



**MINUTES OF THE REGULAR MEETING OF THE  
RIDGECREST CITY. SUCCESSOR AGENCY,  
FINANCING AUTHORITY, AND HOUSING AUTHORITY**

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

**October 3, 2012  
5:00 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**

**ROLL CALL**

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

Staff Present: Interim City Manager Dennis Speer; City Clerk Rachel J. Ford; City Attorney Keith Lemieux; and other staff

**APPROVAL OF AGENDA**

- Closed session item identified as GC54956.9(B) Conference with Legal Council; Potential Litigation. Public Disclosure of Potential Litigant Would Prejudice the City of Ridgecrest was pulled and Relay for Life Proclamation added on the agenda prior to approval.

Motion to add relay for life proclamation motion by Patin, second by Holloway, voice vote 3 ayes 2 absent

*Motion To Approve Agenda (As Amended) Made By Council Member Holloway, Second By Council Member Patin. Motion Carried By Voice Vote Of 3 Ayes; 0 Nays; 0 Abstain; 2 Absent.*

Council Member Morgan joined the meeting at 5:12pm

**PUBLIC COMMENT – CLOSED SESSION**

No member of the public presented comment for closed session items.

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**CLOSED SESSION – 5:00 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. City Of Ridgecrest V. William Dale Howard   |
| GC54956.9(B) | Conference With Legal Counsel, Potential Litigation. Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest   |
| GC54957.6    | Labor Negotiations – United Food and Commercial Workers Local 8 Golden State; Unrepresented Employee Groups Confidential; Mid-Management; and Management. Agency Negotiator Interim City Manager Dennis Speer |

Council Member Jason Patin left the meeting at 6:00pm

Council Member Jerry Taylor arrived at the meeting at 5:30pm

**REGULAR SESSION – 6:00 p.m.**

- Pledge Of Allegiance
- Invocation

**CITY ATTORNEY REPORT**

- Closed Session

Michael Silander

- City of Ridgecrest v. Benz
- City of Ridgecrest v. William Dale Howard – no action taken
- Undisclosed Potential Litigation – pulled from agenda prior to approval.
- Labor Negotiations – no action taken

- Other

**a. Receive Report and Discuss Settlement Agreement in the case of City of Ridgecrest v. Benz**

Michael Silander of Lemieux & O'Neill Attorney Firm

- ❖ Read statement from City Attorney Keith Lemieux.
- ❖ Brown act provisions reviewed.
- ❖ Outlined civil cases heard in Kern County Superior Court and actions taken.
- ❖ Outlined criminal case from State of California and actions taken.
- ❖ Payment from Benz has been received.
- ❖ All cases will be dismissed once proper signatures have been obtained.

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**PUBLIC COMMENT**

Col. Aaron Akemie

- Army National Guard and Reserve representative presented a special award to Council Member Steve Morgan from the Office of the Secretary of Defense.
- Spoke on employer support for the Army National Guard and Reserve
- Recognition of Business and Community Leaders

Randy Jenkins

- Read a written statement about truth.
- Spoke on being an advocate for the community.
- Spoke about the dream of America
- Proposed cessation from Kern County to Inyo County
- Outlined campaign issues the he will support such as funding for streets, police, children safety, parks.

Paul Vanderwerf

- Spoke on personal service with the national guard deployments and the seamless reentry to employment
- Spoke on Benz Sanitation settlement and concerns about internal controls and missed opportunities to find the problems earlier and correct them.
- Stressed the importance of internal audit and controls in place.
- Highlighted adjustments made for last year's budget and noted concerns for the coming year.
- Mentioned a mentally ill individual staying at his residence and expressed concerns of lack of services for the mentally ill persons in our community.
- Reviewed actions taken recently by hospital and police.
- Requested City provides services to the community and adequate training to police officers.
- Available for further discussions pertaining to mental health issues.

George 'Andy' Anderson

- Exchange Club fund drive to restore the star on 'B' mountain
- Current star condition is non-functional, no light bulbs, worn insulation on the wiring.
- Planning to invite local electric and electronic firms to contact the base at 939-6501, to arrange a tour and discussion of repair needs.
- Appealing to businesses, service organizations to match the Exchange Club
- Checks can be dropped off at various locations and made out to the B Mountain Star Fund
- Donations are tax deductible.
- Asked about funds received from Benz for legal fees and if this covered all legal fees.
- Asked where the funds would be allocated.

Manuel Farmer

- Benz Sanitation is still in business and services the County residences.
- Paul Benz accepted the felony, not Benz Sanitation which is still working in the community.

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Flo Bonbella and Jeanie Dunn

- 2012 representative for Relay for Life
- Invited community to participate
- Close family members are cancer survivors.

William Dale Howard

- Presented booklets to Council members.
- Candidate for Council Member and presented his reasons for candidacy and support of the Constitution.
- Spoke on the Constitution lasting 200 years and guiding local politics.
- Encouraged Council members and community to review the Constitution each time a decision is made.

Dave Matthews

- 21 year cancer survivor.
- Citizens already losing some of the constitutional rights such as the right to choose a light bulb and which road to take.
- Two candidate forums in October and a hosting of Kevin McCarthy.
- Encouraged citizens to attend as many forums and meetings as possible and support the candidates.
- With respect to BLM and City of Ridgecrest, upcoming meetings on the CAPA road network in the El Paso mountain range.
- Meetings currently on the BLM desert district website, encouraged citizens and Council to attend.

Mike Neel

- Heartening to hear people mention constitutional government
- Online actions pertaining to the settlement, citizens were diverting trash as required and encouraged City Manager and Council to look at that issue again.
- With respect to current direction with Mr. Howard and court, disappointed in the court takeover of his property. Every man deserves his day in court. If laws are violated, then let him have his trial.
- Identified himself as abject coward but not in the sense that was implied. Fears no man. Will miss the sparring with Mr. Morgan.

**CONSENT CALENDAR**

1. Approve A Resolution Requesting Authorization To Enter Into A Program Supplement Agreement No. 028-N To The Administering Agency-State (State California Department Of Transportation) Agreement No 09-5385r And To Authorize The Interim City Manager, Dennis Speer To Sign The Agreement Speer
2. Approve A Resolution Of The City Council Of The City Of Ridgecrest Authorizing The Destruction Of Certain Accounting Records Sloan
3. Approve A Resolution Authorizing Proclamations For The Month Of October 2012 Ford

**4. Approve Draft Minutes of City Council Meeting Dated September 19, 2012 Ford**

Items Pulled from Consent Calendar for Discussion:

- Item 2 pulled.

*Motion To Approve Consent Calendar (As Amended) Made By Council Member Morgan, Second By Council Member Holloway. Motion Carried By Voice Vote Of 4 Ayes; 0 Noes; 0 Abstain; 1 Absent.*

Item 2 discussion

Mike Neel

- Referred to comments made prior to meeting and asked if this would be a yearly records destruction.

Tess Sloan – legal requirement depends on the type of record. These records are eligible based on the secretary of state guidelines, which allows destruction of items older than eight years. Payroll records and cash receipts from 2004 back can be destroyed but need the room for the current records. No electronic documents, only paper documents. Electronic records at this time are sporadic.

*Motion To Approve Item 2, A Resolution Of The City Council Of The City Of Ridgecrest Authorizing The Destruction Of Certain Accounting Records Was Made By Council Member Taylor, Second By Holloway, 4 Ayes, 1 Absent (Patin)*

**PUBLIC HEARING AND ORDINANCES**

**5. Second Reading And Adoption Of Ordinance No. 12-07, An Ordinance Of The City Council Of The City Of Ridgecrest Granting A Non-Exclusive Taxi Franchise To Antonio Rubio Speer**

Dennis Speer

- Presented staff report.

Public Hearing

Dave Matthews

- Questioned how the rates would be determined and whether they were in the franchise agreement.
- Requested more information on the rates and a competitive rate for seniors and persons on limited income.

Dennis Speer – proposed by the franchisee

Ron Carter – reviewed the rates as outlined.

*Motion To Waive Reading In Full And To Adopt By Title Only, Ordinance No. 12-07, An Ordinance Of The City Council Of The City Of Ridgecrest Granting A Non-Exclusive Taxi Franchise To Antonio Rubio Was Made By Council Member Taylor , Second By Council Member . Morgan Motion Carried By Voice Vote Of 4 Ayes; 0 Noes; 0 Abstain; 1 Absent (Council Member Patin).*

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*Motion To Adopt, By Title Only, Ordinance No. 12-07, An Ordinance Of The City Council Of The City Of Ridgecrest Granting A Non-Exclusive Taxi Franchise To Antonio Rubio Was Made By Council Member Taylor , Second By Council Member Morgan . Motion Carried By Voice Vote Of 4 Ayes; 0 Noes; 0 Abstain; 1 Absent (Council Member Patin).*

**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: moved to October 9, 2012

Jerry Taylor

- Reviewed next meeting discussions including the bike path extension
- Substandard street map
- Impact fees use and balance
- Update on navy agreement for wastewater plant upgrades
- Ridgecrest blvd. project
- Visual impaired signage
- French street crossing light
- AMG project powerline update
- KernCOG agenda
- Special time at 4:00pm

**Quality Of Life**

Members: Chip Holloway, Jason Patin, Craig Porter, Carter Pope  
Meeting: 2<sup>nd</sup> Thursday Of The Month At 5:00 P.M.; Kerr-McGee Center  
Next Meeting: October 11, 2012 (Dark in June, July, December, and January)

Chip Holloway

- Has not met
- Announced next meeting

**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: October 16, 2012

Jerry Taylor

- Has not met
- Date may change
- Concern of financial status of current budget and want to discuss process for quarterly adjustments.

**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: Cancelled

Steve Morgan

- Will not meet in October

**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 4:00 P.M., Kerr-McGee Center  
Next Meeting: November 12, 2012

Ron Carter

- Announced next meeting
- Requested report of illegal drugs in the community from the Police Chief

**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: November 7, 2012 at location to be announced

Chip Holloway

- Reviewed RACVB minutes and discussion items from the October 3 meeting.
- Copy available in the Clerk's office.

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

Steve Morgan

- Attended Quad State Coalition of Governments
- Reports on various agencies including BLM
- Desert tortoise issues
- Mojave ground squirrel
- Endangered plants
- RS2477 routes
- Swarovski crystal baby desert tortoise received as a parting gift

**CITY MANAGER REPORT**

Dennis Speer

- No report

## **MAYOR AND COUNCIL COMMENTS**

### **Ron Carter**

- Thanked city Council for support to veteran's
- Veteran's advisory committee
- Stand-Down services including haircuts, counseling, medical, etc.
- Stand-Down is scheduled for Saturday, October 6
- Encouraged all veteran's to attend
- Thanked the committee members including Chip Holloway and Lori Acton
- Senator Jean Fuller will be attending at 4:00pm
- Encouraged public to attend.

### **Chip Holloway**

- Thanked everyone who participated in the Stand-Down
- Will be a long-term event
- Ridgecrest fair scheduled for October
- Encouraged public to attend and support as no funding is being provided by the state
- Parade on Saturday for the Fair
- Encouraged public to participate in the parade and get applications in by the 8<sup>th</sup>.
- Nominated by desert mountain league to participate on a task force in the league to look at what the state is doing to cities. First meeting October 11.
- Appreciate Mr. Taylor's comments regarding the Governor's recent actions to veto the Redevelopment bills presented.
- RACVB discussion and positive factors coming into Ridgecrest in the next few years.
- Small segments of the community spread urban myths to the public, latest myth is a conspiracy to sabotage the Ridgecrest Community Hospital and the new facilities. Rumor is only 25 beds are being used which is incorrect. There is a disproportionate mix of insured patients v. low income. Census number of overnight patients is low but are required to maintain critical access staff. Hospital is receiving better support from State and other agencies and the myth is untrue.

### **Jerry Taylor**

- Hospital is an important cornerstone in this community. Challenge is of outpatient surgeries going elsewhere.
- Thanked Waste Management for assisting Viewfinders
- City of Ridgecrest is a sponsor and contract with Waste Management assures assistance for sponsor functions.
- Obstruction item and concerned with weed abatement to the medians. Asked staff to keep ahead of the issue
- Response to Mr. Anderson's question of reimbursement. Funds received are taxpayers dollars that were spent to defend the case such as legal fees.
- Only mandatory trash in the state of California is commercial. Residential is entirely voluntary.
- Silly season and elections.

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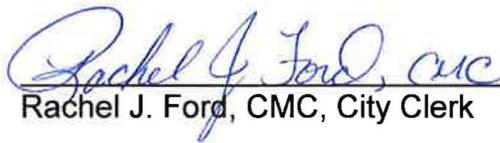
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Steve Morgan

- If you say you do not have anything to do this weekend you are not paying attention.
- Maturango junction, relay for life, veterans stand down, and others happening in the community this weekend.
- No greater love than to give of yourself. Did call Mr. Neel a coward because he advocates opinions but does not volunteer to be a participant on any board or committee.
- Without collaborating together, we are not creating a solution.
- Candidates are stating that long-term candidates have power, which is a bunch of bologna. I am open and honest and certainly blunt with my opinions. People know where I stand and when I have a conversation with citizens I listen and try to do the best that I can with the information received. All Council members do the same.
- Incoming Council members have a learning curve and I will support them because they will work very hard for the citizens of Ridgecrest.
- Council learned information tonight on the settlement that we did not have access to along the way.
- Believe Council has been vindicated by this settlement. A lot of effort has been expended by staff and the legal team deserves credit for creating a case that generated a reimbursement that will go to the general fund.
- For community members to believe that Benz was tricked is incredible. We (Council) was lied to and yet citizens still blame the Council.
- Council listened to a lot of information in closed session that cannot be revealed to the public by law. More to it than anyone knows. To continue to accuse the Council they did something deliberately wrong is ludicrous. Council did not plead guilty because we are not guilty. Paul Benz Sr. pled guilty because he is guilty.

**ADJOURNMENT at 7:27 pm**

  
Rachel J. Ford, CMC, City Clerk