report. Committee is having a meeting tomorrow at 5:00pm upstairs in council conference room. County library and economic development discussion. Directors report.

RACVB

Council Members Chip Holloway, Jerry Taylor

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

Next meeting November 3, 2010 and location to be announced

- Council Member Holloway - Met this morning. Report read and presented to clerk. Available to public on request. Doug Lueck attended ground breaking ceremony for jawbone station visitor's center, Ridgecrest desert wild flower festival meeting, and advertising articles.

Parks, Recreation and Quality of Life Committee

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

Meetings: 1st Thursday of every even month at 12:00 p.m.; Kerr-McGee Center

Next meeting October 7, 2010

- Council Member Carter - Will meet tomorrow at noon to review project recommendations for the bond.

Youth Advisory Council

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

- Council Member Wiknich – infrastructure will meet Wednesday at 6pm to discuss road projects and engineering project, future schedule. Attended Kern COG, staff made warning about ARRA project invoices, so need to make sure all bills are submitted or won't be paid when funding runs out.
- Council Member Taylor – City Org Committee – meeting Wednesday at 5pm. Discuss alternative to add relief for full time planning position.
- Mayor Morgan – 4 council members attended league of California cities annual conference. Listed some seminars attended. Received information on greenhouse gasses, planning, and blueprint processes in changing AB32 and

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SB35. Staff can attend webinars on these. Seven step marketing program brought back for staff. Council members spent time in the exhibit center speaking to businesses such as waste management, bonds, and rubberized asphalt, concrete where water seeps thru and not pool for high flood areas, one that I found intriguing considering a public private service for library. Company willing to come give us a presentation. Solar field ground breaking today. Company has flash cam system, security system for the solar field, senses movement and takes pictures of anyone in the area. Could be of interest to us. City lighting generic information but have a catalog from one of these companies. Other financial companies we talked to, spoke with eCivis about grants.

- Council Member Taylor – add camera comment, does a verbal deterrent by speaking to person in the illegal area. Looked at demonstration on improving cross walks, safe routes to school, LED technology. Water presentation done by Rain Bird gave insight to AB181 geared toward large turf owners like school and heritage. Also attended joint meeting with water district, planning commission reviewing their own version of water ordinance new version will allow small amount of turf in new construction and limitations in rear turf. Spirit of Cal-Green building code coming. Was on administrative services committee with league of California cities. Not addressing diversity of small cities, large cities had vote.
- Mayor Morgan – one major resolution forwarded by desert mountain division and championed by revenue and taxation policy. Resolution to defer action on bills, several committees put forward resolution expressing league needed to state AB 32 and SB 35 needed to be suspended. What this means to Ridgecrest is they would expect us, if we rehab balsam street, to have a housing element on top of the buildings. Builders would not pencil out. We asked these be suspended, look at and define costs better. Three committees with amendment approved the suspension but when board took action, were blown off, happened second time. New league president is from Modesto, his theme is cities helping cities. Won't let them forget.
- Council Member Taylor – political dividing line is changing to coastal v inland. High density v. low density.

PUBLIC COMMENT

Opened at 7:16pm

- Robert Eierman – city attorney, council voted unanimously to ask for independent arbitrator. Seems you forgot one step. Only time you may do that is when city has found contractor in default on the agreement. Is cart before the horse or is contract in default
 - Mayor Morgan – disagreement between city and contractor
 - Robert Eierman – doesn't cut it, doesn't say you have disagreement. Your saying you have not found contractor in default
 - Mayor Morgan – you are trying to corner me.
 - Robert Eierman – no I'm not, just want to know if you have found contractor in default

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- Kurt Wilson – asking for legal opinion, best to let the attorney discuss.
- Dave Matthews – was informed this afternoon that the historical society met earlier today and has decided they want to move the old school house building out of Helmer's park.
 - Mayor Morgan – going to have an update about that subject
 - Dave Matthews – occurred to me, when I inquired about project being put over there, was informed building would not be an interference. Still believe is city's responsibility because that park is part of the heritage of city of Ridgecrest regardless of the school building. Was pointed out at historical society meeting that many of us have memories of that park because it was the only park in town when the city was incorporated. Begun to realize that city has been lacking in preserving some of its history. Understand that most of previous city council has been photographed and are in storage but a lot of things besides minutes that go along with preserving history. Will bring up in quality of life committee meeting tomorrow. Also want to mention speed reduction report. Stopped by security engineering a couple days ago and parked on the street. When I was leaving, was amazed at how fast traffic was moving in 25 mph zone suggest RCPD patrol more.
- Odessa Newman-Staples – wearing vice president of democratic club in Ridgecrest, opportunity to invite candidates and public to forum Saturday October 16th at 11am at Sizzler. All candidates welcome to attend, discuss your plans and why you are running.
- Ray Peters – Ridgecrest resident. 45 years in construction industry, 22 years in Navy. Trying to stir up public interest in helping the country's economic. Done some writings and trying to get people to open their eyes. Cost of construction permits in Ridgecrest. Letter regarding economic and employment problems and how getting building industry back on its feet. We are complacent in Ridgecrest because naval station is supporting area so heavily. Retired from the station, feel strongly the economic situation and employment situation we are in can be greatly reduced by getting housing industry back on its feet. A one-man crusade to do this, not a Politian or party-man, but conservatives I see talk about quit spending money. Not completely against that but put the money where it can do more good. Fail to understand why politicians can't see that. Solution to economic and employment problems, say how you are going to do it, offer a suggestion. Trying to get people interested and give a solution. Have 45 years experience in construction. Know back in the 90's we had problems and utilities lowered their fees, but a lot of other areas we can help by improving construction and giving jobs. Politicians can't see the forest for the trees. Trying to get food for thought out there and hopefully stir up some thoughts that this might work. Spoke on employee Francie Lewis, great employee willing to bend over backwards to help everybody. You can't convince me that there isn't anybody that isn't affected by the housing industry. Everybody is affected by the housing industry.
 - Mayor Morgan – are you going to present a copy of the document

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CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

- Announced special meeting on October 12 for trash workshop. Planning the same concept for budget workshops later this year.
- State of the City address to let people know other things that go on in the city.
- State budget update – floor vote scheduled for tomorrow, could have budget in place by early next week.
- Schoolhouse – historical society met today, concept of removing old schoolhouse, Mr. Bradley made several attempts to find location, historical society indicated interest. They have come to the point of voting to say they want the building, optimistic plans will be final in the next 48 hours.

MAYOR AND COUNCIL COMMENTS

- Mayor Morgan – one thing mentioned in league of California cities discussion, don't understand or was not aware of. Over the years, most communities own their lighting systems. Purchased from electric companies. They didn't understand our problem; we can't just go change a light because we don't own them. Maybe in future can begin changing this. Other thing will mention is we received report from city attorney. When council members are accused of lying, violating your rights to vote, or not allowing initiatives on ballot. Council now has a court document that says we were right, they have nothing.
- Council Member Carter – thanked candidate and invite them to two forums. Hope they participate. Anything our candidates can do to get their message out we would appreciate. Everybody have a great weekend.
- Council Member Wiknich – motocross this past weekend, volunteered with PACT. Well organized event, everything went well, enjoyed helping out. Also bring to council attention, cut a water line to go to Trona. Example of one thing we hear a lot about, when water district cuts pavement for water line, usually not a good patch but whoever did the patch across California Street did excellent job. Hope they continue with that patch thru civic center.
- Council Member Holloway – want to touch a little on trip to San Diego league conference. Mayor of city of Barstow is trying to create film commission and trying to compete with Ridgecrest. Tired of hearing how good they are. Was quite stunning to me to get that interaction. Our film commission doing incredible job. Think about the area of Barstow, could you simulate things there like in Ridgecrest. We are a film friendly community and have we established groundwork to build the RACVB up. Want to congratulate everyone who participates, especially BLM. Also alternative energy projects, we tested the water then pulled back, encourage us to explore a utility district in our community. Cost opposed to revenue we could generate, opportunity will be incredible. We have to create a new revenue source and utility district could help. State is trying to eliminate but need to look at. Other thing saw at league is surplus property in city and brought up the idea to put it on eBay. One booth at league is called government deals; they put the package together and sell it for

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- us. Prop 22 on November 2 ballot. Cities have escaped budget but if prop 22 needs yes vote.
- Council Member Taylor – interesting what Mr. Peters brought up, award winner in economic development was a city that cut fee structure and had growth in the city. This is challenging agenda but encourage as a discussion item. Reason fees like these were established were increased needs in sewer and other utilities. Pavement management system has been funded, will be surveying every street in Ridgecrest, looking forward to final report. Water district update. New technology viewed for smart watering. Every well owner in valley is seeing water levels go down. Military banner program, met last week, rotary club meeting next week. Will be happening soon. One agenda item in public comment, intent of splitting public comment was to give people opportunity to speak not to have two public comments. Apologize for my comments; this is your opportunity to tell us what is wrong, not a time for debate. Is frustrating and becomes cumbersome.
 - Mayor Morgan – City Manager just passed budget package, additional copies available. Final comment that has been thru it before and had campaign signs stolen, destroyed, burned. If you see anyone messing with campaign signs, call us. Have a great night.

ADJOURNMENT – 7:55pm


Rachel J. Ford, CMC - City Clerk