



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

**Council Conference Room (2nd Floor)
100 West California Avenue
Ridgecrest, California 93555**

**September 28, 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/Financing Authority. Meetings are recorded for the purpose of preparation of minutes.

CALL TO ORDER at 6:03pm

Mayor Morgan gave outline of procedure for the meeting.

ROLL CALL

Council Members Present: Mayor Morgan, Council Members 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 Holloway, Second By Council Member Carter, Motion Carried By Voice Vote Of 5 Ayes, 0 Nays, 0 Abstain, And 0 Absent.

SPECIAL SESSION

PUBLIC COMMENT

- Opened at 6:05pm
- Brian waterman – tomorrow night on CNBC a special called trash.inc. garbage is everywhere. Nice for everyone to watch.
- Jack Noyer – tried to stay out of trash but question, as former banker, Benz borrowed money based on contract entered into with city. 4 million in assets purchased. Now as trying to negotiation and settle, doesn't deserve 60 million but is out 4 million and has been performing a service that he is out money. Suggest buying all trucks and blue Benz and haul it ourselves. Other alternatives than going to litigation. Volunteer own service to sit down and develop cash flow. Volunteer to work with city and Benz to get resolved.
- Connie Anderson – been following this since began, very disconcerting. Would like city council to look at 1) don't understand why if not supposed to have contract with one company past 30 years why is there a problem with this

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because have to negotiate. 2) most people would like trash hauled but rates are astronomical. 3) why aren't people actually getting service for utility instead of homeowner. Some renters can't afford the rates, hardship on the owners. Have 3 apartments that went from \$25 per month to \$183. Understand council is under pressure to do something and had to act quickly, but time to look at other options. We can have our own trash company and get other bids. Thank council for all their hard work.

- Tamara Jones – am a renter and getting billed, my landlord doesn't know she has a back bill, I'm picking it up and said I would take care of it. Currently getting double billed. Didn't know about it until came to city hall to get it straight. Benz is carrying past due on a bill I paid with city. Why wasn't I ever informed. No notices. Have still not seen a notice a year after the fact. Seen things posted but never received anything in the mail. Lake Tahoe doesn't charge as much as they do here. Need to be clear and communicate to the general public. Had to take time off from work as personal leave to take care of garbage bill.
 - Mayor Morgan – were you able to get your information to city
 - Tamara Jones – received the form but haven't had time to fill out and submit
- Walt Maurer – few meetings ago council was deliberating whether to pay a portion of bill as requested by Benz. Citizen pointed out city had made contract with Benz. Now in situation with potential litigation. My view was when council enacted own voluntary policy that Benz perceived as breach of contract. What would council have expected Benz to do. Agreement was made, city should live up to that agreement. Hope city will look at what has been spent and city needs to honor their agreement. If city had willingness to keep that agreement wouldn't be here now. Contractual agreements.
- Ron porter – any information released at this time pertaining to the claim?
 - Mayor Morgan – not at this time
- Brian Waterman – question on July 29 meeting issues of rather agreement the city was obligated to pay commercial. Some concern. Amount at that meeting was \$136k. two motions to pay less the commercial and a motion to pay \$136k less billing errors. Any determination that the city is required to pay commercial? Wondering where that is going.
- Stan Rajtora – agree with some comments. We have contract and need to honor however if it truly does end in December, running out of time to do a good RFP. Suggest start working on a package.

Closed at 6:18pm

- Keith Lemieux – statement pertaining to public comment. Please keep in mind all we are considering tonight is the claim that Benz has presented us. All council can do tonight is either honor the claim for \$64 million or reject it. Decision tonight does not prohibit the council from pursuing other agreements with Benz.

Council adjourned to closed session.

CLOSED SESSION

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GC54956.9(b) Conference With Legal Counsel – Potential Litigation - Benz Sanitation v. City of Ridgecrest - Claim No. 10-09 (as amended)

CITY ATTORNEY REPORTS

- ❖ Closed Session
 - Keith Lemieux – claim of Benz Sanitation. Received report. Council voted unanimously to reject the claim.

ADJOURNMENT

Adjourned at 6:29pm



Rachel J. Ford, CMC - City Clerk