



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

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

**September 7, 2011  
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 solely for the purpose of preparation of minutes.

**CALL TO ORDER – 5:30 p.m.**

**ROLL CALL**

**PRESENT:** Mayor Ronald H. Carter; Mayor Pro-Tem Marshall 'Chip' Holloway; Vice Mayor Jerry D. Taylor; and Council Members Steven P. Morgan and Jason Patin

**STAFF:** Kurt Wilson City Manager; Rachel J. Ford, City Clerk; Keith Lemieux, City Attorney and other personnel

**APPROVAL OF AGENDA**

Motion to Approve Agenda Made By Council Member Morgan, Second By Council Member Holloway. Motion Carried By Voice Vote Of 3 Ayes; 0 Nays; 2 Absent (Jason Patin, Jerry Taylor); 0 Abstain.

**PUBLIC COMMENT – CLOSED SESSION**

- None presented

**CLOSED SESSION – 5:30 p.m.**

- |               |   |
|---------------|---|
| GC54956.9 (A) | Conference with Legal Counsel; Existing Litigation; City Of Ridgecrest v. Benz Sanitation, Inc.   |
| GC54956.9 (A) | Conference with Legal Counsel; Existing Litigation, Benz Sanitation, Inc. v. City Of Ridgecrest   |
| GC54957.6     | Labor Negotiations – United Food and Commercial Workers Local 8 (UFCW); Police Employee Association of Ridgecrest (PEAR); Mid-Management Group of Employees (MM); |

Confidential Group of Employees (CO); Management Group of Employees (MG) – Agency Negotiator City Manager Kurt Wilson

Council Member Taylor is Present.

Council Member Patin is Present.

**REGULAR SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation

**CITY ATTORNEY REPORTS**

- Closed Session
  - Did not discuss item 1 but received reports on item 2 and 3. No action taken.
- Other
  - Gave update to public of litigation outcome from September 1 hearing, Benz Sanitation, Inc. v. City of Ridgecrest. Benz preliminary Motion considered and denied by the Judge. City has filed Demur to have the case dismissed.

**PRESENTATIONS**

**1. Proclamation And A Time For Public Remembrance For Former City Manager Harvey M. Rose Council**

- Keith Lemieux – sense of humor, made meetings bearable with quips to help us focus. Considerate person. Much work behind the scenes. Put everything into the job which is benefit to City. Made big dent in work needing to be done and left a large hole when he left. Health failing but came back on interim basis and didn't shirk responsibility. City Manager not a glorious job and he made the best of it. Will be missed.
- Tom Wiknich – thanked council for moment to share. When first elected got to know Harvey. His knowledge of city business before he even came here was amazing and unmatched. Impressed with the way he performed in his job. Gauged worth of ideas by his reaction. Best reaction was 'oh, I'm going to love this one.' Recommendations were valuable. Join with everyone else that he will be missed.
- Dave Matthews – all the years watching council, Harvey was one of the best city managers. His knowledge was great and always respected him. Always called me David out of respect. When read his passing realized he was 14 years junior to my age, usually they look up to seniors but I looked up to Harvey. One few times seen outside city hall was at a play and the relay for life. Will miss he emails and him. Here is to you Harvey.
- Kurt Wilson – echoed Mr. Lemieux's comments. People never really knew how much he did for the city. before coming here, there was a long gap while I made

up my mind to come here and Harvey went out of his way to make sure things were settled before he left which helped me make the decision to come here. When finishing up things from previous position Harvey stayed and worked even though his health was failing. Up to the very end just a few weeks ago, he was still in touch helping with things still going on here.

- Jason Patin – was here as planning commissioner so had little interaction however when I did it was brief and to the point. What I do know is he served the city well and was well loved in the community. His dedication kept his personal life on hold while he served us. Left the city a better place than when he came.
- Jerry Taylor – only knew Harvey briefly but was very memorable. His wit and humor and his controlling my energy was like playing a game of chess. Coming back to interim was a major gift to this community. As a people person, reached out to staff. Getting the call that he had passed was a shock. Appreciated him being here, speaking on the radio after retirement and his dedication to this community.
- Chip Holloway – memorializing Harvey is right with this agenda. He loved this city and the staff and protected the staff at all times. Many times I went in with a question that should have taken 5 minutes and would end up an hour because he would relate many situations that applied. His calm demeanor was relayed to the council members allowing us to do things in rough situations. When Harvey retired the first time we roasted him, so he did know how much this community loved him. Harvey had I had a unique relationship. Called me 'young Mr. Holloway.' And the 'Wildman of the council'. He relayed to me once that he did have a long lost love. Harvey never found the perfect woman again after losing the first love of his life. We will miss Harvey.
- Steve Morgan – when Ron and I were part of the group that hired Harvey and went thru his qualifications and spoke with him, got the feeling this was a man that would give everything he had if hired. He never disappointed me. Told him we needed him. Knew it was difficult on him but he never let the public know. He soldiered on and did outstanding work, and as city manager Wilson mentioned we were still in touch with him on subjects that he was helping with. He and Nito are looking down from heaven and he would be upset if I did not mention that we lost another employee, our police dog Nito. When Harvey and myself and Jerry Helt went to Washington DC, I had to relate a story to Harvey when base legal found out I was going they pulled me into the office to tell me I could only represent the City and could not talk to congressman Thomas. Harvey must have told him because Congressman Thomas already knew. He also protected staff members. Same trip Barbara Boxer spoke of things she was doing for California and mentioned wilderness acts and protection. I began to fidget and felt a hand clamp on my thigh; it was Harvey who was not going to let me say anything. When you lose a friend and close co-worker and family member, it is difficult to think that he is gone, but his legacy in Ridgcrest will endure forever.
- Ron Carter – glad we have this opportunity to honor Harvey. He became a friend, would go to his office with a question and come out an expert. May have

taken some time, the school and Las Flores knew that if I was going to see Harvey I would not be right back. No matter what we as council asked, he always had an experience to help us. Wealth of knowledge that he shared and made it easy for us council. Kept things smooth and solved problems before they got to us. When he retired we wanted to honor him and so he insisted that his retirement became a fundraiser for the youth. When I asked how we would get the funds for the refreshments I found out after the fact that he paid for it himself. When we interviewed Harvey, I knew this was who we wanted. Knew he would be dedicated to this community and he met all of our expectations. He didn't brag, never heard him say 'I'. I will miss Harvey, you were a friend and I love you very much. Feel he will continue to guide us.

- Al Huey – as a citizen, spent time with Harvey while I ran for city council. He was an amazing individual. Dealt with other city manager, and Harvey set the bar high. He had the utmost respect for citizens who came in to discuss issues. You see most citizens when they are complaining about something, Harvey always had time to meet with citizens and return calls. Many did not know he had a sense of humor, during the recent debt debate Harvey sent out a cartoon that referred to the debt. He had great humor. Will miss him and was totally surprised at his passing. I, along with council and staff will miss him. Rest in peace Harvey.
- Eva Peterson – read a passage from her article in the paper.

**2. Recognition Of The Citizen Evaluation Panel For Their Assistance Evaluating The Solid Waste Request For Proposals** **Wilson**

- Council presented certificates of appreciation to members of the citizen panel who reviewed the RFP and put together recommendations for council to consider. Steve Boster, Chuck Roulund, Kaleb Werkentin; and Stan Rajtora.

**3. Presentation And Update To Council Of The City Solar Voltaic Field** **Bradley**

- Craig Bradley – gave update report to council of the recently completed solar field. Harvey started this project and was instrumental in helping this project succeed. Went online in March and is performing at and above all previous predictions. Currently CSI payments are averaging \$30,000 per month for payback of the construction. Anticipating \$330,000 CSI payments annually in addition to approximately \$6000 in energy savings. Energy and carbon credits have met 2020 requirements which help the county. Share savings if project came in under budget. Received check for \$19,000 plus. In-house portion still in progress for security upgrades and anticipate that also coming in under budget.

**PUBLIC COMMENT**

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- Christina Witt – when having a service like the one for Mr. Rose we can only hope that when our time comes that we have affected that many lives in a positive way. Kiwanis walk-a-thon is coming up and is an opportunity to raise funds for school projects. Funds earned are also given in scholarships at the college and high school and to help disadvantaged children purchase school supplies and school clubs. 100% of funds raised stay in the community. Gave totals of funds raised in past years and asked community to participate.
- Harris Brokke – desert wildflower festival was successful this year and next year will be better. Holding public forums Tuesday September 20 at 5:30 and September 29 at noon at carriage inn to discuss April 13-15 festival. May RSVP for forums with the RACVB. Value to being involved in this wildflower festival. Presentation at October chamber of commerce meeting and other venues in the future.
- Les Saxton – business owner in the community with concerns about the City. No growth or diversity in industries. Serve people in the community and have a feel for the direction we are headed which is back in the 1990's. Encourage council to consider hiring a lobbyist to represent our city to talk to people like the department of energy to consider Ridgecrest for industries. Property values are declining and large housing stock unfilled. Need something that will bring business to this community and start with a government industry that can be paired with small retail or other businesses. Bring the people. Out town is withering and gross receipts are dropping. Can't hire more people until things begin to grow. Need industrial diversity and asking council to consider. Need to get more business in town, even if it is government. Lobbyist could interface for us where we can't do for ourselves. Look at and think about the concept. Need to think about what we are going to do and how.
- Dave Matthews – agree with Mr. Saxton, problem with going to government department is they have to fight each other to get something accomplished. A lot of things going on in town. One other thing about Mr. Rose, we used to call the City Manager a City Administrator and Mr. Rose was our first city manager. Parade of 1000 flags this weekend and encourage community to participate. Spoke on letter to editor from Jack Noyer about Las Flores project and agree with him. Planning commission public hearing was held and regulations state residences 300 ft from construction were notified but think city needs to expand the limit to notify more people of the public hearings. US Constitution day and sad to see no city proclamation for constitution week. Next council meeting expect a big announcement from me.
- Manuel Farmer – Metcalf project, there are 389 vacant houses on the market right now, yet we want to build 80 homes that nobody will buy or move into. Low income is not \$150,000 home. Only thing in this is we transfer 1.5 million dollars from RDA to the general fund. Is that the purpose of this project?
- Dolores Quick – hoping problem is solved, been hauling trash for past 2 weeks, want to offer apology to Benz and don't think contract for waste management is worth the paper it is written on. Been getting the run around the past few days, I contacted them and have not been contacted back. Was told off by someone on

their phone. As a business owner, am desperately trying to hold on. Tired of calling police department to have them monitor the trash. Beg council to make this mandatory trash, other people dumping their trash in my dumpster. If you give people the option, they will continue to steal my trash service. Other option is recyclables will be dumped every other week, can't survive with that schedule, need it dumped every week for businesses. Ask council to reconsider. Make trash mandatory for residential so they won't continue to steal my trash service.

- Carol Vaughn – reiterate what Dolores has said and remind council that when teleconferencing you don't see the audience. Wanted to make sure you are aware that at the last council meeting, have seen more business people show up and express concern than ever in a let's do something right way. It is important we not linger in making a plan and finding a way to do proactive planning to stabilize this community. Small downsize on DOD part dramatically affects this community. Not looking forward to another 1990's downsize, need council to look forward and take action. At risk with one employer.
- Jim Davis – thank you for the attention and concern. I felt disgruntled and was overheard and thank our city manager for showing the concern that he would have waste management contact us. I manage carriage inn and was concerned with the holidays and overload of trash along with the recycling mandates. Thanked all of council for their efforts. Thank Kurt Wilson for getting waste management to assist me with my concerns.

## CONSENT CALENDAR

4. Adopt A Resolution Of The City Council Of The City Of Ridgecrest Approving The Final Balancing Change Order For Contract Price In The Amount Of \$312,354.94; And Authorizing The City Manager To Sign The Notice Of Completion; The City Clerk To File The Notice Of Completion; And City Staff To Release Retained Funds For The Upjohn Ave. And Bowman Rd. Bike / Pedestrian Improvements Speer
5. Adopt A Resolution Of The City Council To Enter Into Contract With HLA Consultant Group For Pinney Pool And Authorizing City Manager To Sign The Contract Ponek
6. Adopt A Resolution Adopting A New Memorandum Of Understanding Between The City Of Ridgecrest And The Police Employee Association Of Ridgecrest (PEAR) Wilson
7. Adopt A Resolution Adopting A New Memorandum Of Understanding Between The City Of Ridgecrest And The United Food And Commercial Workers Golden State 8 (UFCW) Wilson
8. Adopt A Resolution Of The Ridgecrest City Council Approving A Loan Between The Waste Water Fund And The City General Fund Staheli

- Items pulled 5,6,7,8

*Motion To Approve Item 4 Was Made By Council Member Morgan, Second By Council Member Patin. Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Abstain; And 0 Absent.*

#### ITEM 5 discussion

- Jim Ponek – gave staff report and quality of life recommendations.
- Jerry Taylor – concern is only TAB project being done are from quality of life. Supportive of the pool, but don't understand why we can't have vendors come give us estimates, why keep paying a consultant.
- Jim Ponek – HLA has been here and staff can't answer all details for council. HLA will put together with another aquatics group 3 scenarios including repair, rebuild exactly what we have, or rebuilding a full complex. Staff believes we do this the right way.
- Jerry Taylor – balancing a lot of desires with very little money, concerned that need to prioritize projects and don't need detailed cost analysis to prioritize. Not against the projects but have challenges in terms of costs being higher than planned. Ask committee to stop spending money and figure out what we want to focus on. Concern of an aquatics park, example Palmdale, only recoups 2/3<sup>rd</sup> of their cost and we do not have that customer base. Don't feel we can afford a full park and need to begin thinking about a business model that we can afford to maintain.
- Ron Carter – can consultant look at business plan model and give recommendations?
- Jim Ponek – that is what was discussed with the consultants. Want to see the full numbers.
- Jerry Taylor – if going to spend the money to figure out the cost to maintain what we have or to build a similar pool, have a hard time moving forward on something bigger. Supportive of the pool but need to manage what we can afford.
- Jason Patin – has some of the same concerns. Committee spent 7 hours discussing this issue. Started a full parks plan and received a plan without the pool, so now piecing together a master plan for all parks including the pool. Something as important as this wanted to get council input before moving forward. Can't start taking and giving until we know what is involved, don't want to move forward until all parks including pool are included in the plan.
- Chip Holloway – everybody on the same path. Don't think we will get the full level of cost at this point. Can't leave the pool out of the equation. Every 16 months have an emergency repair. For me, are we at a point that we don't want to put another dollar into the pool, could have an interim closure while a new pool is being built or other facility. Want to move forward with consultant to get a full plan in place with the costs so we can make a good decision for long term. Don't want to throw good money after bad. Palmdale's biggest problem is they have to

compete with hurricane harbor. Need more investigation and is justified in hiring consultant to do the investigation.

- Christina Witt – in Nebraska there was a spray park, can something like that be in the proposal?
- Jim Ponek – a portion of the aquatics complexes include Spray Park which will be addressed.
- Christina Witt – in the summer, family lives at the pool. Is there a possibility of opening the pool year round? Aqua-aerobics classes and others are very popular. Also, Wi-Fi access might be considered with a fee for those who bring computers to the pool while their children are swimming.
- Jim Ponek – all considered in this report.
- Ron Porter – council agreed before TAB funds were spent there would be a general outline and have not seen this yet. Need this before moving forward. This is jumping the gun, has worked facility maintenance and should already have an identified maintenance plan which has not been developed. Also need to see improvement vs. maintenance. Example of a filter system lifespan. Need to look at pool separately from Water Park so we can make decisions separately later. Have to put out a list of what needs to be repaired or replaced.
- Unknown Speaker – need aquatics for the children year round. Children need to learn how to swim. Need pool to help keep kids cool in summer. Think city should get contract that will produce something now. Doesn't need something big, get something that fits the size of the city. Should consider the children's future to teach them how to survive in the water, helps disables also for exercise. Fitness classes for everyone. Ask council not to close the pool.
- Tony Small – thanked council and Jim Ponek for the passion to support the youth. Can we move forward without the study? Concern same as Mr. Taylor. Need to prioritize and move forward.
- Dave Matthews – haven't heard mention of health department issues and HLA consultants checked for their favorite pool consultant who is the same people who already have the pool. This is not additional funds but is part of the original allocation.
- Al Huey – in listening to this discussion, need to realize what is happening to the economy today. Needs and Wants, example of Downs street median was built to improve the looks of the community and bring people here, didn't look ahead at the costs to maintain these and now citizens are volunteering their own time and supplies. If you can honestly say things are going to get better financially, then you are smoking some weird stuff. Pinney Pool and parks are discretionary money and not as many people have discretionary money available. What do we need rather than what do we want. Aquatics Park is a great concept but right now need to look at our needs. If things turn around then bring it back to the table.
- Mike Neel – agree with Jerry Taylor, need to be practical. One problem is the ones looking at this 5 million dollar complex are imbedded in this. If we take the aquatics complex off the table then cost will go down. Fix the pool and do it

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cheap with contractors who can give you estimates for free. There are many contractors who will evaluate and give an exact cost of parts and labor.

- Jim Ponek – HLA group and they are working with aquatic design group who originally built Pinney Pool.
- Jerry Taylor – for the pool, wife was a coach and son and relatives were lifeguards. Always try to find the money to maintain the pool but do it economically.

*Motion To Approve A Resolution Of The City Council To Enter Into Contract With HLA Consultant Group For Pinney Pool And Authorizing City Manager To Sign The Contract Made By Council Member Holloway, Second By Council Member Patin. Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Abstain; And 0 Absent.*

**Item 6 and 7 Discussion**

- Jerry Taylor – for the public, council was briefed in closed session. Fully support maintaining contracts with current employees but want a two-tiered system retirement system and these contracts do not address that.
- Dave Matthews – for the next two items, do not see the actual agreement in the packet, isn't it public, why isn't it there and where can I find it.
- Kurt Wilson – followed historic practice, have copies here if you would like but final portions not available until the past few hours.
- Ron Porter – would like to see the changes. No identification of what was authorized and have problem with council voting on something that public can't even comment on. Put on website for public comment and move to next meeting agenda.

*Motion To Approve Items 6 And 7, Resolutions Adopting Memorandums Of Understanding With United Food And Commercial Workers Union And Police Employee Association Of Ridgcrest Made By Council Member Morgan, Second Council Member Holloway. Motion Carried By Voice Vote Of 4 Ayes, 1 Nay (Council Member Taylor), 0 Abstain, And 0 Absent.*

**Item 8 Discussion**

- Kurt Wilson – gave staff report to council. April budget terminated the fee due to concerns and after further conversations with legal still believe the transfer of funds was appropriate but difficult to justify due to lack of documentation. Recommend repayment with interest.
- Christina Witt – asked for re-explanation.
- Kurt Wilson – item is not a new transfer of funds, it is taking previously transferred funds into a loan to be returned to the enterprise fund with interest. No additional funds going to general fund.

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- Manual Farmer – we misappropriated funds with no documentation? Is there currently a court hearing going on over the 4.5 million dollars taken from wastewater funds?
- Ron Porter – from memory, fee was supposed to be set aside for new facility. Public should be informed of the past. Want to see an outline of the property taxes. Where was the money spent and why?
- Kurt Wilson – there are a few items but not related to this. This was related to an in-lieu fee.
- Ron Porter – this money came out of property tax?
- Kurt Wilson – this money came out of the wastewater fund to general fund.
- Ron Porter – the fund we are talking about is paid for by assessment of property taxes?
- Steve Morgan – recommend speaking with Mr. Porter to get the answers.
- Ron Carter – please make appointment with city manager.
- Keith Lemieux – fund developed by sewer service, this fee was an in-lieu of taxes fee similar to solid waste franchise fee and has to be based on actual costs. Backup was not sufficient to support this as a fee. City has ability to loan money from funds and legal recommended this be a loan from the fund to general fund and will now be paid back.
- Dave Matthews – wanted this item pulled because I thought it was a new fund coming out of the wastewater fund but is satisfied.
- Al Huey – is this not the fund, many councils ago that was set up to make improvements for sewer facility and prepare for the expense? I remember years ago, one council member would say no we are not taking money out of that fund?
- Steve Morgan – this money was always intended to be a loan and we are correcting that part.
- Al Huey – unfortunate the money had to be borrowed in the first place same as social security.
- Mike Neel – tempted to get information since very little on agenda. First fiscal year transfer. Approximately 2006 this fee was started. In April it was decided to pay the fee back.
- Kurt Wilson – in April the decision was to terminate the fee so the transfer did not take place.
- Mike Neel – request for information in February which was ignored. For 6 years council approved the franchise fee on wastewater fund. Looks strange this appeared and suddenly court case continues and very little documentation has been provided and now suddenly paying back. It was inappropriate from day one and is still going on. Money has been taken out for a long time and there are answers to be made. Looks like misappropriation of funds or attorney general will be contacted.
- Keith Lemieux – there is an administrative fee that has been and continues to be assessed to reimburse city for administration of the fund; the franchise fee was begun approximately 6 years ago. Not properly documented and in abundance of caution recommended the city treat as a loan.

- Mike Neel – gave amounts for past few years. Other cities assess 3% - 4% and Ridgecrest is well above that amount.

*Motion To Approve Repayment Of A Loan From The Wastewater Fund Made By Council Member Patin, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Absent; And 0 Abstain.*

## ORDINANCES AND PUBLIC HEARINGS

**9. A Public Hearing For Council To Receive Comments Pertaining To An Appeal Of Approval By The Planning Commission By Resolution 11-09. SPR 11-03 Is An Application To Construct A New Office Building At The SW Corner Of N. China Lake Blvd. And Felspar Ave., APN 067-040-06 McRea**

- Jim McRea – gave staff report and briefed council on planning commission reports and recommendations and the items being appealed by the applicant.
- Chuck Cordell – bought the property and tore down a building that was about to fall down. Over a year ago everyone was ecstatic for me to tear the building down and construct a nicer building. Put together plans and met with engineering. On individual cases, there can't be a black and white solution. Against flood study, not adding anything that hasn't been there for well over 50 years and property is completely paved. As for paving Felspar street, have viewed the street and it is in better condition than approximately 70% of the streets in Ridgecrest. It is not failing; city owns the street and is supposed to be maintained by the city. Why hasn't city fixed and maintained it to this point? Have complied with all other provisions requested of me. I am reinvesting in 3 businesses in Ridgecrest, started with 2 employees and now have 75 employees. Ask council to support me.
- Steve Morgan – thanked planning commission for doing what was expected of them. They approved what was in the code and when the appeal was filed the commission expressed their concerns. Confused on item 2 what is being asked. 2A with drainage improvements or the grading and survey as well.
- Chuck Cordell – property is already built up and don't need it higher, don't object with running some drainage into the planters. Don't have the funding for two more studies, can't have it cost more to develop the studies.
- Steve Morgan – in final plans if you show the slope, drainage, and where the water is going, will that be ok? Other question is you are not objecting into putting an amount of money into the street fund so that when the street is improved you help fund the portion in front of your business.
- Chuck Cordell – don't want to do the actual improvement myself, have paid into substandard street funds before.
- Steve Morgan – don't object to the substandard street fund or to the final plans showing the drainage plans.
- Jim McRea – substandard street fee is assessed on certain streets and Felspar is on that list. The PMS gave this street an index of 11 which says the developer

should pay for the development to bring up to a certain level. Agency said they would make a grant to property owner for blight removal and increase the substandard street fee. Has to pay impact development fee because the entire building was removed rather than improving a blighted building. Council does have the latitude to authorize the two things mentioned, could also augment curb to curb improvements.

- Steve Morgan – reduction in cost to the developer would be solved.
- Jason Patin – how did we get here? The two conditions set were because of our code?
- Jim McRea – based on both municipal code and recent PMS study.
- Jason Patin – knock down a building and get extra fees but leave some of it up then fees go away, perhaps need to look at the code to make it easier for someone to improve our developments. A lot of contractors having same issues. We have authority to change some of it. Need to look at what we do have control over.
- Jim McRea – engineering department is following the code and asking for onsite drainage, always a puddle south of this project which is Caltrans problem but Caltrans looks to the city to solve that problem. New buildings don't want additional water on the street and try to contain the water onsite.
- Jerry Taylor – code needs to be changed, planning commission hands are tied and this needs to be fixed long-term. In past city engineer had latitude, this engineer is doing his due diligence. The old blighted building used to sheet water, don't really want to pave the street.
- Chip Holloway – some people wouldn't even go to this step, just walk away from a project. This process is working and code needs to be reviewed. Amend the OPA.
- Ron Carter – concur with council comments.
- Ron Porter – if a poor paved street next to construction then would be a blighted area, why punish people for building in an older or more poorly maintained area. Not fair or reasonable.
- Chip Holloway – recommend motion as recommended by staff report. Deny the appeal and increase money when RDA funds become available.
- Steve Morgan – asked applicant if he understood what was happening.
- Chuck Cordell – understand but the price to pay is around \$20,000 v. \$3,000. If can work something out for full cost then ok.
- Chip Holloway – haven't developed OPA and entering into conjoined contracts. Can remove the conditions and sustain appeal and then put improvements into the OPA. Or you can say engineer says you have to repave Felspar and come up with funding source in the OPA.
- Jerry Taylor – looking at someone trying to fix blighted property and feel in this case we had an agreement and he was blindsided by the process which needs to be fixed. This gentleman is not damaging the street any more than already or putting any more water on the street than already there.
- Jason Patin – trying to set precedence to change the way things are done. Throwing a band aid on it does not fix the problem with the code.

- Chip Holloway – staff recommendation solves two problems including converting redevelopment funds to a street.
- Jerry Taylor – agree with paving street with redevelopment as an improvement, should fix the whole street and not just his half. All for not doing what we discussed earlier and bring a lot of projects with TAB funds.
- Jason Patin – whether this is approved or denied can still do this.
- Steve Morgan – cannot eliminate a fee for the building of this project because everyone in the future would have a precedence not to pay. Agree he should not have to pay to do the street; the fee is structured to help with paving the street. To eliminate it is the wrong thing to do. The motion on the floor is for him to not pay anything for that street in the future while he is developing the property.
- Jerry Taylor – if PMS didn't have that number and interpretation the condition would not exist and secondly he would not have the condition if the entire building had not been knocked down.
- Jim McRea – approval of the motion does not eliminate the condition to pay the substandard street fee.
- Jerry Taylor – code needs to be changed and look to this going to infrastructure committee.
- Jason Patin – not removing the fee.

*Motion To Uphold Appeal Removing Both Conditions Of Drainage And Paving The Street, Substandard Street Fee To Remain Made By Council Member Taylor, Second By Council Member Patin. Motion Carried By 5 Ayes, 0 Nays, 0 Absent, And 0 Abstain.*

**10. Introduction And First Reading Of An Urgency Ordinance Amending The Municipal Code With Regard To Solid Waste Curbside Pickup Lemieux**

- Keith Lemieux – ordinance to change certain parts of the code. 3 separate sections that discuss solid waste and sanitation. Purpose is to consolidate and make consistent. This does away with the opt-out system and all connected sections. Make code simpler. Secondly it clears up sections that describe the solid waste franchise. Is an urgency ordinance to take effect immediately and want to be applicable as soon as possible to apply to interim and permanent franchise?
- Steve Morgan – if an individual wants to haul their own trash they may do so.
- Keith Lemieux – correct, noted section that allows self-haul.
- Christina Witt – clarification of franchise fee, what does it do?
- Keith Lemieux – purpose is to reimburse city for cost of street usage for private business.
- Christina Witt – typically fees are passed to individuals.
- Keith Lemieux – fees are set to generate a profit.
- Christina Witt – what is procedure to change franchise fee?
- Keith Lemieux – set in the agreement.

- Dave Matthews – want to clarify the self-haul option for residents. Does the resident have to file paperwork with city or hauler to document self-haul? If not, then they should to prevent them from taking to someone else's dumpster.
- Joe Conway – in original ordinance there was a transfer facility?
- Keith Lemieux – there was talk about a transfer facility in relation to fees by the former hauler. Part of prior haulers justification for the fees charged. For them to take waste to county of Los Angeles does there have to be an agreement for overage?
- Keith Lemieux – that would be a question for the upcoming franchise discussion.
- Al Huey – comment of code violation as mentioned. Number of years ago had issue and police department would not do anything. Commercial accounts are pained by illegal dumping in their dumpsters. If someone sneaked over and dumped in my bin, then I would secure it. That is what businesses should do. Put a lock on it and remove it for dumping.
- Jim Davis – would like a copy of that ordinance to post on my current dumpsters. Will it be enforced?
- Chip Holloway – some stated concern 3.5703 is the only reference to recycle. Has trash morphed into recycling?
- Keith Lemieux – mentioning them repeatedly is confusing; a discarded material that cannot be recycled is solid waste. Made an effort to make this as simple as possible.
- Steve Morgan – future committee look at beefing up the penalties for illegal dumping.

### **Motions**

1. *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 Council Member Morgan, Second By Council Member Holloway. Motion Carried By Roll Call Vote Of 5 Ayes, 0 Nays, 0 Abstain, And 0 Absent*
2. *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 Council Member Taylor, Second By Council Member Patin. Motion Carried By Roll Call Vote Of 5 Ayes, 0 Nays, 0 Abstain, And 0 Absent.*

### **11. Public Hearing Regarding Proposal Of Waste Management Of California To Provide Solid Waste Hauling Services Pursuant To A Franchise      Wilson**

- Kurt Wilson – gave staff report. PowerPoint presentation provided and copy will be on file with the City Clerk's office.
- Keith Lemieux – clarified process for issuing an ongoing franchise as outlined in the municipal code.
- Rob Hilton – gave presentation of request for proposal process and results.

- Jerry Taylor – waste management alternate plan?
- Rob Hilton – 7-10 year base with cap at 12 years.
- Steve Morgan – reviewed if business needs weekly recycling can be obtained on an as needed basis without fee?
- Rob Hilton – correct.
- Steve Morgan – some businesses may not have the room for a larger bin so discretion would be between business and waste management.
- Steve Morgan – if you believe you will have too much recyclables can residents get an extra cart at no additional charge?
- Rob Hilton – correct
- Steve Morgan – explain the exceptions and city's ability to get the books audited.
- Rob Hilton – complete ability to audit their receipts. No other need under normal circumstances for access to their books. If a change of law or agreement, there is an extraordinary rate adjustment process. Will include information they believe is necessary. Explained waste management discretion to open or not open their books. If they choose not to open the books then council may look back at the initial proposal and make a decision regarding rates.
- Steve Morgan – annual rate adjustment process?
- Rob Hilton – adjustment is comparable to Kern county process. Labor component adjusted by employment cost index. Fuel rate adjusted by motor fuel index. Balance is adjusted by consumer price index. Any changes for landfill disposal. All 4 components are considered in the rate adjustment formula.
- Steve Morgan – types of bins available and trash service theft. Are the bins that can be locked?
- Waste Management – yes, businesses can work with waste management to get a locking bin.
- Chip Holloway – annual adjustment, exhibit B was not included because of size, several hundred pages.

***Copies of exhibits produced and provided for discussion.***

- Jerry Taylor – compactor?
- Rob Hilton – as a commodity companies may treat as such. Waste compactor would be subject to this contract.
- Chip Holloway – commercial side is mandatory, we authorized sharing on residential but can think of scenario where enclosure construction prohibits number of bins, can you use 3 facilities to use one compactor?
- Rob Hilton – if a shopping center arranged for service for their tenants that would be a customer and the mandatory requirement would be satisfied. Common area maintenance charges.
- Keith Lemieux – under new code adopted tonight we are ok. Two possible exceptions, as long as not discarded waste or by the individual themselves then does not fall under the franchise.
- Christina Witt – has family of 5, filled 3 bins weekly, will there be an option for weekly recycling. Is there a maximum number of recycling bins?

**MINUTES – RIDGECREST CITY COUNCIL/REDEVELOPMENT AGENCY - REGULAR**

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- Rob Hilton – first 2 are free and additional are \$7 per container.
- Richard Wagner – under this agreement I can still self-haul waste, can I get the recycling bin?
- Rob Hilton – no, only available to subscribers.
- Richard Wagner – did call and was treated well, no problem with moving forward.
- Tom Wiknich – reviewed staffing levels for call center. Are these local people?
- Rob Hilton – regional call center for entire customer base.
- Tom Wiknich – how many employees will be in Ridgecrest. Multi-family, is that residential?
- Rob Hilton – either.
- Keith Lemieux – for purposes of mandatory, 5 or more separate dwelling units considered commercial.
- Tom Wiknich – additional containers available during the interim?
- Steve Morgan – no
- Tom Wiknich – if we need additional recycling can we get it?
- Steve Morgan – between you and waste management
- Stan Rajtora – additional solid waste cart rate and recycling rate. Additional solid waste cart rate is \$7 but number given for additional recycle cart while not clear as to which number is \$0. Trying to understand the right number and the rationale for the number. Last council meeting chart showed recycle as \$2.99 and assumed additional cart rate should be closer to \$2.99. What is the real number?
- Jerry Taylor – the \$7 is for solid waste.
- Steve Morgan – hope they are trying to convey that second recycling cart is \$0 and what is the rate for the 3<sup>rd</sup> or consecutive carts.
- Rob Hilton – believe it would be beneficial for council to add an additional cart rate of \$7 for additional carts.
- Stan Rajtora – waste management proposed \$2.99 initially then now rose to \$7. Original proposal was for \$2.99. Doesn't make any sense to make it \$7 when \$2.99 is what was proposed.
- Manual Farmer – on residential cart contamination fee, how much is that?
- Rob Hilton – it will be charged at the garbage container rate for additional rate of \$5.50, commercial is \$19.23 per cubic yard.
- Manual – so if someone goes by your commercial business and throws their trash into your recycle bin then you pay that fee.
- Morgan – we believe the company will go to the business and discuss before billing.
- Manual Farmer – overload fee.
- Rob Hilton – 3 documented events and charged the same fee as for contaminated.
- Manual Farmer – residential?
- Rob Hilton – no fee.
- Renee Westalusk – concerns about the whole waste hauler franchise choice. Can provide a list of questions. Were all proposers back grounded fully before

being chosen and what other criteria besides price and service was included in the decision. What about a major earthquake in Los Angeles and transit routes are affected, how will this affect us? What if employees strike, how will our service be affected? What if gasoline goes up, how we will be affected. Concerned about money leaving Kern County and loss of control. Question agenda of large hauler from another county? Would prefer hauler from our county.

**12. Introduction And First Reading Of An Ordinance Authorizing The City Manager To Execute An Agreement To Grant A Franchise For Solid Waste Hauling Services To Waste Management Of California, Inc** Lemieux

- Discussion of franchise fees
- Jerry Taylor – would feel more comfortable if I knew these funds were actually going to public works and not to general fund salaries and projects. Is the \$100k to be used for another person or what?
- Kurt Wilson – have not gotten that far, the true number
- Stan Rajtora – echo comments made by council. Franchise fees have always gone into general fund to pay for something independent to the service supplied by the franchise. My understanding is any fees paid are to be used for services being provided. It appears franchise fee money will continue to go into general fund instead of a dedicated road fund. In this case if money going to general fund then is a general tax. In my mind, any fee actually correlated to providing the service then that is fine such as an administrative fee, however I go back to before 2 years ago when we had a good relationship with the hauler and to my knowledge we spent \$0 in terms of monitoring what Benz was doing. Two years ago we spent an inordinate amount of money, can't use the past few years as justification to monitor the system. Doesn't look like we need to be watching over their shoulder until they prove we need to. Start with a lesser fee and then raise if we have problems. Should assume we are not going to have problems. So long as it is going into general fund then franchise fee should not be raised and the administrative fee raised to what we might actually need to do the monitoring. City facilities and events section, '...at no cost to city or customers' how can anyone? Referred to exhibit G. no problem with city getting franchisee to do this at cost but what is really happening here is fees collected from payers are being bumped up to support all of this for the City and in addition, a franchise fee added to what is performed for the City. In my mind, those paying for curbside garbage and recycling for those who won't be paying for services.
- Rob Hilton – this is a misinterpretation of the contract.
- Stan Rajtora – I don't believe that. City should get a break but don't believe the people paying for the service should pay for that break. How much are you including in future facilities? Need to be concerned about who is really paying for this. Referred to section 4.4 (e) we are asking contractor to go pick up illegal dumping and not constrained, no way to calculate this cost. No contractor is going to sign up for something that the scope is unconstrained. Urge council to

reconsider the franchise fees and administrative fees and then define what you want with regard to illegal dumping.

- Mike Neel – discussion about fees passed thru to customer is simple math, any extra cost to contractor will be passed to customer. They aren't going to take that out of their pocket. One thing brought up is in section 4.4(v) there is interesting additional thing. The waste watch program which provides observation for local law enforcement. Would like this to be taken out. Don't need trash hauler snooping around neighborhood. Surprised that the administration fee would be quarterly or annual? Probably not unreasonable as an annual.
- Rob Hilton – clarification, waste watch is not required by council but an enhancement program being used nationally.
- Tom Wiknich – where is profit and capital expenditures in the rate structure? How do these figure in the formula for the rate? Is there a timeline for them to be in their own facilities?
- Steve Morgan – if they receive the contract then they are obligated to move into their own facilities but no timeline has been established.
- Rob Hilton – depreciation expense is factor in. Waste management declined to itemize profit and built into the other costs such as labor, vehicle, transfer, etc. Stipulation is a 10% profit for future negotiations. They bid a rate; we are not regulating the profit. New programs would build 10% into the rate.
- Steve Morgan – are we at a point where we can make a decision with the addendums.
- Chip Holloway – would like to define the rate for a second and third cart.
- Keith Lemieux – add line to ordinance to commence on January 1 and contract changed to read the same.
- Kurt Wilson – programmatic phase would move forward on November 6 and the full contract would commence on January 1. Immediately would begin the alternate cart size but won't be physically in place until January 1.
- Chip Holloway – median weed abatement question, price of \$5,000 is a low number.
- Rob Hilton – they can provide \$5000 to supplement what is currently being done or can coordinate with a vendor up to \$5000 cap.
- Jerry Taylor – if we were to back out and change the fees is that in the calculations and would we see a rate reduction.
- Rob Hilton – would have to negotiate.

**Change ordinance exhibits to read ordinance effective January 1, 2012 and second change exhibit C3 to specify rate for first additional recycle container is \$0 and for containers thereafter a rate of \$7 per container.**

### **Motions**

1. *Motion To Waive Reading In Full And Introduce Ordinance Granting A Franchise For Solid Waste Hauling Services To Waste Management Of California, Inc.*

*Made By Council Member Morgan, Second By Council Member Patin. Motion Carried By Roll Call Vote Of 5 Ayes; 0 Nays; 0 Absent; 0 Abstain.*

2. *Motion To Introduce By Title Only As Amended An Ordinance Granting A Franchise For Solid Waste Hauling Services To Waste Management Of California, Inc. Made By Council Member Morgan , Second By Council Member Holloway . Motion Carried By Roll Call Vote Of 5 Ayes; 0 Nays; 0 Absent; And 0 Abstain.*

## DISCUSSION AND OTHER ACTION ITEMS

### **13. Adopt A Resolution Of The City Council Of The City Of Ridgecrest Approving The Proposition 1B Funds To Purchase A Bus Speer**

- Dennis Speer – gave staff report. Formal approval for expenditure to comply with guidelines. Reallocation of Prop 1B funds no used for dispatch system to purchase a new bus.
- Jerry Taylor – larger bus and no deviated fixed route plan, are there funds for that?
- Dennis Speer – money is budgeted to implement and should have 3 new buses by first of the year. Did make the short list and both projects will be going to Kern COG board meeting for approval. Two projects were the transfer station and the new garage.
- Steve Morgan – that takes some of the money allocated in TAB funds and frees it up for roads.

*Motion To Approve A Resolution Of The City Council Of The City Of Ridgecrest Approving The Proposition 1B Funds To Purchase A Bus Made By Council Member Patin, Second By Council Member Morgan. Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Abstain; And 0 Absent.*

### **14. Adopt A Resolution Of The Ridgecrest City Council Approving Expenditure Of Proposition 1B Funds In The Amount Of \$98,000 For The Purchase Of A New Transit Bus Speer**

- Dennis Speer – gave staff report.

*Motion To Approve A Resolution Of The Ridgecrest City Council Approving Expenditure Of Proposition 1B Funds In The Amount Of \$98,000 For The Purchase Of A New Transit Bus Made By Council Member Morgan, Second By Council Member Holloway. Motion Carried By Voice Vote Of 5 Ayes; 0 Nays; 0 Abstain; And 0 Absent.*

## PUBLIC COMMENT

- Richard Wagner – Announced desert motorcycle race and the viewfinders event. Thanked council for their hard work in getting a new waste hauler.

## DEPARTMENT AND COMMITTEE REPORTS

### Infrastructure Committee

Members: Steve Morgan, Jerry Taylor, Craig Porter, James Sanders  
Meeting: 2<sup>nd</sup> Wednesday of the month at 5:00 p.m., Council Conference Room  
Next Meeting: September 14, 2011

- Jerry Taylor – next meeting date announced.

### Quality of Life

Members: Chip Holloway, Jason Patin, Craig Porter, Carter Pope  
Meetings: 1<sup>st</sup> Thursday of every even month at 12:00 p.m.; Kerr-McGee Center  
Next Meeting: October 6, 2011

- Chip Holloway – met 2 days last week and proposal was brought out tonight.

### City Organization

Members: Ron Carter, Jerry Taylor, Lois Beres, Christopher LeCornu  
Meeting: 3<sup>rd</sup> Tuesday of the month at 5:00 p.m.; Council Conference Room  
Next meeting: September 20, 2011

- Jerry Taylor – have not met

### Community Development Committee

Members: Steve Morgan, Jason Patin, Christopher LeCornu, James Sanders  
Meetings: 1<sup>st</sup> Thursday of the month at 5:00 p.m.; Council Conference Room  
Next Meeting: September 8, 2011

- Steve Morgan – has not met, next meeting tomorrow.

### Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)

Members: Ron Carter, Chip Holloway, Ron Strand  
Meetings: 2<sup>nd</sup> Monday of odd numbered months at 6:00 p.m., Kerr-McGee Center  
Next Meeting: September 12, 2011

- Ron Carter – announced next meeting.

### Ridgecrest Area Convention and Visitors Bureau (RACVB)

Members: Chip Holloway, Jason Patin  
Meetings: 1<sup>st</sup> Wednesday of the month, 8:00 a.m.  
Next meeting: October 6, 2011 and location to be announced

- Chip Holloway – read minutes of RACVB meeting and announced next meeting at carriage inn.

### **OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

- Jerry Taylor – meeting with John McQuiston for digital 395. Apologize to public for pilot channel issue holding up the project
- Steve Morgan – kern cog next week, early committee meeting to find contractor to replace Ron Brummett. Asked council to donate individually for a retirement gift.

### **CITY MANAGER/EXECUTIVE DIRECTOR REPORTS**

- Kurt Wilson – if tracking a bill tomorrow is the deadline to leave the house, council meeting of the 21<sup>st</sup> cancelled, and may adjourn this meeting in memory of Harvey Rose.

### **MAYOR AND COUNCIL COMMENTS**

- Jason Patin – good communication for partnering with motorcycle clubs. Watched how the carts were rolled out by waste management, it was done professionally and impressed with the company based on the size of the project they were tasked with. Thank waste management. Kids back in school. Encourage people to participate in the walk-a-thon. Don't forget parade of 1000 flags. Thanked Jim Davis for positive comments.
- Steve Morgan – a lot going on in the community including Burroughs football. Community should support the students by attending the games. A lot of ways to participate in this community. Thanked representatives of waste management for being here so late. There has been some confusion with the interim agreement because of the volume of cardboard especially the furniture companies. For those who have commented they haven't gotten your cart. If you have not opted out you should have received a cart, if you did opt out then you need to contact the company to sign back up. 866-891-9489 deployment hotline. Appreciate their efforts in helping Ridgecrest thru this process of change. More information with new contract will go out and you can start making plans for those. Comments from public, sorry there is a philosophical disagreement with those, believe we should be in a plus situation rather than a negative situation that we have found ourselves in when we just wait and see. A lot of ways to spend money on roads, supplies, people, equipment and many other things. If you don't have a line item in the budget that show where franchise fees went you can't track them, however to be constantly berated is getting old. Mr. Wilson is doing a marvelous job.
- Jerry Taylor – will be in the 1000 flags parade and appreciate what the base has done to support this event. September 10 at 9am. Related to franchise fees we do understand and need to have traceability. Need 1.5 million to maintain our

roads. Interested in understanding what we will receive and what we have received in the past. Also want to understand the costs and where they are in the budget. We are getting there and appreciate what waste management is doing. Looking forward to the relationship.

- Chip Holloway – agree with Steve and Jerry on the fee issue and would like to see the numbers. Create a line item for the fee so we can see where it is being spent. Concerned that Rob said we need to recover more money and need to at least be at a breakeven point. Thanked Kurt, Keith, Rob, Stan, Chuck, Steve, and Kaleb and everyone else who put this together. New cost that wasn't in the earlier costs and that is Cal Recycles. Exchange of services, don't see how we gain that much, we either pay waste management to pick up ours and in turn raise fees for our services. Was in Dallas last week looking at new facilities. Want to adjourn in memory of Harvey. Twice I have let life get in the way from spending time with people and then they are gone and you can't get that time back. Make that call and spend time with them.
- Ron Carter – want to thank citizens, who attended, thank the citizens who are still here. Great granddaughter was here tonight, six weeks old. Thank waste management for doing such a good job so far. Thanked Kurt and Rob for all they do.

## ADJOURNMENT

ADJOURNMENT at 12:19 am in memory of Harvey M. Rose.



*Rachel J. Ford, CMC*  
Rachel J. Ford, CMC, City Clerk