



City Council

Redevelopment Agency

AGENDA

Wednesday

Regular

Closed Session 6:00 PM

Regular Session 6:30 PM

April 1, 2009

City Hall

100 West California Avenue

Ridgecrest CA 93555

(760) 499-5000

Steven P. Morgan, Mayor

Ronald H. Carter, Mayor Pro Tempore

Thomas R. Wiknich, Vice Mayor

Marshall G. Holloway, Council Member

Jerry D. Taylor, Council Member

AGENDA - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

April 1, 2009

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CITY OF RIDGECREST

**CITY COUNCIL
RIDGECREST REDEVELOPMENT AGENCY**

AGENDA

Regular Council/Agency Meeting

Wednesday, April 01, 2009

CITY COUNCIL CHAMBERS

CITY HALL

100 West California Avenue
Ridgecrest, CA 93555

**Closed Session – 6:00 p.m.
Regular Session – 6:30 p.m.**

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council/Ridgecrest Redevelopment Agency Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Ave., Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

CLOSED SESSION – 6:00 p.m.

AGENDA - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

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GS54956.9 Conference with Legal Counsel - Liability Claim of Denise Black, Claim No. 09-01

GC54956.8 Redevelopment Agency Real Property Negotiations – Lot 25, APN 33-070-25, PM 10819, Ridgecrest Business Park - Negotiators Michael Avery and James McRea

GC54956.9 Conference with Legal Counsel - Potential Litigation CIWMB

REGULAR SESSION – 6:30 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION

CITY ATTORNEY REPORTS

- ❖ Closed Session
- ❖ Other

PRESENTATIONS

DEPARTMENT AND COMMITTEE REPORTS

First Council Meeting (1st Wednesday of the month)

Public Services Department Director's Report -
Report attached

Community Development Committee

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

Meetings: 1st Thursday of month at 5:30 p.m.; Council Conference Room

Next meeting April 2

RACVB

Council Members Chip Holloway, Jerry Taylor

Meetings: 3rd Wednesday of the month, 8:00 a.m.,

Next meeting and location to be announced

Parks, Recreation and Cultural Affairs Department Director's Report -
Report attached

Parks, Recreation and Quality of Life Committee

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

Meetings: 4th Thursday of the month at 5:00 p.m.; Kerr-McGee Center

Next meeting April 23

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

RECESS (if necessary)

PUBLIC HEARINGS

1. **Joint City Council And Redevelopment Agency 33433 Public Hearing On The Sale Of Real Property, Ridgecrest Business Park, Parcel 10819, Lot No. 25, APN 33-070-25 And Disposition Development Agreement (DDA), To Construct And Develop A Commercial Use** **McRea**

This agenda item is a joint Public Hearing of the City Council and the Ridgecrest Redevelopment Agency. This is a duly noticed joint Public Hearing on the sale of Real Property and a pending DDA. The DDA for this agenda item is still in the process of approval and will be presented to the Agency at a later date. The RRA is in the process of executing a Disposition Development Agreement (DDA) for the sale of Lot 25 of Parcel Map # 18019 of the Ridgecrest Business Park. Lot 25 will be developed for a permitted commercial use for a Professional Office and Dermatology Clinic Outpatient Surgical Center in accordance with the CC&R's for the Business Park within an established time period.

DISCUSSION AND OTHER ACTION ITEMS

2. **Status Report On The Compliance Order IWMA BR07-07 And The Local Assistance Plan (LAP) Modified And Now Required By The California Integrated Waste Management Board (CIWMB) And Discussion Of An Administrative Civil Penalty, Along With Four State Mandated Programs Of Consultants And Establishing A Protest Hearing For Property Related Fees** **McRea**

The staff report is a continuation of the interaction between the City and CIWMB staff. The County of Kern has provided invaluable assistance upon the authorization by Mr. Douglas Landon, Interim Director, Waste Management Department. Ms. Nancy L. Ewert, P.E., Sr. Engineering Manager, Kern County Waste Management Dept. has presented the position of both the City and the County to the CIWMB staff. The City appeared before the CIWM Board in Sacramento on March 24, 2009 - Mayor Steven Morgan, City Attorney Keith Lemieux, Public Service Director James McRea, and Nancy Ewert.

CONSENT CALENDAR

All items on the Consent Calendar are considered to be routine by City staff and will be approved in one motion if no member of the Council or the public wishes to comment or ask questions. If comment or discussion is desired by anyone, that item may be removed from the Consent Calendar and be considered separately, with public comment, before action is taken.

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3. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of April 2009 And Scheduled Date Of Presentation** Avery

Public Education Month, April 2009 - the Indian Wells Valley Masonic Lodge - will be presented at 12:00 NOON Friday, April 3, 2009 at City Hall

4. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council Transferring Surplus Property Of One Truck To Desert Mountain Resource Conservation And Development Council And One Truck To Senior Services Of Indian Wells Valley** Ponak

The Parks, Recreation and Quality of Life Committee is recommending to the City Council to transfer surplus property of one truck to Desert Mountain Resource Conservation and Development Council and one truck to Senior Services of Indian Wells Valley.

5. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council Approving The Final Balancing Change Order In The Amount Of \$-1,826.55 To Maverick Asphalt Inc. For The Rehabilitation Of The Westbound Lanes Of Drummond Avenue Between Norma Avenue And China Lake Blvd Stpl-5385(032) And Authorizing Filing Of A Notice Of Completion And Authorizing Release Of Retained Funds In The Amount Of \$30,253.87 Thirty Five (35) Days After Recordation Of The Notice Of Completion** Speer

Approval of final balancing of change order, authorization to file the notice of completion and authorization to release retention on the Drummond Avenue., China Lake Boulevard to Norma Street Project STPL-5385 (032).

6. **Resolution No. 09- , A Resolution Of The Ridgecrest City Council Authorizing Application For And Acceptance of the United States Department of Justice, Community Oriented Police Services (COPS) Hiring Recovery Program Grant** Strand

The United States Department of Justice is offering local law enforcement agencies grants to hire entry level Police Officers. The COPS Hiring Recovery Program provides funding to employ up to four entry level police officers for a period of three years. This grant provides funds for salaries and benefits during the three year grant period. The potential revenue to the city is up to \$1,106,980.00. After the three year period the City of Ridgecrest will be obligated to continue employment of the grant funded officers positions for a period of one year at a cost of up to \$361,576.80 to the city, depending on the number of grant funded positions. This is a reimbursement grant that requires no matching funds.

7. **Minutes Of The Regular City Council/Redevelopment Agency Meeting Of March 18, 2009** Gable

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8. **Council Expenditure Approval List (DWR) Dated March 19, 2009 In The Amount Of \$20,548.07** **Sloan**

PUBLIC COMMENT

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

MAYOR AND COUNCIL COMMENTS

The Mayor and Council Members may make a brief statement. In addition, Council Members may ask a question of staff or the public for clarification on any matter, make a request of staff for factual information, or request staff to report back to the council at a later meeting concerning any matter. In addition the Mayor or any Council Member may direct the City Manager to place an item of business on a future agenda.

ADJOURNMENT

DEPARTMENT

DIRECTORS

REPORTS

Public Services Department Director's Report
City Council Meeting
April 01, 2009

The Public Services Department has devoted most of its effort this month to the California Integrated Waste Management Board and the Administrative Penalty Hearing process. That is an Agenda Item and is not presented as part of this report. However, An Earth Day Fair is being scheduled for the weekend before Earth Day April 22, 2009 and is a great opportunity for residents to become engaged in conservation, recycling, global warming, and environmental issues and opportunities. The earth day Network, www.EarthDay.net, or Danielle Valentine, the City's Recycling Coordinator can provide additional information.

The Economic development staff is continuing to advance several new projects. These include The Super Wal-Mart; completion of the Pizza Factory and Hampton Inn Hotel; initial negotiations and development of a medical office and clinic in the Business Park; potential expansion of Kerr McGee Youth Sport Complex by a land trade; and CDBG improvement to a City owned facility used by the Southern Sierras Boys and Girls Club.

The impact of the President's Economic Stimulus Package, and the American Recovery and Reinvestment Act the with respect to housing and Senior Citizen Housing is not yet defined.

THE MAJOR PROGRAMS AND PROJECTS:

- CIWMB Compliance Order IWMA BR07-07 and LAP Implementation
- Mandatory Residential Curbside Trash Pick-up and Recycling
- On-site Commercial Collection of Recyclables
- Economic Development, Business Retention & Development, Ridgecrest Redevelopment
- Agency Programs and Projects
- New and pending developments and construction
- Ridgecrest General Plan Update
- Zoning, Sign, Water Conservation, and Solid Waste Ordinances
- AICUZ, JLUS, ALUCP, MIA, & OEA GMP Studies
- Bowman Channel Watercourse and Greenbelt Improvements
- Affordable Housing 2009 Report & Impact Fee Report, AB 987
- RDA potential senior or affordable housing project
- RDA Home Loan Program
 - RDA County Project Funding - Le Roy Jackson Park
 - Kerr McGee Sport Complex land expansion
- Schedule Project list for bond ISSUANCES
- 1972 Lighting and Landscape Maintenance Districts

DEPARTMENT

DIRECTORS

REPORTS



City of Ridgecrest
Parks, Recreation & Cultural Affairs Department

Phone (760) 499-5151

Fax (760) 499-1571

100 West California Avenue, Ridgecrest, CA 93555

Director Jim Ponek

- I. Introduction of Presentation
Recreation
- II. Flag Football League
- III. Youth Basketball League
- IV. Youth Volleyball League
- V. Youth Soccer League
- VI. Adult Softball
 - a. Men's
 - b. Coed
- VII. Summer Camps
 - a. Cheerleading
 - b. UK Soccer Camp
 - c. Day Camp
 - d. Dance, Dance Revolution
 - e. Fitness Camps
- VIII. Sgt. John Pinney Pool
 - a. Swim lessons
 - b. Open Gym
- IX. Park Preschool
- X. Kerr McGee Community Center – for Fitness
- XI. Kerr McGee Community Center – for Parties
- XII. Shakespeare



Recreation



Flag Football



Basketball



KEEPING OUR YOUTH ACTIVE!



Volleyball



Soccer



Adult Softball



Summer Camps

Badminton



Cheer leading



UK Soccer Camp



Day Camp



Jump Rope Camp



Dance, Dance Revolution



SGT. John Pinney Memorial Pool



Swim lessons



Park Preschool



Kerr McGee Community Center for fitness



Racquetball

Fitness Classes

AEROBICS CLASSES

Aerobics Room

<p>STEP CLASS DAYS: Monday/Wednesday TIME: 5:30pm-6:30pm INSTRUCTOR: Millie Bechtel</p>		<p>STRENGTH/STRETCH/TONE DAYS: Monday/Wednesday TIME: 6:30pm-7:30pm INSTRUCTOR: Millie Bechtel</p>
<p>STEP CLASS DAYS: Tuesday/Thursday TIME: 5:30pm-6:30pm INSTRUCTOR: Millie Bechtel</p>		<p>LOW IMPACT DAYS: Tuesday/Thursday TIME: 6:30pm-7:30pm INSTRUCTOR: Millie Bechtel</p>

FEE: Eight Visit Pass- \$21.00 Twelve Visit Pass- \$30.00
 Drop-ins welcome \$3.00 per class

Open Gym



Weight Room



FITNESS ROOM

Featuring Excellent Life Fitness Computerized Equipment

UNLIMITED USE PASS
 Includes use of Racquetball (2hr max), Open Gym,
 Fitness Room and Showers

	ADULT	YOUTH* / SR**	FAMILY
Daily Use	\$5.00	\$3.00	n/a
10 Visit Pass	\$35.00	\$25.00	n/a
Monthly Pass	\$35.00	\$25.00	n/a
Silver Pass(6 mo.)	\$160.00	\$80.00	\$280.00
Gold Pass (annual)	\$270.00	\$105.00	\$380.00

Gold/Silver passes include use of Fitness Pool (Public/Lap Swim, Water Aerobics)
 *Youth under the age of 18 must have a signed participant waiver on file, available at KMCC
 or online at <http://c.ridgecrest.ca.us>. Youth under the age of 16 must be supervised at all times!
 **Ages 60 and over

Questions? / Information
 499-5151



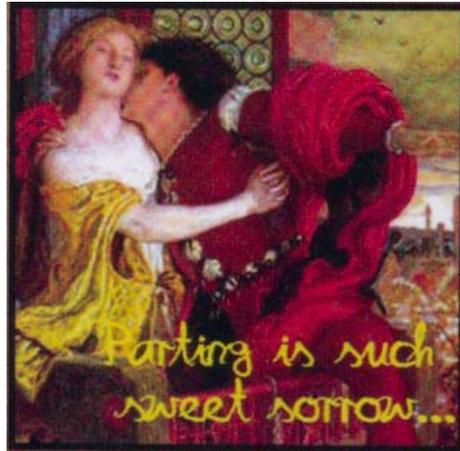
KMCC Hours:
 Monday - Friday: 8:00am - 9:00pm
 Saturday: 9:00am - 4:00pm
 Sunday: Closed



Kerr McGee Community Center for Parties



Shakespeare



Shakespeare in the House
Presented by The City of Redgeest Parks, Recreation and
Cultural Affairs Department

The INDEPENDANT Players
of Encino California present
Romeo and Juliet
&
Julius Caesar

Shakespeare's
Romeo and Juliet
Saturday September 9th
At 7:30 pm
In The Kerr McGee Center

Free Admission!



Local Artist's have donated Art which will be raffled during the event in a Fundraiser
to benefit the Redgeest Arts Council



Shakespeare's
Julius Caesar
Sunday September 9th
At 7:30 pm
In The Kerr McGee Center

Free Admission!



Taming of the Shrew



"He that is giddy thinks
the world turns round..."



1

CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM

SUBJECT:

Joint City Council & RRA Public Hearing, Notice Of Real Property Sale, And Disposition Development Agreement (DDA) To Construct And Develop A Commercial Use On Lot 25, Parcel Map 10819, APN 33-070-25, Ridgecrest Business Park, And Resolution 09-

PRESENTED BY:

James McRea

SUMMARY:

This agenda item is a joint Public Hearing of the City Council and the Ridgecrest Redevelopment Agency. This is a duly noticed joint Public Hearing on the sale of Real Property and a pending DDA. The DDA for this agenda item is still in the process of approval and will be present to the Agency at a later date. The RRA is in the process of executing a Disposition Development Agreement (DDA) for the sale of Lot 25 of Parcel Map # 18019 of the Ridgecrest Business Park. Lot 25 will be developed for a permitted commercial use for a Professional Office and Dermatology Clinic Outpatient Surgical Center in accordance with the CC&R's for the Business Park within an established time period.

Pursuant to Section 33433 of the California Health and Safety Code a summary report is attached and presented for the sale of the property at fair market value. Upon review of the project, it would be appropriate to open the joint Public Hearing and consider any comments. At the conclusion of the public hearing staff recommends authorization of the sale, opening of required escrow, and execution of the DDA by the Executive Director, as may be modified in final negotiations by Agency Counsel.

FISCAL IMPACT:

Sale of the property in accordance in Group II parcels of the Ridgecrest Business Park in the amount of \$ 4.50 per sq. ft, plus or minus gross/net adjustment in the amount of \$233,262.00

Reviewed by Finance Director

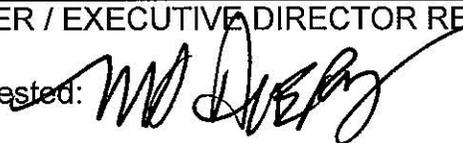
Review by Administrative Services Director:

ACTION REQUESTED:

Motion to approve sale and acquisition of real property in accordance with the DDA and authorize execution by the Executive Director after review. Motion to approve Resolution 09-

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:



Submitted by: James McRea

Action Date: 04-01-07

RESOLUTION RRA NO. 09-

**RESOLUTION OF THE RIDGECREST REDEVELOPMENT AGENCY
APPROVING DISPOSITION AND DEVELOPMENT AGREEMENT AND
AUTHORIZING THE EXECUTION AND DELIVERY THEREOF (Lot 25,
Parcel Map 10819, APN 33-070-25, Ridgecrest Business Park)**

WHEREAS, the Agency is a redevelopment agency duly created, established and authorized to transact business and exercise its powers, all under and pursuant to the Community Redevelopment Law (Part 1 of Division 24 (commencing with Section 33000) of the Health and Safety Code of the State of California), and the powers of the Agency include the power to own and lease real property;

WHEREAS, the Agency and the City Council of the City of Ridgecrest have held a duly noticed joint public hearing on April 01, 2009; and

WHEREAS, the Agency has determined that it is in the best interests and for the benefit of the community and in accordance with the public purposes and provisions of applicable state and local laws and requirements to enter into a Disposition and Development Agreement by and between the Ridgecrest Redevelopment Agency and Daniel Taheri, MD. (the "DDA").

NOW THEREFORE, the Ridgecrest Redevelopment Agency does hereby RESOLVE, DETERMINE AND ORDER as follows:

The Agency hereby finds and determines that based upon substantial evidence provided in the record before it, (I) the disposition of the Property to the Daniel Taheri, MD pursuant to the DDA is in accordance with the covenants and conditions governing the transfer of the Property, and complies with the purposes of the Redevelopment Plan for the use and maintenance of the Property, which is in the best interest of the community and (ii) the consideration for the disposition of the Property pursuant to the terms and conditions of the DDA is not less than either the fair market value or the fair reuse value in accordance with the covenants, conditions and restrictions imposed under the DDA and the costs required under the DDA. The Agency further finds and determines that the disposition of the Property pursuant to the DDA (i) will assist in the elimination of blight by requiring redevelopment of the Property in accordance with the DDA and (ii) is consistent with the implementation plan for the Redevelopment Project adopted by the Agency pursuant to Health and Safety Code Section 33490.

The disposition of the Property by the Agency to Daniel Taheri, MD pursuant to the DDA and any changes mutually agreed upon by Daniel Taheri, MD and the Executive Director as are minor and in substantial conformance with the DDA submitted herewith, which establishes terms and conditions for the transfer of the Property, are hereby approved by the Agency.

The Agency concurs in authorizing the Executive Director of the Agency to execute the Agreement and to make all steps, and to sign all documents (including the

**Resolution No. 09-
Page 2**

Grant Deed) necessary to implement and carry out the DDA on behalf of the Agency in the amount of \$ 4.50 per sq. ft, plus or minus gross/net adjustment, as a result of easements, in the amount of \$233,262.00.

The Agency hereby finds and determines that the environmental status of the project remains consistent with the environmental impact report (EIR) prepared for Redevelopment Project Area, and the DDA does not add new environmental impacts and neither a supplemental nor a subsequent EIR is required.

APPROVED AND ADOPTED this 1st day of April, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven P. Morgan , Chair

ATTEST:

Rita Gable
Agency Secretary

INFORMATION SUMMARY (33433 REPORT)
FOR THE
PURCHASE AGREEMENT AND
DISPOSITION DEVELOPMENT AGREEMENT

This summary is provided pursuant to Section 33433 of the California Community Redevelopment Law (Part I of Division 24 of the Health and Safety Code).

1. Cost of the Project to the Agency:

The proposed sale involves Lot25, consisting of a parcel of land of .46 acres, within the Ridgecrest Business Park on No. China Lake Blvd. The site is described as Lot 25 of Parcel Map No. 10819. The site ("the Site") is being considered for development by Boster Properties (the Developer") within a Disposition Development Agreement with the Agency. The site proposed for sale was acquired by the Agency by a purchase agreement with China Lake Properties, and is within the Redevelopment Project Area. The Ridgecrest Business Park Development and infrastructure improvements are completed under a cooperative grant with the City of Ridgecrest from the Economic Development Administration under Award No.07-49-04856. The overall "prorated" fair market value of the site is estimated to be \$55,103.40 at \$2.75/sq. ft. which is based on Market Value Appraisal Report by Kern County Appraisal Company dated October 13, 2003. The fair market value sale is additionally based on the following information:

- a. Land Acquisition Costs: The property was initially acquired by the Agency as part of a large undeveloped tract of land, the gross amount expended was approximately \$ 1,853,478.00. The Agency DDA has proposed to sell the specific site of .48 acres for \$2.75 a sq. ft. in the amount of \$55,103.40. Negotiation has been ongoing and the sale price was indexed at the initial time based on the appraised value of similar properties in the rear of the project.
- b. Relocation costs: None
- c. Improvement costs: The Agency has made infrastructure improvements to the Ridgecrest Business Park. The DDA provides for certain assessments, CC&R's,. All school, development impact fees, sewer fees, water district, and utility fees are to be paid by developer. Utility access is provided at the property line, except for fire flow detection devices.

- d. Finance costs: None
- e. Purchase Agreement The purchase agreement requires the agency to consider the lot area in the sale of the site. The Agency will hold a promissory note in the amount of \$35,103.40 and the \$20,000 cash partial payment..

2. Estimated value of interest to be conveyed by the City and Agency to the Developer determined at the highest and best use permitted by the Redevelopment Plan.

The estimated value of interest to be conveyed at its "highest and best use" based on the appraised value as established. This value is the basis of an independent appraisal of the property prepared in 2003 for the specific site as may be improved by the proposed infrastructure enhancements.

3. Estimated value of interest to be conveyed at the use and with conditions, covenants and development costs required by the sale:

Analysis of the "estimated value of interest" being conveyed. The fair market value of \$2.75, provides for a property value to the Agency based on gross square footage and exceeds Agency purchase price and all improvements made by it resulting in a net profit to the agency. The purchase agreement provides for the sale of the site as defined as within Group I &II parcels as part of the development schedule for the Ridgecrest Business Park.

The property is being conveyed at a net purchase price of \$ 55,103.40, at \$2.75 /sq. ft. by the Agency.

The Developer has the responsibility of the development of the site within a defined time schedule for permitted professional office and business service commercial facility.

4. The acquisition price which the developer will be required to pay during the terms of the DDA:

The developer will receive title to the parcel, subject to the terms and conditions as outlined within the DDA. The developer will guarantee to invest necessary funds into the new site construction improvements and guarantee establishment of new jobs for the project's operation upon the phased development.

5. Explanation as to the reason why the sale of the property will assist in the elimination of blight:

Sale of this site will help eliminate blight by development of a vacant parcel of the Ridgecrest Business Park within the City of Ridgecrest Redevelopment Project Area. The City and the Redevelopment Agency have recognized this general area to be underutilized and "blighted" and have encouraged this development in support of the overall development of the Ridgecrest Business Park.

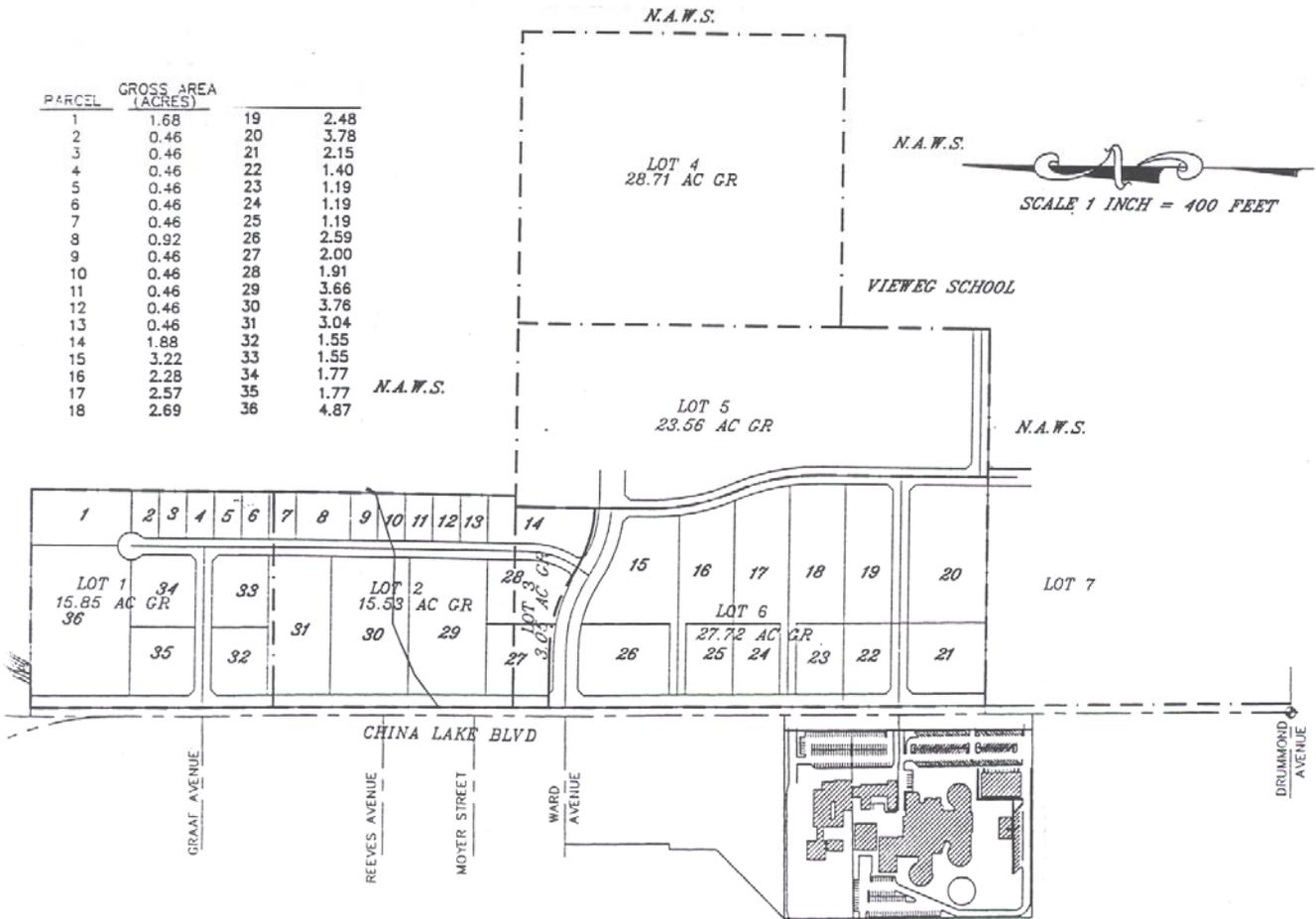
The Ridgecrest Business Park

East side of N. China Lake Blvd.
At the north entrance to the City of Ridgecrest

A new 63 acre business, technology, and medical Business park
Opening Winter of 2001



PARCEL	GROSS AREA (ACRES)	
1	1.68	19
2	0.46	20
3	0.46	21
4	0.46	22
5	0.46	23
6	0.46	24
7	0.46	25
8	0.92	26
9	0.46	27
10	0.46	28
11	0.46	29
12	0.46	30
13	0.46	31
14	1.88	32
15	3.22	33
16	2.28	34
17	2.57	35
18	2.69	36



Existing Conditions and Easements

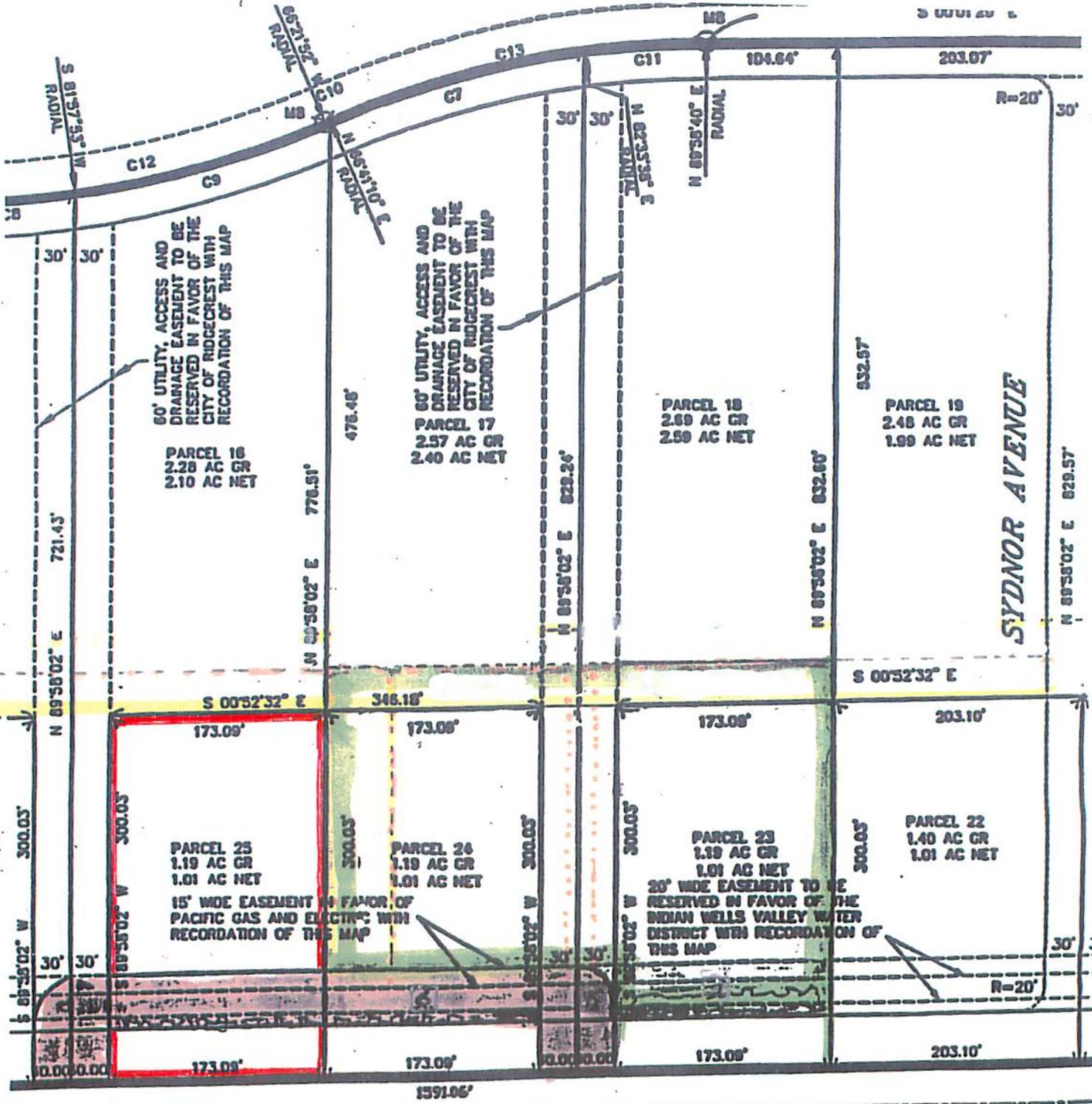


Ridgecrest Business Park
Lot 25, Parcel Map No. 10819

Parcel 25 173.09' X 300.03'+ 1.19 AC gross; 1.01 AC net
RRA Improved Frontage Road within 45' easement

Parcel 16 Flag Lot access from N. China Lake Blvd. of 30'

Parcel 16 Southern Easement of 30'



WEST LINE OF SECTION 27
T26S R40E MDN

2649.91'
CHINA LAKE BLVD

2

CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM

SUBJECT:

Status Report on the Compliance Order IWMA BR07-07 and the Local Assistance Plan (LAP) modified and now required by the California Integrated Waste Management Board (CIWMB) and discussion of an Administrative Civil Penalty, along with four state mandated programs of consultants and establishing a protest hearing for property related fees.

PRESENTED BY:

James McRea

SUMMARY:

The staff report is a continuation of the interaction between the City and CIWMB staff. The County of Kern has provided invaluable assistance upon the authorization by Mr. Douglas Landon, Interim Director, Waste Management Department. Ms. Nancy L. Ewert, P.E., Sr. Engineering Manager, Kern County Waste Management Dept. has presented the position of both the City and the County to the CIWMB staff. The City appeared before the CIWMB Board in Sacramento on March 24, 2009. Mayor Steven Morgan, City Attorney Keith Lemieux, Public Service Director James McRea, and Nancy Ewert, prevailed in three of the four requests before the Board, however, loss the requested to retain the existing base year and have the item referred back to staff. The CIWMB staff for the most part was supportive, except for the base year and presented a report of lacking good faith effort. The CIWMB sustained the staff's recommendations and levied an administrative penalty. A one-time penalty of \$47,580 for failure to meet the terms of the Compliance Order, based upon a fine in the amount of \$780 per day, beginning from the date of the original Penalty Hearing Notice (1/23/09) through the date of today's hearing (3/24/09). In recognition of the City's efforts in the last month prior to today's hearing, only \$20,000 of this penalty shall be due immediately. The remaining \$27,580 of this fine shall be held in abeyance to ensure compliance with the remainder of the Board's Order. The State will formally notify the City of its requirements, in the interim; we are developing a program based on the attached staff report and the news release.

The Mayor and staff presented what was perceived to be compelling presentations and request, the penalty could have been more severe, and however, the City is now under an even stronger mandate from the State that the community will provide residential mandatory refuse service including a blue cart recycling element and on-site commercial recycling.

The L.A.P. programs not implemented by the City's deadlines include:

- 1) Conduct a new waste generation/characterization study and establish a new base year.
- 2) Complete a Materials Recovery Facility (MRF) Feasibility Study.

In addition the failure to implement the tasks above, CIWMB staff has concerns with the City's:

- 1) Quarterly status reports; To date the City's Quarterly reports provide little information on progress in implementing the L.A.P.'s major programs, and
- 2) Delays and changes in implementation of major programs: Recent communications from the City suggest that the City may miss implementation deadlines and/or elect to implement certain programs in a manner inconsistent with the L.A.P. requirements, relating to mandatory curbside recycling and on site commercial recycling

To comply with the order not yet developed the City at a minimum will be required to immediately undertake and initiate four programs.

1. Engage a consultant to complete the Waste Generation/Characterization Study and establish a New Base Year by October 01, 2009 (reference pg. 2-12 of staff report)
2. Establish Mandatory Commercial on-site Collection of Recyclables on a selected basis By July 1, 2009 and full compliance by January 2010 (reference pg. 2-13,14 of staff report)
3. Establish a Mandatory Curbside Residential Recycling Program pursuant to Ordinance 09-01, by specific dates, including a addition of proposed residential rate schedule on the property tax roll by July 1, 2009 with implementation of universal pick-up by January 2010. (reference pg. 2-15 of staff report)
4. Engage a consultant to prepare and submit a Facilities Feasibility Study. The State mandated a Material Recovery Facility Study and has agreed to a minor modification (reference pg. 2-116 of staff report)

Additional requirements are listed within the staff report and addition tasks will be required prior to January Of 2010. (reference pg. 2-19,20 of staff report)

FISCAL IMPACT:

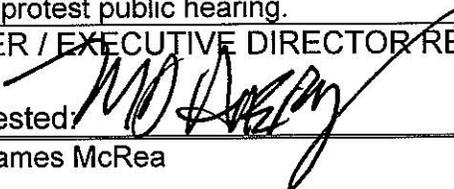
Civil Penalty of \$20,000 and a suspended penalty of \$27,580.

Reviewed by Administrative Services Director

ACTION REQUESTED:

Receive staff report and appropriate authorization by minute motion to engage professional services consultants and initiate the proceeding for inclusion of property related fees to the tax roll by a designated protest public hearing.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: 

Submitted by: James McRea
(Rev. 2-14-07)

Action Date: 04-01-09

California Integrated Waste Management Board

Board Meeting

March 24, 2009

AGENDA ITEM 1(Revised)

ITEM

Consideration Of The Grant Awards For The Waste Tire Enforcement Grant Program (Tire Recycling Management Fund, Fy 2008/09)

I. ISSUE/PROBLEM STATEMENT

2. Public Hearing And Consideration Of The Imposition Of Penalties Against The City Of Ridgecrest, Kern County, Pursuant To Compliance Order IWMA BR07-07 (Public Resources Code Section 41850) And Consideration Of Potential Modifications To The Existing Compliance Order - (Committee Item C) [Agenda Item \(Revised\)](#) (Word, 170 KB) , [Adjustment Presentation](#) (Powerpoint, 530 KB) , [Presentation](#) (Powerpoint, 206 KB) , [Agenda Attachment 1](#) (Word, 6843 KB) , [Agenda Attachment 2](#) (Word, 2753 KB) , [Agenda Attachment 3](#) (Word, 15560 KB) , [Agenda Attachment 4](#) (Word, 348 KB) , [Agenda Attachment 5](#) (Adobe Acrobat (PDF), 6845 KB) , [Agenda Attachment 6](#) (Word, 2217 KB) , [Agenda Attachment 7](#) (Word, 50886 KB) , [Agenda Attachment 8](#) (Word, 66 KB) , [Agenda Attachment 9](#) (Word, 35 KB) , [Presentation](#) (Powerpoint, 234 KB) This Agenda Item presents staffs' recommendations to award grants for the funding Fiscal Year (FY) 2008/09 Waste Tire Enforcement Grant Program (Program). In accordance with the California Integrated Waste Management Board's (Board or CIWMB) Grant Award Process, staff makes recommendations for funding grant applications based upon the Criteria and Evaluation process established by the Board. The Board approved a Grant Process and Eligibility Criteria and Evaluation Process at the October 16, 2007, Board meeting, which is applicable to FYs 2007/08 and 2008/09 funding years. Staff applied these criteria in evaluating the thirty-nine (39) submitted applications, which are all being recommended for funding as described in Attachment 1.

II. ITEM HISTORY

Public Resources Code (PRC) section 42889(b)(4), allows the Board to consider, "...designating a city, county, or city and county as the enforcement authority of regulations relating to the storage of waste and used tires...". This section also states that if the Board designates a local entity for this purpose, it shall provide sufficient, stable, and non-competitive funding to that entity, based on available resources.

- At its May 14, 2003, meeting, the Board adopted a revised *Five-Year Plan for the Waste Tire Recycling Management Program (2nd Edition Covering Fiscal Years 2003/04 – 2007/08)* allocating \$6,000,000 per fiscal year through FY 2007/08 for Waste Tire Enforcement Grants.
- At its October 13-14, 2004, meeting, the Board approved a new Eligibility and Program Criteria and Evaluation Process for the Waste Tire Enforcement Grant Program that provided for consistent inspection coverage throughout the State; established caps on eligible expenses and charges; defined procedures for allocating available funding when local enforcement entities request more funds than are available through the program, while maintaining a stable source of funding; and ongoing program evaluation.
- At its May 11, 2005, meeting, the Board adopted a revised *Five-Year Plan for the Waste Tire Recycling Management Program (3rd Edition Covering Fiscal Years 2005/06 – 2009/10)* allocating \$6,000,000 per fiscal year through FY 2009/10 for Waste Tire Enforcement Grants.

- At its November 13-14, 2005, meeting, the Board approved the Eligibility and Program Criteria and Evaluation Process for the Program for FYs 2005/06 and 2006/07.
- At its June 12, 2007, meeting, the Board adopted a revised *Five-Year Plan for the Waste Tire Recycling Management Program (4th Edition Covering Fiscal Years 2007/08 –2011/12)* (Five-Year Plan) allocating \$6,750,000 per fiscal year through FY 2009/10 for Waste Tire Enforcement Grants.
- At its October 16, 2007, meeting, the Board approved Resolution 2007-211 (REVISED), the existing Eligibility and Program Criteria and Evaluation Process for the Program for FYs 2007/08 and 2008/09.

III. OPTIONS FOR THE BOARD

1. Approve the proposed awards and adopt Resolution Number 2009-43; or,
2. Disapprove the proposed awards and Resolution Number 2009-43, and direct staff as to further action.

IV. STAFF RECOMMENDATION

Recommendation: Staff recommends Option 1 and adoption of Resolution Number 2009-43.

V. ANALYSIS

A. Key Issues and Findings

Background

Public Resources Code section 42889(b)(4) allows the Board to consider, "...designating a city, county, or city and county as the enforcement authority of regulations relating to the storage of waste and used tires...". This section also states that if the Board designates a local entity for this purpose, it shall provide sufficient, stable, and non-competitive funding to that entity, based on available resources, as provided in the Five-Year Plan.

In addition, the Board has the authority to allow local agencies to inspect waste tire hauler documents. PRC section 42956(c) provides that, "(t)he waste and used tire hauler registration shall be presented upon demand of an authorized representative of the board." Public Resources Code (PRC) section 42961.5(c)(1) provides, in pertinent part that, "(t)he manifest shall be shown upon demand to any representative of the board... or any local public officer designated by the board."

The Public Resources Code also authorizes the Board to allocate monies from the California Tire Recycling Management Fund (Tire Fund) in a manner consistent with the Five-Year Plan. The Board allocated \$6,750,000 for the Waste Tire Enforcement Grant Program for this fiscal year.

Waste Tire Enforcement Grants are available to local enforcement agencies (LEA), environmental health agencies, and code enforcement agencies having 50 or more waste tire facilities in their jurisdictions, and existing Waste Tire Enforcement Grantees that have demonstrated satisfactory performance, as determined by the Board.

The Waste Tire Enforcement Grant Program is non-competitive and is intended to fund grants as follows:

- Jurisdictions with populations equal to or less than 900,000 are eligible to receive up to \$300,000;
- Jurisdictions with populations of 900,001 through 1,999,999 are eligible to receive up to \$450,000; and,
- Jurisdictions with populations of 2,000,000 or more are eligible to receive up to \$600,000.

The funding pays for personnel, transportation, materials, supplies, and equipment costs (surveillance equipment, GPS units, etc.) associated with carrying out a local waste tire inspection, surveillance, and education program for the CIWMB, cleaning-up small tire piles, and attending required training.

The duties of local government Grantees include:

- identifying illegal waste tire piles and cleaning-up small tire piles ;
- inspecting tire facilities, points of tire generation, haulers, and end-use facilities;
- investigating referrals and complaints;
- examining waste tire hauler registration and manifest documents; and,
- providing education to waste tire facilities, generators, and haulers.

Grantees ensure compliance with all applicable waste tire laws and regulations, including storage standards and use of registered tire haulers and the manifest system. Local government Grantees can also issue a Notice of Violation (NOV) when violations are discovered. The CIWMB assumes responsibility for enforcement action after the NOV stage, including administrative penalty actions, denial or revocation of waste tire facility permits or hauler registrations, and referrals to the Attorney General or District Attorney for civil or criminal actions.

In August 2008, CIWMB staff distributed the Notice of Funds Available (NOFA) to all Local Enforcement Agencies (LEAs) and existing Grantees via an electronic mail notification, and made the NOFA, grant application, and grant application instructions available on the CIWMB's grants web page. The last day to submit applications was October 31, 2008, and the last day to submit an approved resolution was December 31, 2008. The CIWMB received thirty-nine (39) applications totaling \$8,025,119.23 in requested funds. Staff recommends funding thirty-nine (39) qualified grant Applicants for a total of \$6,749,989.00.

Application Review Process:

Applicants were evaluated using the Board-approved criteria, and those meeting the eligibility, program and application requirements were considered for funding. To apply, each Applicant was required to submit an application information sheet, an approved resolution from its governing body authorizing submittal of the application and designating a signature authority, a list of inspections to be performed, and a detailed budget for the program.

After the close of the application period, Financial Assistance Division (FAD) staff performed the initial data entry and a completeness review for each application. A review panel comprised of two staff members reviewed the grant applications to determine eligibility and carefully evaluated the proposed budgets to determine if they were accurate and reasonable, based on the number of tire facilities and generators in their jurisdictions. Based on the panel's review, and conversations with Applicants, reductions were made to those budgets that were inaccurate, unsupported, did not conform to the application instructions, or that contained ineligible costs. In some cases, budgets were increased due to an Applicant's mathematical errors or failure to request funding to attend required meetings, conferences and/or trainings.

Further budget reductions were necessary because requested funds still exceeded available funds. Staff made additional reductions in accordance with Grant Program over-subscription criteria as outlined in the October 16, 2007, criteria item.

Staff expended considerable effort to ensure the recommended awards provided sufficient and stable funding to maintain a satisfactory level of inspections, enforcement, surveillance, and other related activities. If budgets were adjusted, staff assured the following:

- The number of inspections for tire businesses, generators and haulers were not reduced below previous quantities.
- Surveillance and Enforcement tasks were only reduced if they exceeded the allowed maximum. Per Board approved criteria, a maximum of 75% of the inspection cost budget may be budgeted for surveillance and enforcement activities. This cap was increased from 50% to 75% in FY 2007/08 to allow more funding for these activities. Grantees have expressed that they greatly appreciate this increase in an area they consider critical to local waste tire enforcement.
- Funds for attending mandatory training were only reduced for Applicants who budgeted more than three (3) staff to attend training.

Staff analyzed past years expenditures to determine if recommended TEA 16 grant awards presented in this item would adequately cover Grantees expenditures for the upcoming cycle. Staff believes that no further funding is necessary for this year to accomplish the goals of the program due to the following facts:

- Current available data demonstrates that Grantees only spent 55% of the funds that the Board awarded them in FY 2005/06 and 2006/07.
- Grantees will have the ability to transfer funds between allowed budget tasks according to their needs, which provides flexibility to assure the most important tasks are accomplished.
- Affected Applicants were contacted when there were questions about the eligibility of budgeted items, and the panel reviewed and carefully considered all Applicant provided information.

Of the thirty-nine (39) applications received, thirty-eight (38) were returning Grantees from the FY 2007/08 grant cycle. Staff evaluated their performance based on the following Board-approved criteria:

- Completion of the majority of tasks identified in the workplan/budget;
- Submission of complete and accurate inspection forms;
- Effective and efficient use of approved grant funds;

- Timely follow-up of complaints and referrals;
- Timely submission of enforcement referrals to the CIWMB and District Attorney, if applicable; and
- Participation in joint training with the CIWMB's field staff.

All previously funded Grantees that submitted grant applications were performing adequately.

Of the thirty-nine (39) applications received, one (1) was from a new Applicant (San Diego County). Three (3) current Grantees (Marin County, San Luis Obispo County, Mendocino County) did not submit an application for this grant cycle. Note: We have offered to extend the current grant performance period for an additional 10 months to allow the three (3) Grantees to maintain their current activities with available funds. To date, San Luis Obispo County has agreed to this and a Grant Agreement extension will be issued.

The Applicants being recommended for funding for the FY 2008/09 Waste Tire Enforcement Grant Program are shown in Attachment 1. The amount recommended for funding is \$6,749,989.00, which is within the \$6,750,000.00 allocated by the Board in the Five-Year Plan. Upon Board approval, the Grant Agreements will be prepared and processed using the Board's standard Grant Agreement procedures.

B. Environmental Issues

The Grantees will conduct activities to reduce illegal tire disposal, storage, and hauling in their jurisdictions, which should decrease the adverse effects of the unlawful disposal of waste tires.

C. Program/Long Term Impacts

Chart 1 provides recent performance data and a summary of the Waste Tire Enforcement Program since its inception. During the past five (5) years, there has been a relatively steady total number of Grantees, while businesses covered by Grantees, inspections conducted, and Notices of Violation issued have increased. Prior to 2001, the Grantees' duties were limited to either conducting surveys of tire dealer and dismantlers or conducting inspections of waste tire facilities that store or accept 500 or more tires, and following-up with appropriate compliance actions. The primary goal of the "survey program" at the time was to develop an extensive list of Waste Tire Facilities (WTF) that fell under the CIWMB's jurisdiction (facilities accepting or storing 500 or more tires at a given location and evaluate compliance). A Survey included mailing out survey forms to businesses to determine if they accepted or stored 500 or more tires and/or going to sites and asking questions about the business to see if they fell under the purview of the CIWMB. As a response to SB 876, the Grant Program radically changed in FY 2002/03 to include a more comprehensive enforcement program at the state and local levels. Additionally, available funding was increased first to \$4,000,000, then to \$6,000,000 for FY 2003/04, and most recently to \$6,750,000 for FY 2007/08 and 2008/09.

The Grant Program responsibilities increased to include surveillance and education elements and dramatically expanded the inspection focus to include routine inspections of all end-users, generators and haulers. The Grant Criteria were changed to a noncompetitive grant program that would cover the cost of inspection,

surveillance, enforcement coordination, public education, equipment, employee training and report writing in order to secure more participation in the program. The average cost per jurisdiction has increased each year. This is due, in large part, to the increased duties and work being done at the local level, which is represented by the number of inspections and NOV's increasing significantly over the last four years.

Chart 1

Grant Term/ FY	No. of Grantees	Total Amount Awarded	Actual Cost	No. of inspections conducted	No. of NOV	Percentage of businesses covered by Grantees
FY 1996/97	4	\$110,000	\$105,000	*	NA	*
FY 1997/98	9	\$315,000	\$315,000	*	NA	*
FY 1998/99	9	\$360,000	\$350,000	*	NA	*
FY 1999/2000	8	\$500,000	\$390,000	*	NA	*
FY 2001/02 (6)	8	\$760,000	\$560,000	1,475	212	*
FY 2002/03 (8)	24	\$3,720,000	\$2,020,000	6,611	459	56%
FY 2003/04 (9)	36	\$4,710,000	\$3,250,000	7,740	609	64%
FY 2004/05 (11)	38	\$5,250,000	\$3,330,000	9,282	802	77%
FY 2005/06 (12)	39	\$5,667,495	\$3,322,581	11,504	876	79%
FY 2006/07 (14)	39	\$5,702,800	\$2,985,866***	12,265***	982***	79%
FY 2007/08 (15)	41	\$6,588,142	**	**	**	79%
FY 2008/09 (16)	39	\$6,749,989	**	**	**	77%

Note: Dollar amounts are to the nearest \$10,000.

* During the grant terms from FY 1996/97 to FY 2001/02, Grantees inspected approximately 2,000 waste tire sites.

** Data is not available yet.

*** Estimate

CIWMB staff continues to improve support and assistance provided to Grantee staff. New and ongoing Grantee support programs include: Grant Management Workshops and Inspection/Enforcement round tables; regular e-mails of program information and reminders; updated and expanded web pages; one-on-one database and field training for new Grantees and new staff of existing Grantee staff; and, on-going enforcement assistance.

D. Stakeholder Impacts

Staff adjusted the funding of some applicants to conform with application requirements and funding availability.

E. Fiscal Impacts

Funds will be appropriated from the California Tire Recycling Management Fund.

Legislative. SB 876 (Escutia, Statutes of 2000, Chapter 838) authorized a fee of \$1.00 on the purchase of a new tire until December 31, 2004. Assembly Bill (AB) 923 (Firebaugh, Statutes of 2004, Chapter 707) authorized a fee of \$1.75 per

tire beginning January 1, 2005. One dollar of this fee (less up to 1.5 percent retained by the retail purchaser as reimbursement for any costs associated with the collection of the fee) is deposited into the California Tire Recycling Management Fund, to support programs approved in the Five-Year Plan.

Waste Tire Enforcement Grants. Six million seven hundred and fifty thousand dollars (\$6,750,000) has been allocated for FY 2008/09 to support and expand the local government Waste Tire Enforcement Grant Program.

F. Legal Issues

Refer to Analysis for the legal authority to issue Waste Tire Enforcement Grants to local agencies.

G. Environmental Justice

Waste tire facility standards, hauler registration, and manifest regulations enforced pursuant to this grant program are applied equally and uniformly to all parties throughout the State of California regardless of income, population density, race, or ethnic origin. Compliance with Environmental Justice principles is a grant program eligibility requirement and is a condition of the Grant Agreement.

All Applicants were required to certify under penalty of perjury that, if awarded a grant, it shall, in the performance of the Grant Agreement, conduct its program, policies, and activities that substantially affect human health or the environment in a manner that ensures the fair treatment of people of all races, cultures, and income levels, including minority populations, and low-income populations of the State.

All Grantees will be contractually required to perform their grant projects in a manner that is consistent with the principles of Environmental Justice as defined Government Code §65040.12(e).

VI. FUNDING INFORMATION

1. Fund Source	2. Amount Available	3. Amount to Fund Item	4. Amount Remaining	5. Line Item
Tire Recycling Management Fund (FY 2008/09)	\$6,750,000	\$6,749,989	\$11	Grants

VII. ATTACHMENTS

1. Applicants and Recommended Funds for the FY 2008/09 Waste Tire Enforcement Grant (Revised)
2. Resolution Number 2009-43 (Revised)

VIII. STAFF RESPONSIBLE FOR ITEM PREPARATION

A. Program Staff: Jim Lee

Phone: (916) 341-6455

Barbara Strough

Phone: (916) 324-1710

Sophia Mercado

Phone: (916) 341-6421

B. Legal Staff: Holly B. Armstrong

Phone: (916) 341-6060

C. Administration Staff: Suzanne Blihovde

Phone: (916) 341-6178

IX. WRITTEN SUPPORT AND/OR OPPOSITION

A. Support

Staff had not received any written support at the time this Item was prepared.

B. Opposition

Staff had not received any written opposition at the time this Item was prepared.

State Fines City of Ridgecrest Over Waste Diversion: High desert city has failed to comply with Waste Board directives

SACRAMENTO--The California Integrated Waste Management Board [today](#) fined the City of Ridgecrest (Kern County) \$47,580 for failing to adequately implement its mandated waste diversion program as required by the 1989 California Integrated Waste Management Act, which requires all cities and counties to divert at least 50 percent of solid waste away from landfills.

"This Board has always sought first to work in partnership with local jurisdictions before considering the imposition of fines that are provided for in the law," said Board Chair Margo Reid Brown. "But nearly 20 years after the diversion mandate was enacted, and with successful compliance by the vast majority of jurisdictions, Ridgecrest has yet to take the steps needed to comply with the law and thus we were compelled to take this action."

After a lengthy hearing and testimony from city and Kern County representatives the Waste Board issued the following decision:

- The Board is imposing a one-time penalty of \$47,580 for failure to meet the terms of the Compliance Order, based upon a fine in the amount of \$780 per day, beginning from the date of the original Penalty Hearing Notice (1/23/09) through the date of today's hearing (3/24/09).
- In recognition of the City's efforts in the last month prior to today's hearing, only \$20,000 of this penalty shall be due immediately.
- The remaining \$27,580 of this fine shall be held in abeyance to ensure compliance with the remainder of the Board's Order.
- The Board is further directing staff to work with the City to develop a revised Local Assistance Plan that shall be agreed to by the City and submitted by May 29, 2009, that includes all of the tasks in the existing Plan with revised dates, and the new tasks the City indicated they would add, with full implementation of all tasks by January 4, 2010.
- In addition, the revised Local Assistance Plan shall include a one-year monitoring period following the full implementation of the revised Local Assistance Plan.
- If the City fails to fully implement the revised Local Assistance Plan by January 4, 2010, the \$27,580 held in abeyance shall be imposed upon the City, and the City shall be liable to an additional daily penalty in the amount of \$1,950 per day until the City achieves full implementation.

"It is our hope that by continuing to work aggressively with the City of Ridgecrest, and holding them accountable for these compliance measures, their efforts will meet with success and they will become a full partner in meeting California's recycling mandate," said Chair Brown.

The compliance order required the city to coordinate with Board staff to develop and submit a Local Assistance Plan by Jan. 31, 2008, the plan included establishing a 2006 or newer base year study, implementing mandatory residential and commercial recycling programs, and fully implementing the plan by Jan. 31, 2010.

The compliance order requirements that have not been implemented by the city's deadlines include establishing a new base year, and completing a feasibility study for a local materials recovery facility. In addition to these missed deadlines, the city has also acknowledged that it will not be able to meet the upcoming March 31 deadline to implement its residential and commercial recycling programs.

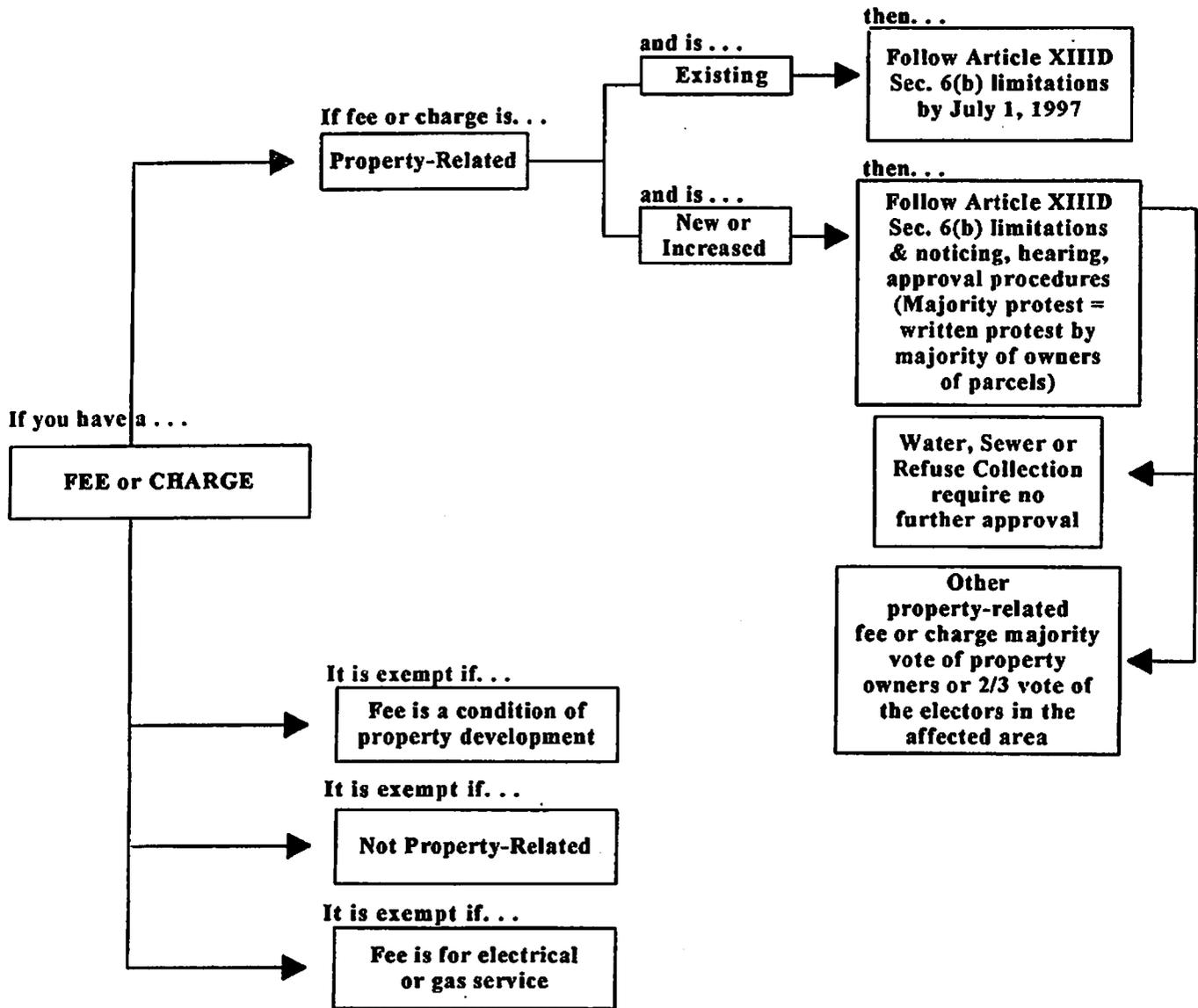
The California Public Resources Code requires each city, county, or regional waste agency to develop a solid waste diversion plan, showing how it will divert at least 50 percent of its solid waste by January 1, 2000, through source reduction, recycling, and composting activities.

The Waste Board is required to review those plans at least every two years. The Board is required to issue a compliance order to local jurisdictions that fail to implement their waste diversion plan, and the Public Resources Code authorizes the Waste Board to impose civil penalties of up to \$10,000 per day if the local jurisdiction fails to make a good faith effort to implement the plan.

The California Integrated Waste Management Board is the state's leading authority on recycling and waste reduction. It promotes reducing waste whenever possible, managing all materials to their highest and best use and protecting public health and safety and the environment.

The California Integrated Waste Management Board is one of six boards, departments, and offices within the California Environmental Protection Agency ([Cal/EPA](#)).

Property Related Fees & Charges How to Comply with Prop. 218



Fieldman, Rolapp & Associates
 Independent Financial Advisers to Local Government
 714 660-8500

Property Related Fees & Charges

- Cannot exceed the funds required to provide the property related service.
- Cannot be used for any purpose other than that for which the fee or charge is imposed.
- Cannot exceed the proportional cost of the service attributable to the parcel.
- Cannot be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question.
- No property related fee or charge may be imposed for general governmental services (ie. Police, fire, ambulance or library) where the service is available to the public at large.
- Requires 45 day mailed notice, a protest hearing and in many cases a vote.
 - Protests by majority of owners of identified parcels proposed to be subject to the fee or charge represents majority protest.

No vote required for fees or charges for water, sewer and refuse collection services.
 - Voter approval required by a majority vote of the property owners (option - 2/3 vote of electorate residing in the affected area) for all other property related fees or charges.
- Development fees not impacted. Standby charges are assessments.
- Effective date is probably November 6, 1996, however, beginning July 1, 1997, all property related fees and charges must be in compliance with Proposition 218.
- The burden of proof is on the public agency in legal any action contesting the validity of the property related fee or charge.
- Property related fees and charges are subject to the initiative process.

CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM

SUBJECT: A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared For The Month Of April 2009 And Scheduled Date Of Presentation

PRESENTED BY:
Michael Avery, City Manager

SUMMARY:

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various events and celebrations. This resolution lists proclamations that have been processed.

The proclamations will be presented at City Hall at 12:00 Noon on the Friday immediately following this Council meeting.

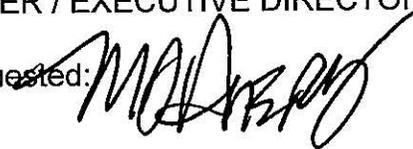
FISCAL IMPACT: None

Reviewed by Administrative Services Director

ACTION REQUESTED:
Adopt Resolution

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:



Submitted by: Michael Avery

Action Date: April 1, 2009

RESOLUTION NO. 09-

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL
ANNOUNCING PROCLAMATIONS PREPARED FOR THE
MONTH OF APRIL 2009 AND SCHEDULED DATE OF
PRESENTATION**

The Ridgecrest City Council receives requests for presentation of ceremonial proclamations for various events and observations. The following proclamations have been processed and will be presented at location, date and time shown below:

Proclamation titles with Date, Time and Location of Presentations

PUBLIC EDUCATION MONTH, APRIL 2009 - the Indian Wells Valley Masonic Lodge - will be presented at 12:00 NOON Friday, April 3, 2009 at City Hall

APPROVED AND ADOPTED this 1st day of April 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN"

Steven P. Morgan, Mayor

ATTEST:

Rita Gable
City Clerk

4

CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM

SUBJECT: A Resolution of the Ridgecrest City Council transferring surplus property of one truck to Desert Mountain Resource Conservation & Development Council and one truck to Senior Services of IWV.

PRESENTED BY: Michael D. Avery, City Manager

SUMMARY:

The Parks, Recreation and Quality of Life Committee is recommending to the City Council to transfer surplus property of one truck to Desert Mountain Resource Conservation & Development Council and one truck to Senior Services of IWV.

By transferring these two trucks, Desert Mountain Resource Conservation & Development Council and the Senior Services of IWV will be able to apply for a grant to be able to receive new vehicles. By receiving these new vehicles, each agency will be able to further the mission of the city by assisting the City's **Ridgecrest Cares** program, Economic Development, Community Development and Water Conservation furthering the benefits to the citizens of the City of Ridgecrest.

The City Manger has declared these vehicles as non-serviceable and surplus property. In their current condition their value is \$500.00

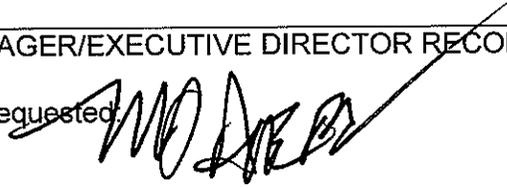
FISCAL IMPACT: \$500 estimated value, but No impact to our present budget.

Reviewed by Administrative Director

ACTION REQUESTED: Approve Resolution No. 09___ A Resolution of the Ridgecrest City Council transferring surplus property of one truck to Desert Mountain Resource Conservation & Development Council and one truck to Senior Services of IWV.

CITY MANAGER/EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:



Submitted by: Michael D. Avery, City Manager

Action Date: April 1, 2009

RESOLUTION NO 09-

A RESOLUTION OF THE RIDGECREST CITY COUNCIL TRANSFERRING SURPLUS PROPERTY OF ONE TRUCK TO DESERT MOUNTAIN RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL AND ONE TRUCK TO SENIOR SERVICES OF INDIAN WELLS VALLEY

WHEREAS, The Parks, Recreation and Quality of Life Committee is recommending to the City Council to transfer surplus property of one truck to Desert Mountain Resource Conservation and Development Council and one truck to Senior Services of Indian Wells Valley; and

WHEREAS, The City Council declares the below listed trucks as surplus and non-serviceable; and,

WHEREAS, The City Council is declaring that by transferring this surplus property of trucks to the Desert Mountain Resource Conservation and Development Council and Senior Services of Indian Wells Valley that this will benefit the community of Ridgecrest, by furthering the projects for the City's **Ridgecrest Cares** program, Economic Development, Community Development and Water Conservation; and

WHEREAS, The value of these surplus vehicles is \$500; and

WHEREAS, the recipients will hold the City harmless from all liability upon taking possession of said vehicles.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Ridgecrest authorizes the transfer of surplus property as follows:

1988 Chevrolet Pick Up, VIN 1GCFC24K7JE189873 and 1988 Chevrolet Pick Up, VIN 1GCDC1FK8JE190239 to Desert Mountain Resource Conservation and Development Council and to Senior Services of Indian Wells Valley.

APPROVED AND ADOPTED this 1st day of April, 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steven P. Morgan, Mayor

ATTEST:

Rita Gable
City Clerk



DESERT MOUNTAIN
RESOURCE CONSERVATION
& DEVELOPMENT COUNCIL

Desert Mountain Resource Conservation & Development Council

1525 N. Norma St Suite C
Ridgecrest, CA 93555
(760) 446-1974
Fax (760) 446-3743

Executive Committee:

Deborah Hess, President
Donna Thomas, Vice President
Marie Brashear, Secretary
Craig Peterson, Treasurer
Pete Lounsbury, At Large
Doug Thompson, At Large
Cathy Hart, At Large

RC&D Coordinator:

Deana Taylor

Sponsors:

Resource Conservation Districts:

Antelope Valley RCD
Eastern Kern RCD
Mojave Desert RCD
Tehachapi RCD

County Government:

Kern County
San Bernardino County
Inyo County

Local Government:

City of Ridgecrest
City of Tehachapi

Indian Tribes:

Bishop Paiute Tribe
Chemehuevi Indian Tribe
Lone Pine Paiute-Shoshone Reservation

Chambers of Commerce:

Lone Pine Chamber of Commerce
Lucerne Valley Chamber of Commerce
Ridgecrest Chamber of Commerce

Others:

Antelope Valley Board of Trade
Baker Community Service District
Inyo-Mono (IMACA)
Indian Wells Valley Water District
Kern River Valley Revitalization, Inc.
Lucerne Valley Economic
Development
Mojave Air Quality Management
District
San Bernardino Co. Farm Bureau
Southern California Edison
Stockdale Group
IWV 2000

November 5, 2008

Mayor Chip Holloway
City of Ridgecrest
100 W California Ave
Ridgecrest, CA 93555

Dear Mayor Holloway:

We are inquiring about the availability of any vehicles which are being retired from the City of Ridgecrest Fleet. The Desert Mountain Resource Conservation and Development Council is dedicated to promoting and protecting economic, natural, and social resources at the local and regional level. We work on a variety of projects and programs that benefit the residents of Ridgecrest.

Please contact me at 446-1974 if there are any retired vehicles available. Thank you for your time and attention to our request.

Sincerely,

Deborah Hess, President
Desert Mountain RC&D



SENIOR SERVICES OF I.W.V.

RECEIVED
AUG 28 2008

Caring for the elderly and disabled of our community since 1972 BY:.....

417 W. Drummond Ave., Ridgecrest, CA 93555
Office: 760-375-2352 Fax: 760-375-5301 email: hmkrsiww@ridgenet.net

August 27, 2008

Mr. Michael Avery
City of Ridgecrest
100 W. California Ave.
Ridgecrest, CA 93555

Dear Mr. Avery:

I'm sure you have heard of the possible termination of the medical equipment loan program operated by the Rose Varga Discretionary Fund. The Board of Directors of Senior Services of I.W.V. has chosen to pursue the integration of this program into the operations of our agency in order to simultaneously preserve the availability of this service for our community as a whole and to further serve the seniors of the community as well. We believe the mission of this program fits well with our agencies mission of serving the seniors and disabled of our valley and the surrounding area.

As you know we are a 501C3 charitable nonprofit organization and as such have limited resources to expend on our activities. Part of the medical equipment loan program that we need help in maintaining is the ability to deliver loaned equipment to the individual or family in need. To this end we are asking you to consider providing to our agency a serviceable pickup truck coming out of city service which we may utilize in the delivery of loaned medical equipment. Such a vehicle might also be used to support the handy-man/minor maintenance program for seniors that our board has also voted to implement.

We look forward to further discussion with you about continuing this fine program. For meeting arrangements or for questions regarding this matter please contact the undersigned at 760-375-2352 or via email at barry.lowry@seniorservicesiww.org.

Thank you for your time and consideration in this matter.

Sincerely,

Barry A. Lowry
Executive Director

Cc: G. Parsons, President

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CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM

SUBJECT:

Approval of final balancing of change order, authorization to file the Notice of Completion and authorization to release retention on the Drummond Ave., China Lake to Norma Street Project STPL-5385 (032)

PRESENTED BY:

Dennis Speer, Director of Public Works

SUMMARY:

The project consisted of wheelchair ramps, and road rehabilitation of Drummond Ave. from China Lake Blvd to Norma Street. Work has been completed and, with the exception of retention in the amount of \$26,376.52 (10%), the contractor, Maverick Asphalt, has been paid in full. During the course of construction some deletions were necessary due to material changes.

Changes in Contract Bid Items	\$-1,826.55
3" Type "B" Asphalt Concrete, -18.45 tons	
Original Contract Cost	\$265,591.73
Quantity Adjustments/Change Orders	<u>\$ 1,826.55</u>
Total Contract Cost	\$263,765.18

It is further requested that authorization be given to the City Manager to sign the final change order and to file a notice of completion releasing the retention in the amount of \$26,376.52 thirty five (35) days after recordation of the notice of completion. This project is funded by Federal Highway Administration and the City will be reimbursed 88.53% of the construction and administrative costs for the project. On March 17, 2009 the project was inspected by Caltrans and the work was accepted.

FISCAL IMPACT: \$30,253.87 (11.47% of Total Contract Cost)

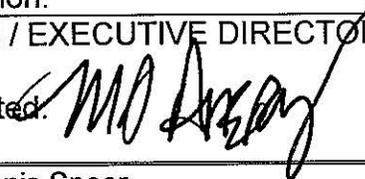
Reviewed by Administrative Services Director

ACTION REQUESTED:

Approve the final balancing change order in the amount of \$-1,826.55 to the Drummond Ave., China Lake to Norma Street Project STPL-5385 (032); authorize the City Manager to sign the final change order; authorize filing of a notice of completion and authorize release of retained funds in the amount of \$30,253.87 thirty five (35) days after recordation of the notice of completion.

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested.



Submitted by: Dennis Speer
(Rev. 2-14-07)

Action Date: April 1, 2009

RESOLUTION NO. 09-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST APPROVING THE FINAL BALANCING CHANGE ORDER IN THE AMOUNT OF \$-1,826.55 TO MAVERICK ASPHALT INC FOR THE REHABILITATION OF THE WESTBOUND LANES OF DRUMMOND AVENUE BETWEEN NORMA AVENUE AND CHINA LAKE BLVD STPL-5385(032) AND AUTHORIZING FILING OF A NOTICE OF COMPLETION AND AUTHORIZING RELEASE OF RETAINED FUNDS IN THE AMOUNT OF \$30,253.87 THIRTY FIVE (35) DAYS AFTER RECORDATION OF THE NOTICE OF COMPLETION

WHEREAS, Maverick Asphalt Inc has completed rehabilitation on the westbound lanes of Drummond Avenue between Norma Avenue and China Lake Blvd. STPL-5385 (032) and

WHEREAS, during the course of construction deletions to the scope of the project were made necessary due to material changes, and

WHEREAS, the net change in the cost of construction was a negative \$-1,826.55 and authorization for a final balancing change order in this amount is hereby requested, and

WHEREAS, retained funds to date in the amount of \$30,253.87 (10% of the final construction cost) will be withheld until 35 days after recordation of the notice of completion, and

WHEREAS, authorization to file a notice of completion is hereby requested, and

WHEREAS, Staff is requesting authorization to release the retained funds in the amount of \$30,253.87 thirty five (35) days after the recordation of the notice of completion providing no claims have been filed against said retained funds, and

WHEREAS, this project is funded by Federal Aid Projects and administered by the State of California Department of Transportation (CALTRANS) and 88.53% of the project construction and administrative costs

NOW THEREFORE, the City Council of the City of Ridgecrest hereby authorizes the City Manager to sign the final balancing change order to Maverick Asphalt Inc in the amount of \$1,826.55 for work completed on Drummond Avenue between Norma Avenue and China Lake Blvd. STPL-5385 (032), authorizes recordation of a notice of completion for the project and authorizes Staff to release the retained funds in the amount of \$30,253.87 thirty five (35) days after recordation of the notice of completion providing no claims have been filed against said retained funds.

APPROVED AND ADOPTED this 1ST day of April 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven P. Morgan, Mayor

ATTEST:

Rita Gable
City Clerk

<p>Recording Requested By:</p> <p>CITY OF RIDGECREST</p> <p>When Recorded Mail to:</p> <p>City of Ridgecrest 100 W. California Ave. Ridgecrest, CA 93555</p>	
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NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The undersigned is **OWNER** or Agent of the **OWNER** of the interest or estate stated below in the property hereinafter described.

2. The **FULL NAME** of the **OWNER** is City of Ridgecrest

3. The **FULL ADDRESS** of the **OWNER** is 100 W. California Ave. Ridgecrest, CA 93555

4. The **NATURE OF THE INTEREST** or **ESTATE** of the undersigned is: In Fee.

(if other than fee, Strike "In Fee" and insert, for example, "Purchaser under contract of purchase," or "Lessee.")

5. The **FULL NAMES** and **FULL ADDRESSES** of **ALL PERSONS**, if any, **WHO HOLD SUCH INTEREST** or **ESTATE** with the undersigned as **JOINT TENANTS IN COMMON** are:

Names	Addresses
-------	-----------

6. The full names and full addresses of the predecessors in interest of the undersigned if the property was transferred subsequent to the commencement of the work of improvement herein referred to:

Names	Addresses
-------	-----------

7. A work of improvement on the property hereinafter described was **COMPLETED** February 4, 2009

8. The work of improvement completed is described as follows: Drummond Ave. Rehabilitation

9. The **NAME OF THE ORIGINAL CONTRACTOR**, if any, for such work of improvement is: Maverick Asphalt Inc.

10. The street address of said property is: Drummond Ave. from China Lake Blvd. to Norma St. in Ridgecrest, CA

11. The property on which said work of improvement was completed is in the Ridgecrest, County of Kern, State of California,

and is described as follows:

Cold plane and repave existing road; replace curb ramps with ADA compliant ramps.

Date

Signature of Owner or Agent of Owner

Verification for **INDIVIDUAL** owner

I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the owner of the aforesaid interest or estate in the property described in the above notice; that I have said notice, that I know and understand the contents thereof, and that the facts stated therein are true and correct.

Date and Place

Signature of Owner named in paragraph 2

Verification for **NON-INDIVIDUAL** owner: I, the undersigned, declare under penalty of perjury under the laws of the State of California that I am the **City Manager** of the aforesaid interest or estate in the property described in the above notice; that I have read the said notice, that I know and understand the contents thereof, and that the facts stated therein are true and correct.

- City of Ridgecrest

Date and Place

(Signature of person signing on behalf of owner)

SUBSCRIBED AND SWORN TO before me on _____

Rita Galble, City Clerk
City of Ridgecrest

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CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM

SUBJECT:

Grant Application United States Department of Justice, Community Oriented Police Services (COPS) Hiring Recovery Program Grant.
REIMBURSEMENT GRANT- NO MATCH REQUIRED

PRESENTED BY:

Ron Strand, Chief of Police

SUMMARY:

The United States Department of Justice is offering local law enforcement agencies grants to hire entry level Police Officers. The grant period begins July, 2009 and ends July, 2012. This is a reimbursement grant that requires no matching funds.

The COPS Hiring Recovery Program provides funding to employ up to four entry level police officers for a period of three years. This grant provides funds for salaries and benefits during the three year grant period. After the three year period the City of Ridgecrest will be obligated to continue employment of the grant funded officers positions for a period of one year at a cost of up to \$361,576.80 to the city, depending on the number of grant funded positions.

FISCAL IMPACT:

Approximate revenue to the city in the amount of up to \$1,106,980.00

REIMBURSEMENT GRANT- NO MATCH REQUIRED

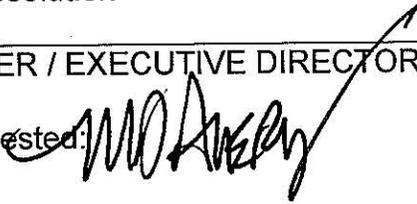
Reviewed by Administrative Services Director

ACTION REQUESTED:

Approval of Resolution

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested:



Submitted by: RON STRAND

Action Date: April 1, 2009

RESOLUTION NO. 09-

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL
AUTHORIZING APPLICATION FOR AND ACCEPTANCE
OF THE UNITED STATES DEPARTMENT OF JUSTICE,
COMMUNITY ORIENTED POLICE SERVICES (COPS)
HIRING RECOVERY PROGRAM GRANT**

WHEREAS, the United States Department of Justice is offering grants under the COPS Hiring Recovery Program and;

WHEREAS, this grant will fund 100 % of actual expenditures relating to the employment of up to four entry level police officers for three years, including salaries and benefits, and;

WHEREAS, up to approximately \$ 1,106,980 revenue will be received by the city, and;

WHEREAS, this grant covers a three year operational period from July, 2009 through July, 2012, and;

WHEREAS, this additional funding is to be used for funding up to four police officer positions and;

WHEREAS, after the three year period the City of Ridgecrest will be obligated to continue employment of the grant funded officers positions for a period of one year at a cost of up to \$361,576.80 to the city, depending on the number of grant funded positions.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Ridgecrest authorizes the City Manager, or his designee, to apply for this grant with the United States Department of Justice COPS Program, and to approve, sign and execute any and all documents relating to the grant award, including amendments, and;

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant expenditures controlled by this body, and

BE IT FURTHER RESOLVED, that this resolution shall remain in full force and effect until a resolution of the City Council is adopted amending or rescinding this resolution,

APPROVED AND ADOPTED THIS 1st day of April, 2009, by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Steven Morgan, Mayor

ATTEST:

Rita Gable
City Clerk

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CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM

SUBJECT: Minutes of the Regular City Council/Redevelopment Agency Meeting of March18, 2009
PRESENTED BY: Rita Gable, City Clerk
SUMMARY: Draft minutes of the Regular Council/Redevelopment Agency Meeting of March18, 2009
FISCAL IMPACT: None Reviewed by Administrative Services Director:
ACTION REQUESTED: Approve minutes
CITY MANAGER 'S RECOMMENDATION: Action as requested: 

Submitted by:

Rita Gable

Action Date: April 1, 2009

(Rev. 2-14-07)



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

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

**March 18, 2009
6:30 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 – 6:00 p.m.

ROLL CALL

PRESENT: Mayor Steven Morgan, Mayor Pro Tem Ronald Carter, Vice Mayor Thomas Wiknich, and Council Members Marshall Holloway and Jerry Taylor

STAFF: Michael Avery, City Manager; Keith Lemieux, City Attorney; Rita Gable, City Clerk; Tess Sloan, Administrative Services Department Interim Director; Jim McRea, Public Services Department Director, Dennis Speer, Public Works Department Director; Jim Ponek, Parks, Recreation And Cultural Affairs Department Director; Ronald Strand, Chief of Police; and other personnel

APPROVAL OF AGENDA

Moved by Council Member Taylor, second Council Member Holloway TO APPROVE THE AGENDA. No public comment. Carried with a voice vote of 5 ayes.

CLOSED SESSION – 6:00 p.m.

GC54956.8 Redevelopment Agency Real Property Negotiations – Vimco, Civic Center Alley Improvements Within the N 1/2 of NE 1/4 of Sec. 4 as shown on APN 478-01 - Agency Negotiators Michael Avery and James McRea

GC54956.8 Redevelopment Agency Real Property Negotiations – OPA for the Ridgecrest Plaza Improvements - Agency Negotiators Michael Avery and James McRea

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GC54956.9 Conference with Legal Counsel - Potential Litigation - California Integrated Waste Management Board and the City of Ridgecrest - Negotiators Michael Avery and James McRea

REGULAR SESSION – 6:35 p.m.

PLEDGE OF ALLEGIANCE led by Council Member Holloway

INVOCATION - CDR Roger Vanderwerken, U.S. Navy Chaplain Corps, China Lake

CITY ATTORNEY REPORTS

❖ **Closed Session –**

- #1 Vimco, Civic Center Alley Improvements - Council received report from Negotiator McRea- no action taken
- #2 Ridgecrest Plaza improvements – Council received report from Negotiator McRea- no action taken
- #3 CIWMB – Council received info from Legal Council

❖ **Other - none**

DEPARTMENT AND COMMITTEE REPORTS

Second Council Meeting (3rd Wednesday of the month)

Public Works Department Director's Report

Infrastructure Committee

Members: Tom Wiknich, Jerry Taylor, Lois Beres, Craig Porter

Meetings: 2nd Tuesday of the month at 5:00 p.m., Council Conference Room

Met March 10

- Discussed trash universal pickup
- Reviewed street projects list using Redevelopment Agency funds
- Update on Ward Avenue signal
- W. Ridgecrest Boulevard RFP received
- Report on traffic flow in Ridgecrest
- S. Norma Street plans and specs 50% complete and is next on list of projects
Next meeting April 14

Finance Department Director Sloan's Report - (PowerPoint presentation – copy in Clerk's packet)

Public comment

Mike Neel noted

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- Pie chart of general fund expenditures shows Public Works at 3% and Parks, Recreation and Cultural Affairs at 18%
- Looks like we can't take care of streets so guess we will have some great parks

Chief of Police Strand's Report – (Update on Traffic Enforcement - copy in Clerk's packet)

City Organization and Services Committee

Members: Tom Wiknich, Jerry Taylor, Nellavan Jeglum, Lois Beres

Meetings: 2nd Thursday of month at 5:00 p.m.; Council Conference Room

Met March 12

- Mediacom was there to talk about video services
- Concerned with residential in-house wiring and they want to hear from citizens/subscribers
- TRANE update – looking at possible federal funds
- Discussed upcoming Census
- Discussed street vendors licensing procedures
- Discussed vacant houses

Next meeting April 9

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

Members: Co-Chairs Ron Carter, Chip Holloway, Ron Strand

Meetings: 2nd Monday of odd numbered months at 6:00 p.m., Kerr-McGee Center

No meeting due to lack of quorum

Next meeting to be announced

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

March 17 meeting Water District

Water ordinance and sign ordinance Mayor Morgan and Eric Kauffman

Community Development Committee meeting April 2 at 5 pm

Council Member Carter, with concurrence of Council, appointed Howard Laire to the City's Personnel Appeals Board.

CITY MANAGER/EXECUTIVE DIRECTOR REPORTS

City Manager Avery will be out of office tomorrow afternoon and all day Friday

PUBLIC HEARINGS

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1. **Public Hearing On The Appeal Of Tentative Tract Map No. 6691 Denial By The Planning Commission By Resolution PC No. 09-04, And The Recommendation Of Denial Of GPA/ZC-08-04, As Well As The Negative Declaration, An Application To Create A 228 Lot Subdivision Known As Wild Pointe Ranch With One Park/Sump And A Commercial Site On 161 Acres To Be Zoned E-1, E-1.5, E-2 And CG On Vacant Land Located At The NW Corner Of W. Ridgecrest Boulevard And N. Mahan Street, APN 455-100-06,08 And 09. Applicant: Pam McRea**

Public Services Director McRea

- The Planning Commission at the conclusion of a duly noticed continued Public Hearing adopted Resolution 09-04, denying the application, the Tentative Tract Map, the General Plan Amendment and zoning reclassification
- The application was heard before the Planning Commission at three (3) meetings; January 27, 2009, January 13, 2009, and November 18, 2008
- A copy of the Planning Commission report was provided by separate cover
- The denial was appealed by the attached letters, dated February 5, 2009 and February 9, 2009

Darrel Whitten, Cornerstone Engineering gave a PowerPoint presentation of their revised proposal (some documents in Clerk's agenda packet)

- 208 residential lots now N – S street on west side
- 87 10K SF lots - 60 20K lots - 61 40K lots
- Most of area is estate density requested zone change for the commercial to estate density and move commercial
- 2 park sites
- Proposing E2 on southern end to E1
- Want reduced width streets in large lot areas 32 FT
- Perimeter wants county standards
- Asking for approval of mitigated negative declaration
- Approve general plan amendment
- Approve the Zone Change (conditionally)
- Approve the Tentative Tract Map 6691 with conditions
- Planning Commission wanted annexation of the property in Kern County that is owned by the applicant
- 30 FT wide park easement alongside of Brady Avenue

City Attorney Lemieux asked if the Planning Commission has had a chance to review this revised proposal

Mr. Whitten said no he did not take to Planning Commission but would have if he thought it had a chance for approval

City Attorney Lemieux stated the Municipal Code has procedure that Council can only hear what was brought to the Planning Commission in the appeal material

Public Comment

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Nellavan Jeglum

- She is the Planning Commission Chairman
- Was upset when she found out this was different than what the Planning Commission had before
- Zone Change is a privilege not a right
- This project is in the military influence area
- This is not what the Planning Commission saw and voted on
- Wanted them to show the design for the annexation
- Thanked City Attorney for bringing up the discrepancy

Andy Kilikauskas

- Urged Council to uphold and support the Planning Commission and deny this appeal
- The Navy determination is based on hindering the base mission
- Noise complaints have increased due to a foreign contingent who did not know the area
- Navy is opposed to this development

Denny Roberts

- Appears similar to the Vaughn situation a while back
- Several concerns - if we do this we set a precedent
- Been living here long enough to see lots of choppers swarming around this area
- Noted he Faller crash near this area many years ago
- The Navy base does experimental work and flights are not like a scheduled airline
- Small lots, high density - all things the base does not want
- Encourages rejection

Bob Wagner

- Owns 5 acres directly across from this project
- Move in about 10 years and bought because the density was 1 acre lots
- Urged the Council to turn this down

John O'Gara NAWS

- Did review of this project urging density of 1 acre lots
- Base has not changed their opinion and urged Council to reject

Melody Neel

- Considering the base - they have millions of acres to fly around
- They do not use this property directly
- Consider what will be best for the city

Council

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Morgan

- ❖ It is not true that because we are hearing this appeal that Council is not supporting the Planning Commission
- ❖ Planning Commission has no authority to use the base as a denial of the appeal
- ❖ A reason for denial was project does not meet the zoning

Carter

- ❖ Have heard no one say that they do not support the project
- ❖ Addressing Mr. Whitten - do not like what you are doing here as this is not what was brought to us before

Wiknich

- ❖ One thing he said he would not do is infringe on the mission of the base
- ❖ Supports sending this back to the Planning Commission

Holloway

- ❖ Also said we did not go against the Planning Commission
- ❖ What came before us before was the map
- ❖ Does any revised map have the potential of being passed
- ❖ Saw several maps of various acreage
- ❖ Concerned about E1 coming and we need to consider
- ❖ Concerned about Zone Change and do not want to consider unless tract map final
- ❖ Kern County does not approve Zone Changes until recording of final tract map
- ❖ The revised map looks better as a compromise
- ❖ Would never support the map they took to the Planning Commission

Taylor

- ❖ Applicant can build the east side of the project today
- ❖ Seconded a lot of what Council Member Holloway stated
- ❖ Concern he has is with all the inconsistencies presented
- ❖ This map is what he personally has been looking for
- ❖ Would not have supported the original map
- ❖ Should go back to the Planning Commission

City Manager Avery suggested we waive fees for re-submission

Moved by Mayor Morgan, second Taylor TO UPHOLD THE PLANNING COMMISSION AND REFER BACK TO THEM. Public comment heard. Carried with a voice vote of 5 ayes.

Recessed at 7:55 p.m.to reconvene at 8:10 p.m.

ORDINANCES AND RESOLUTIONS

2. **Ordinance No. 09-01, An Ordinance Of The City Council Of The City Of Ridgecrest Deleting Chapter XIII And Amending The Ridgecrest Municipal Code As It Relates To Chapter XIII, Sanitation, Sections 13-1 To 13-6.2; Community Wide Universal (Mandatory) Curbside Solid Waste And Recycling Residential Service** **McRea**

Public Services Director McRea

- The provisions of this chapter are adopted to preserve, protect and promote the health, safety and welfare of the public with respect to sanitation and provide a community wide universal (mandatory) curbside solid waste and recycling residential service
- This ordinance was presented to Council for first reading and approval at the Special meeting on March 2 and is presented here for second reading and adoption
- No rate table or service schedule resolution at this time

City Attorney Lemieux answered a question asked by many - what authority does this board have to fine us

- board created in 1995 and the act says they have authority to take steps to comply with mandates of the act - Public Resources 401850
- Appears that the state is ceding their power to many of these boards
- Feel it would be unwise use of funds to try to fight in court

Holloway

- ❖ Wants to know what we are going to do for handicapped and seniors and low income folks – and will those be included in this ordinance
 - Fee schedule will be by resolution and will be adjusted throughout the life of franchise
- ❖ This will be in full force and operation 30 days after the adoption of the ordinance
 - Board says program will be in place by March 31

City Attorney says it cannot be enforced until there is a fee schedule, etc.

Wiknich

- ❖ Lot of discussion regarding the low income folks and who and how they qualify
 - Mr. McRea pointed out section 7 that shows various fees

Taylor

- ❖ This gives us the ability to waive various things from time to time

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PUBLIC COMMENT

Debra Hickey (copy of her points in Clerk's agenda packet)

- Would like to see part of ordinance regarding exemption for those who do their own recycling
- We cannot recycle more than we do
- We take to Pearson's and they handle it
- Feel it would be a punishment if they had to do this
- We produce very little waste – use it up or wear it out is their axiom
- They could not fill half a can a week – wants to still do their own recycling and not have to pay higher fees

Walt Maurer

- Asked of the mandate is 50% - *yes currently*
- Has the City met that – *yes exceeded it*
- Feels that the Board has exceeded their authority
- Quoted State Constitution about no class will be given any consideration than is afforded any other class
- We have done no wrong as a community
- Seems we are all opposed to what the State is trying to impose upon us yet you are ready to pass this ordinance on all of us
- Suspicious of what you are doing to appease this Board
- Quoted from Alexander Hamilton and George Washington
- He is not opposed to voluntary trash pickup or recycling but opposed to mandatory trash pickup and recycling
- Has not yet written to Assembly Member Jean Fuller
- Give them an inch and they will take a mile

Ronald Porter

- Would be a major error to approve this - you should take time to review
- Quoted California Constitution - state cannot mandate a program without paying for it
- We have to stand up and fight this
- The Board burden is to prove we are not in compliance
- They had to have their hearing and meeting here for us to participate
- They have no fining authority in the state of California – only the courts can do that
- They cannot demand recycling unless we have places to take it
- Does not think appropriate that the State makes us do this
- Citizens did not get due process in this

Mike Neel

- Pointed out lien and late charges portion in ordinance

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- Repeated Mr. Carter's statement from last meeting - "he does not live in a dictatorship and surprised it has not gone to court" – the Board was not elected, they were appointed
- Council should have told them we meet the requirements
- The Board is working outside its authority
- Stand up to State tyranny

David Knight

- I doubt there is anyone here who does not appreciate a clean house, yard, street, city and recycling
- No one is, however, forced to clean up their own yard
- Board is forcing the service (on him) whether he wants it or not
- This is not like other utility services – if you don't want the service, you don't pay
- This is not like that – even if you don't want the service you still have to pay
- Recyclables are stockpiling so what is the push to recycling
- Urgent plea for restoration of consensual government

Al Huey

- Has sent email out to Council and City Manager
- Have been on two solid waste committees over the years
- Spoken to a couple of Council Members about mandating with this ordinance
- Saw that the City exceeded with the requirements set by county and state
- State left it with the cities as to how they were going to meet the 50% reductions
- If you move forward with this ordinance you are complacent
- Have taught a class on The Constitution and the most impact you can have is with your local government
- Said he would challenge them and take them to court – if we lose we lose

Paul Neipp

- Question – what are the boundaries of this ordinance – *not outside the city limits*
- Is not speaking as a member of this community but for them
- American government was built upon the premise that government was a service of the people not the master of the people
- If Ridgecrest has a waste management problem then it should be solved by Ridgecrest
- Not up to the State to mandate to its cities
- Do we want to be free or puppets to the State
- Does Ridgecrest have the guts to tell the State to mind their own business

Brian Waterman

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- Thanked each of those who came up here and expressed their outrage
- This ordinance is basically to have mandatory trash pickup not recycling
- How would we determine that the property is occupied and affix the fee
- Appreciated everyone's comments

Melody Neel

- Wrote letter to Waste Management Board about this and their having no right to do this
- Asked them to show that we had not met requirements and asked for them to cite their authority to do these things
- They responded by sending the attachments to agenda item 4
- If you vote on this you will be traitors and liars and violate The Constitution
- You can tell them we have done nothing wrong

Lilly Loscar

- Has one comment – Give Me Liberty Or Give Me Death
- Has nine persons in her household
- Over the limit

Nora Rogers

- Is opposed to this ordinance and hope you will think it out before voting
- She is one of the low income persons - is a senior
- Wanted you to see the human element - has osteoporosis and is diabetic
- Would have problem sorting out all this recycling stuff
- Think about the humans involved

Josh Loscar

- Asked - If this was a business without a rate schedule, etc., would you do this tonight – *Mayor replied no*

Mike Neel

- Has spoken to others around the area but won't tell you what has been said about you (Council)
- Thinking about going to the Kern County Grand Jury about what the State is putting upon us
- City could be included if this goes through

Unidentified lady

- Asked - could we band with other small cities to sue

Walt Maurer

- We are not against you we are against the Waste Management Board
- Contacted three of the Council via email and had responses within 24 hours
- Encouraged them to stand up to the Board

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- Page 5 of Ord section B – public v public

Unidentified gentleman

- Asked - does State have to come back to City as to how it is measured
- If we go to mandatory it will stifle the recycling
- Requested City write the Board to restart the whole process so we can participate
- In order for them to assess the fine they must show that we are not trying

Melody Neel

- Coordination act is where any city government can ask any agency to coordinate with them

Paul Neipp

- Made observation that with citizens heard here tonight that there is hope

Council comment

Carter

- ❖ Would like copies made of this discussion with a cover letter sent to Senator Ashburn, Assembly Member Fuller and all news media of this country
- ❖ Need to open it up for discussion and get media involved in what is going on in our communities
- ❖ In education and the schools it is dictated by State mandates
- ❖ Wants the tape of this meeting to be taken up to the Board to hear
- ❖ See new faces and appreciate all who have spoken
- ❖ Hope this Board will watch this tape and listen to what you have said

Taylor

- ❖ Obviously it is difficult for all of us
- ❖ He is here to represent the citizens
- ❖ How many in audience are lawyers with the state bar – *only one, Keith Lemieux*
- ❖ Council gets his advices on laws and with this issue
- ❖ Noted other mandates such as catalytic converters on cars, school tax even with home school kids
- ❖ Can see that everyone wants to be symbolic
- ❖ We should have voluntarily stated a recycling program years ago and now our back is to the wall
- ❖ If you want to change hit the judiciary system and the other areas representation elsewhere in the State
- ❖ Cerritos fine has not been overturned
- ❖ It is really hard to fight this type of issue

Holloway

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- ❖ Thanked everybody for their comments and the history lessons from Mr. Huey and Mr. Maurer and how far we have strayed off the path
- ❖ He supported mandatory trash pickup long before it was "cool"
- ❖ Was looking for ways to generate revenue for the City without adding taxes
- ❖ Smart enough then to see that there wasn't much support so did not push it harder
- ❖ Totally different scenario then than we face today
- ❖ In 1999 there was a requirement because of a 1979 decision that we had to prove that our rainfall runoff did not pollute the LA aqueduct
- ❖ He is a business man and like Mr. Taylor has been calculating how to beat these guys
- ❖ Voting for the ordinance was part of the strategy
- ❖ Going to ask Council to go back 12 years
- ❖ This is one of those 10% chances that we might have to do something
- ❖ Then Mayor Kevin Corlett told him that what we do is 90% dictated from higher up, 10% local
- ❖ Wants to take this to the Board that you could not get this passed because the citizens didn't want it
- ❖ This is an unfunded mandate
- ❖ We are never going to have another chance to fight for a principle

Wiknich

- ❖ He completely agree with both sides
- ❖ Tonight he learned he was a liar and traitor – didn't know that before
- ❖ Be that as it may – he is not a liar and a traitor and will not take that from anybody
- ❖ He is ready to fight
- ❖ When Mayor Morgan goes up there he needs to have facts
- ❖ City Attorney will also go up there to give advice
- ❖ A big part or this is the cost if we have to fight this and lose
- ❖ We have been subjected to these unfunded mandates for years and years
- ❖ We will go up there and try to sell this and all the emotion that has been here tonight

Morgan

- ❖ It will be an interesting trip and meeting next Tuesday depending how it goes on this vote tonight
- ❖ If it goes against us the fine will be assessed immediately
- ❖ Board has fined well over 30 cities and won all of them
- ❖ Programs have been instituted because of those losses
- ❖ AB939 and AB1016 has not been talked about
- ❖ AB1016 wants to see recycling programs in place and they don't care about diversion rates
- ❖ This will cost - without the fines - about 200K easily and fines of 2K a day and a court case will take years

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- ❖ Hear you saying you are willing to give up police protection and road repairs and a bunch of staff people - we will ruin this town and we will be flat busted

City Attorney Lemieux stated - They will institute a fine of about 2K a day starting in 2007 and probably another after. We voluntarily entered into a local assistance plan about a year and a half ago. Have the right to legally challenge them but it will be costly.

Morgan

- ❖ If he has this adopted ordinance in his pocket we would have a better chance with the Board
- ❖ Ordinance can be amended or changed in later times

McRea

- ❖ Said he feels it would be ill advised not to adopt this ordinance
- ❖ It will be impossible to implement without the program of services

Moved by Council Member Morgan, second Council Member Wiknich TO WAIVE READING IN FULL AND TO PRESENT FOR ADOPT BY TITLE ONLY, ORDINANCE NO. 09-01, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST DELETING CHAPTER XIII AND AMENDING THE RIDGECREST MUNICIPAL CODE AS IT RELATES TO CHAPTER XIII, SANITATION, SECTIONS 13-1 TO 13-6.3; COMMUNITY WIDE UNIVERSAL (MANDATORY) CURBSIDE SOLID WASTE AND RECYCLING RESIDENTIAL SERVICE Public comment heard. Carried with a roll call vote of 3 ayes, 2 noes Council Members Holloway and Carter voted no.

Moved by Council Member Morgan, second Council Member Taylor TO ADOPT, BY TITLE ONLY, ORDINANCE NO.09-01, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST DELETING CHAPTER XIII AND AMENDING THE RIDGECREST MUNICIPAL CODE AS IT RELATES TO CHAPTER XIII, SANITATION, SECTIONS 13-1 TO 13-6.3; COMMUNITY WIDE UNIVERSAL (MANDATORY) CURBSIDE SOLID WASTE AND RECYCLING RESIDENTIAL SERVICE/ Public comment heard. Carried with a roll call vote of 3 ayes, 2 noes; Council Members Holloway and Carter voted no.

3. **Ordinance No. 09-02, An Ordinance Of The City Council Of The City Of Ridgcrest Amending Chapter III, Section 5-703, Of The Ridgcrest Municipal Code ("Code") As It Relates To The Exclusive Right Of Trash Collection** **McRea**

Public Services Director McRea

- This ordinance amends Chapter III, Section 5-703 of the Municipal Code by continuing the City's right to award exclusive franchise for the purpose of trash collection

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- This ordinance was introduced for first reading at the Special Council meeting of March 2, 2009 and was read in full into the record. It is brought to the Council at this time for second reading and adoption.

Moved by Council Member Wiknich, second Council Member Holloway TO ADOPT, BY TITLE ONLY, ORDINANCE NO.09-02, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST AMENDING CHAPTER III, SECTION 5-703, OF THE RIDGECREST MUNICIPAL CODE (“CODE”) AS IT RELATES TO THE EXCLUSIVE RIGHT OF TRASH COLLECTION. No public comment. Carried with a voice vote of 5 ayes.

Recessed at 10:15 p.m. to reconvene at 10:25 p.m.

DISCUSSION AND OTHER ACTION ITEMS

4. **Status Report on the Compliance Order IWMA BR07-07 and the Local Assistance Plan (LAP) required by the California Integrated Waste Management Board (CIWMB) and consideration of an Administrative Civil Penalty** **McRea**

Public Services Director McRea stated that the status of the compliance order had been discussed during the preceding agenda items.

5. **City Council Pay** **Wiknich**

Vice Mayor Wiknich was concerned that we are asking all departments to cut back by 20% and feels Council should also cut back. Suggested Council Members take \$100 less each per month which would be a total of \$500 per month and 6K per year

City Manager Avery stated that no layoffs have taken place but as an option has been discussed. Further stated that the Council pay raise that was passed last year was not implemented so you did not get your raise in February 2009.

Council comment

Morgan - has no problem with a reduction

Taylor - already have the 10% cut due in February

Holloway - anyone can do whatever they want with their pay – talk about it in budget time

Carter - this is about the third time Tom has brought this up and discussed at Council and you can chose not to accept your pay – he uses his Council pay to defray what he does for the City

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Walt Maurer

- As a former candidate for council he was not going to accept the stipend
- Does not have an issue with what Mr. Wiknich is saying
- Have never looked at any of you as being in it for the money
- Money cannot compensate you for what you do for the City and community

Mayor Morgan thanked Vice Mayor Wiknich for bringing this up and will leave it up to the Council individually as to what each wants to do.

6. Sister City Budget

Avery

City Manager Avery stated some Council Members have expressed wanting this amount to be frozen in the budget (approx 3K) used for luncheon, transportation, plaques, etc., when Sister City contingent visits us.
Council

Taylor feels it is something to look at for next fiscal year

Holloway stated it is a shame it is not a larger group in the City – the biggest expense for us here is the transportation – would like to work through Parks, Recreation and Quality of Life Committee to pare it down some

Carter would like to see keeping this in budget – would like to see things like an international pot luck festival and get the community involved – maybe fund raisers through Parks, Recreation and Quality of Life Committee – do not want to see this program go away

Wiknich has no problem with continuing with plaques and such – would like to see it more self sufficient

Morgan always maintained that it should be privately funded – many organizations in City do great things without City help – would like to see this program become self sufficient

Joe Grossardt

- Lived here since 1942 and over the years have done many things for the city
- Patrolled the streets, held dances for kids, had roller rink behind El Charro
- Had Mobil station in the triangle and have been a permanent resident
- Entertainers Network of the Desert (END)
- Is president of local Sister City organization
- It is your organization that he is representing
- Would like to have the Mayor read a paper for him – letter from White House dated June 13 1991, the 35 anniversary of the Sister Cities program
- Letter was signed by President George Herbert Walker Bush

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- END ran a lot of fund raiser over the years
- Willing to work with City to do this again if you are willing
- Would like to see if we could use City Transit instead of renting vehicles
- Invited them to a fund raiser at his house April 2

Rene Roter

- Is a rookie having been here only since 2005
- Wanted to get involved in the community
- Fund raisers tamales were made by members
- Most of the folks from Tepa are professionals – lawyers, teachers, etc.
- Ridgecrest is limited in attractions and transportation is costly
- Major expense is when these folks come

Debra Hickey

- Came here from Pennsylvania a few years ago
- Last time the Tepa group came one lady spent 3K alone shopping and there were 11 others

Nora Roter

- She and her husband got involved in the community through Sister City
- Any money City can put into the budget will be wisely spent
- Think you need to support it

Jason Patin

- Was invited to their installation dinner and got to meet all these wonderful folks

Walt Maurer

- Tough thing to talk to but really simple
- "It's not mine to give" – said by Davy Crockett
- What's said about the value of an organization
- We as citizens of the USA need to get back to the fundamentals
- Government does not generate money
- It is the function of government to provide for the safety and protection of its citizens
- State Constitution says you are not allowed to give to one class of citizens that you do not give to all

CONSENT CALENDAR

7. Resolution No. 09-09, A Resolution Of The Ridgecrest City Council Announcing Proclamations Prepared And Scheduled Date Of Presentation

Avery

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Respect for Law Week and Honoring Five Local Law Enforcement Officer's of the Year

8. Authorization For Mayor To Send Letter To Assembly Member Tony Mendoza Opposing AB 155 Municipal Bankruptcy Avery

Item 9 removed for discussion

9. Resolution No. 09-10 , A Resolution Of The Ridgecrest City Council Approving Agreement Between The City Of Ridgecrest And The Social Security Administration Ponck

10. Resolution No. 09- , A Resolution Of The Ridgecrest City Council Setting The Public Hearing For Unmet Transit Needs Findings Speer

Item removed for discussion

11. Resolution No. 09- , A Resolution Of The Ridgecrest City Council Approving Expenditure Of Proposition 1B Funds In The Amount Of \$415,000 For Constructing A New Street: Bowman Avenue Between Mahan Street And Downs Street Speer

12. Minutes Of The Regular City Council/Redevelopment Agency Meeting Of February 18, 2009 Gable

13. Minutes Of The Special City Council/Redevelopment Agency Meeting Of March 2, 2009 Gable

14. Council Expenditure Approval List (DWR) Dated February 27, 2009 In The Amount Of \$244,370.19 Sloan

15. Council Expenditure Approval List (DWR) Dated March 5, 2009 In The Amount Of \$69,469.90 Sloan

16. Council Expenditure Approval List (DWR) Dated March 13, 200k In The Amount Of \$161,540.22 Sloan

17. Agency Expenditure Approval List (DWR) Dated February 27, 2009 In The Amount Of \$10,211.34 Sloan

18. Agency Expenditure Approval List (DWR) Dated March 13, 2009 In The Amount Of \$4,117.23 Sloan

Council Member Taylor asked for removal of items 9 and 11

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Moved by Council Member Carter, seconded Council Member Holloway TO APPROVE THE CONSENT CALENDAR WITH ITEMS 9 AND 11 REMOVED. No public comment. Carried with a voice vote of 5 ayes.

9. Resolution No. 09-10 , A Resolution Of The Ridgecrest City Council Approving Agreement Between The City Of Ridgecrest And The Social Security Administration Ponek

Council Member Taylor said he talked to Social Security Representative in Lancaster who stated they are willing to be to Ridgecrest four (4) times a month – urgency is not high on this.

City Manager Avery said we can accommodate 2 times a month

Public comment

Walt Maurer

- Asked is Social Security going to pay for use of the facility – *no they are paying \$25 for phone line*
- Other government comes in and uses the facility free while citizens have to pay
- Would like to see a modest hourly fee be established

Moved by Mayor Pro Tem Carter, second Mayor Morgan TO ADOPT RESOLUTION NO. 09-10 , A RESOLUTION OF THE RIDGECREST CITY COUNCIL APPROVING AGREEMENT BETWEEN THE CITY OF RIDGECREST AND THE SOCIAL SECURITY ADMINISTRATION,. Public comment heard. Carried with a voice vote of 5 ayes.

11. Resolution No. 09- , A Resolution Of The Ridgecrest City Council Approving Expenditure Of Proposition 1B Funds In The Amount Of \$415,000 For Constructing A New Street: Bowman Avenue Between Mahan Street And Downs Street Speer

Council Members Taylor and Holloway had concerns about the funding for this. Use 1B for other things and seek dust abatement funds like Supervisor McQuiston and Kern County did to pave county streets. CMAK funds – follow through on the agreement and direct staff to go after other funds. Understand this is to line up with a project that is about a year down the road.

Moved by Vice Mayor Wiknich, second Council Member Holloway TO ADOPT RESOLUTION NO. 09- , A RESOLUTION OF THE RIDGECREST CITY COUNCIL APPROVING EXPENDITURE OF PROPOSITION 1B FUNDS IN THE AMOUNT OF \$415,000 FOR CONSTRUCTING A NEW STREET: BOWMAN

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AVENUE BETWEEN MAHAN STREET AND DOWNS STREET. No public comment. Carried with a voice vote of 5 ayes.

PUBLIC COMMENT 11:31 p.m.

Walt Maurer

- Was going to ask the City Attorney to bring a copy of the U.S. Constitution but see he is leaving
- Saw a guy with shovel and asphalt and asked about the pot hole patcher
- He said as soon as it (asphalt) was put down it comes right up
- DUI check point – did check it out when they had it on West Drummond Avenue
- Was against this about a year ago
- Questioned the figures that Chief Strand gave earlier
- Thought it averaged 4 with the check points and also without
- DUI check points really don't add to the arrest totals
- Appears that saturation patrols are more effective

Closed at 11:36 p.m.

MAYOR AND COUNCIL COMMENTS

Wiknich

- ❖ When is next town hall meeting and who is attending – *April 8 and he will do it*
- ❖ Topic – more discussion regarding budget
- ❖ Council Member Holloway will also do the town hall meeting
- ❖ About a year ago while at Denny's a wheelchair ramp was needed and he did get it done

Holloway

- ❖ Infrastructure Committee – striping deteriorating on some streets and height of stop signs needs to be checked

Taylor

- ❖ Stop sign pictures to share with City Manager
- ❖ Long night but appreciate the interaction and emails
- ❖ Fund raiser at McDonalds but obviously no one left to go there
- ❖ Hope it bring more people out

Morgan

- ❖ Need someone to volunteer to give out proclamations on Friday at noon - *Council Member Carter will do it*
- ❖ He and Council Member Holloway will be in Mojave on Friday
- ❖ Will not be at next council meeting – Carter has con for that
- ❖ Maturango Museum dinner March 20

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- ❖ Bluejacket of the Year dinner March 21 - he will be attending
- ❖ JULS meeting on March 25
- ❖ March 26 at Kerr McGee David Mechtenberg retirement
- ❖ March 27 Respect For Law dinner at Elks
- ❖ March 28 DART
- ❖ KernCOG 31

Carter

- ❖ Was with the President today (on TV)
- ❖ Wants to make difference in education
- ❖ Parents reading to their kids and making use homework is done
- ❖ Stimulus in education is for teachers
- ❖ Hope when it comes from the State it is to retain the teachers

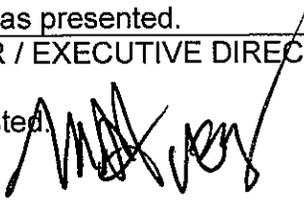
ADJOURNMENT

Mayor Morgan adjourned the meeting at 11:45 p.m.

Rita Gable, City Clerk

8

CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM

SUBJECT: Expenditure Approval List (DWR) as of 03/19/2009
PRESENTED BY: Tess Sloan
SUMMARY: Attached is the Expenditure Approval List (DWR), for 03/19/2009 Total Disbursed: \$20,548.07
FISCAL IMPACT: Total Disbursed: \$20,548.07 Reviewed by Interim Administrative Services Director/City Treasurer
ACTION REQUESTED: Receive and file as presented.
CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION: Action as requested. 

Submitted by: Kelly Brewton

Action Date: 04/01/2009

(Rev. 2-14-07)

**Tess
Sloan**

Digitally signed by Tess Sloan
DN: cn=Tess Sloan, o=City of
Ridgecrest, ou=Administrative
Services, email=tsloan@ci.
ridgecrest.ca.us, c=US
Date: 2009.03.25 11:50:10
-07'00'

PREPARED 03/19/2009, 16:59:42
 PROGRAM: GM339L
 CITY OF RIDGECREST
 UNION BANK-GENERAL CHECKING

EXPENDITURE APPROVAL LIST
 AS OF: 03/19/2009 CHECK DATE: 03/19/2009

BANK: 02

VEND NO INVOICE NO	VENDOR NAME VOUCHER NO	P.O. NO	BNK CHECK/DUE DATE	ACCOUNT NO	ITEM DESCRIPTION	CHECK AMOUNT	EFT OR HAND-ISSUED AMOUNT
0009999 3331	HUNTER CONSTRUCTION 000570		02 03/19/2009	001-0000-110.02-00	FN/TS/RFND NSF PYMNT/FEE	20,548.07	
					VENDOR TOTAL *	20,548.07	
0009999 08-9503	MILES, MARJO 001269		02 03/14/2008	001-0000-316.00-00	FN/TS/RFND OVR PYMNT	CHECK #: 101369	6.00-
					VENDOR TOTAL *	.00	6.00-
			02	UNION BANK-GENERAL CHECKING	BANK TOTAL *	20,548.07	6.00-
					HAND ISSUED TOTAL ***		6.00-
					TOTAL EXPENDITURES ****	20,548.07	6.00-
					GRAND TOTAL *****		20,542.07