



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

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

**October 7, 2015
5:00 p.m.**

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

CALL TO ORDER – 5:00 p.m.

ROLL CALL

Council Present: Mayor Peggy Breeden; Mayor Pro Tempore James Sanders; Vice Mayor Lori Acton; Council Members Eddie B. Thomas, and Mike Mower

Council Absent: None

Staff Present: City Manager Dennis Speer; City Clerk Rachel J. Ford; City Attorney Michael Silander, and other staff

APPROVAL OF AGENDA

- City Manager Dennis Speer requested a change to closed session by moving the order of items to be reviewed to accommodate a teleconference with participating attorneys.

Motion To Approve Agenda As Amended Made By Council Member Mower, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

PUBLIC COMMENT (Closed Session)

- None Presented

CLOSED SESSION

- GC54956.8 Local Agency Real Property Negotiations – Negotiation for sale – Parcel Map No. 10819 Lots 1, 2, 3, 34, 35, and 36 – Agency Negotiators City Manager Dennis Speer and Economic Development Project Manager Gary Parsons
- GC54956.9 (d) (4) Conference With Legal Counsel – Existing Litigation – City Of Ridgecrest v. William Dale Howard
- GC54956.9 (d) (4) Conference With Legal Counsel – Existing Litigation – Cohen v. City Of Ridgecrest
- GC 54956.9 (d) (4) Conference With Legal Counsel – Existing Litigation – City Of Ridgecrest v. Matasantos

REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

CITY ATTORNEY REPORT

- Closed Session
 - Conference With Legal Counsel – City Of Ridgecrest v. Matasantos – report received, direction given to staff, no reportable action
 - Conference With Legal Counsel – Cohen v. City Of Ridgecrest – report received, direction given to staff, no reportable action
 - Conference With Legal Counsel – City Of Ridgecrest v. William Dale Howard – report received, direction given to staff, no reportable action
 - Local Agency Real Property Negotiation – report received, direction given to staff, no reportable action
- Other
 - None

PRESENTATIONS

1. 1. Presentation Of A Proclamation Honoring The 125th Anniversary Of The Daughters Of The American Revolution Council
- Council presented a proclamation to representatives of the Daughters of the American Revolution

PUBLIC COMMENT (*Regular Session*)

David Milam

- Past president of sons of the American Revolution would like to second and honor the proclamation given to the daughters of the American Revolution.
- Spoke on the services of the daughters of the American Revolution.
- Gave background of the sons of the American Revolution.
- Encouraged citizens to not neglect the women of this community
- Complemented Mayor and Council for roadwork and drainage on Ridgecrest Blvd.

Barbara Lueck

- Requested a crosswalk at the post office on Coso Street and near Stater Brothers.
- Safety issue on Ridgecrest Blvd. Lights installed in the center of the sidewalk which does not allow wheelchairs to pass.
- Near Sage Clinic on China Lake Blvd, almost hit by car while riding a bike. Vehicle was in the bike lane to make the turn. Suggested signage to prevent this action.
 - Dennis Speer – that portion of China Lake Blvd is under the control of Caltrans so will pass information along to them.
 - Peggy Breeden – commented on experiment of getting around on Ridgecrest Blvd. in a wheelchair. Is doable.
- Persons in a wide wheelchair had a problem.

Dave Matthews

- Commented on the Sons of the American Revolution. Just recently heard of the organization so Mr. Milam's comments confirm the existence of the organization. Interested in joining the organization
 - Peggy Breeden – will provide contact information.

Mike Neel

- Distributed copies of court records pertaining to the William Dale Howard case. Highlighted paragraphs 11 and 12.
- Commented on property being cleared and fences being removed. Everything has been removed except receiver who wants the money.
- Commented on the destruction of the home in the amount of \$60,000
- Stated the lender will foreclose on the properties including the house which sits on one of the properties.
- Commented on additional orders making Mr. Howard personally liable for other expenses in the amount of \$315,000.
- Asked Council if this was fair and just.
- Commented on elderly couple being left homeless and penniless
- Grieved and angry about the actions and holds City Manager, Chief of Police, and Council responsible.

Mrs. Neel

- Read quote from Patrick Henry and commented on Mr. Howard not having opportunity for trial by jury.
- Quote referenced the right of trial by jury of peers which include neighbors.
- Commented on being livid when discussed the situation with her husband.
- Commented on Halloween and Christianity not being people of darkness.
- Asked how many people met with Mr. Howard to find out the situation.
- Commented on Mr. Howard living in the location for 60+ years, before incorporation and asked what would happen to your property in future when things change.

COUNCIL ANNOUNCEMENTS

Mike Mower

- Water is main concern and proposed changes to City manager and parks. Not proposing parks be let go but the lands east of City hall and grass east of tennis courts. Streets are full of water daily. Most of the water near the tennis courts is flowing from the soccer fields and draining into the road so suggested cutting back some watering at these locations. Hope citizens took advantage of the rain and turned off their sprinklers.
- Median art committee has been working to get things done on China Lake Blvd. Caltrans has required another resolution making the artwork a signature event and insuring the structures. Asked this be added to the agenda for next meeting.

Eddie Thomas

- Encouraged citizens to support the petroglyph festival
- Announced Walmart groundbreaking

Lori Acton

- October 15 Building Permit Workshop with Kern County Inspector in City Council Chambers
- Trona Gem and Mineral show this weekend
- Military Banner Program is now back up and running.
- USO event October 17

Peggy Breeden

- November 13 groundbreaking for Murray Middle School with Congressman McCarthy. Encouraged citizens to think of things they want to discuss with him while he is visiting.
- Call from resident asking about pumping water in the skateboard park.
- RidgeProject cleanup has been changed to October 31 in the morning. Encouraged all citizens participate in cleaning the town before the petroglyph festival. If cannot provide labor, perhaps donate funds to purchase supplies.

CONSENT CALENDAR

2. Adopt A Resolution To Amend The Professional Service Agreement In The Amount Of Six Thousand One Hundred Eight-Four Dollars (\$6,184.00) With The Engineer Of Record, Mark Thomas & Company, For Additional Construction Support and Survey Work On The Closeout Of The West Ridgcrest Boulevard Project And Authorize The City Manager, Dennis Speer, To Execute The Amended Agreement Speer
3. Adopt A Resolution To Amend The Professional Service Agreement With Quad Knopf Inc., For Additional Service Of Right-Of-Way Acquisition In The Amount Of Twenty-Four Thousand Four Hundred And Fifty Dollars (\$24,450.00) And Authorize The City Manager, Dennis Speer, To Execute The Amended Agreement Speer
4. Adopt A Resolution To Approve The Purchase Of A Trimble R10 Survey Grade GPS Rover Unit In The Amount Of Thirty Five Thousand Six Hundred Ninety Two Dollars And Thirty Five Cents (\$35,692.35), For The Use Of Locating Underground Utilities For The Wastewater Treatment Facility Speer
5. Adopt A Resolution Of The City Council Of The City Of Ridgcrest Accepting The Other Post-Employment Benefits (OPEB) Actuarial Study As Of June 30, 2015 Prepared By Nyhart Company Staheli
6. Adopt A Resolution Of The Ridgcrest City Council Authorizing The City Manager To Enter Into A Land Lease Agreement And An MOU With WEPCO Inc. To Develop A Solar Project At The Ridgcrest Animal Shelter Strand
7. Adopt A Resolution Amending Resolution No. 15-77 And Authorizing Tax Allocation Bond (TAB) Funds From Parks And Recreation Allocation Be Expended For Capital Improvements To The Concession Stand Construction Project Patin
8. Adopt A Resolution Authorizing A Proclamation For Freedom From Workplace Bullying 2015 And Approving Delivery By Mail To The Requestor Ford
9. Approve Draft Minutes Of The Ridgcrest City Council/Successor Redevelopment Agency/Financing Authority/Housing Authority Meeting Dated September 16, 2015 Ford

Items Pulled From Consent Calendar

- Item Nos. 4, 5, 6, and 7

Motion To Approve Consent Calendar Item Nos. 2, 3, 8, and 9, Made By Council Member Mower, Second By Council Member Acton. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

Item No. 4 Discussion

Dave Matthews

- What type of device is being purchased
 - Dennis Speer – a sophisticated unit that will allow us to locate utilities

Motion To Approve Consent Calendar Item No.4 Made By Council Member Acton, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

Item No. 5 Discussion

Jim Sanders

- Asked if we were only approving the report, ok with this but would like to understand it better.
 - Tyrell Staheli – report only, Council welcome to stop by any time for more in-depth discussion

Peggy Breeden

- Requested a brief synopsis and the impact
 - Tyrell Staheli – government code requires we provide a minimum reserve to cover retirees who receive health insurance. We are prefunding this unfunded expense so we do not run short of funds to cover the cost of health benefits. Reviewed current costs. Actuarial gives estimate based on expected employee retirements. Cost is already in the budget.
- There have been emails sent out thru the League asking how we are funding the unfunded mandates.
 - Tyrell Staheli – this study tells us how much to allocate. There is a large portion from general fund and others from wastewater and transit.
- Requested a report on the unfunded mandates. Would like to know where we stand before we have someone come talk to us about this.
- Want to understand the actual impact
 - Tyrell Staheli – gave the impact based on current employees.

Eddie Thomas

- Questioned discount rate on page 10
 - Tyrell Staheli – these are different assumptions we could take. We went with the higher in anticipation of this being the right rate for our employee pool.

Jim Sanders

- Wondered why everyone else is struggling with this.
 - Tyrell Staheli – we began pre-funding right from the start to avoid the impact later.

Chip Holloway

- Great study by miserable read. Very contradictory
- 40% excise tax on employee health coverage
- Page 2 asked if the valuation change was positive or negative.
- All assumptions are based on 7.28% rate but may not get this return on investment.
- We pay minimum to CalPERS and is capped on the health side. But important to explain this to citizens when trying to renew measure 'I'.
- Report is very confusing and asked for it to be narrowed down to nice PowerPoint.
 - Tyrell Staheli – actuary who did the report will come and review it with us.

Mayor Breeden and Council Member Sanders expressed their concern about voting for the item without full understanding

Council Member Acton assured Council this vote was for receive for filing only, not approval of the document, and the Actuary could attend at a later date to fully explain the report.

Motion To Approve Consent Calendar Item No. 5 Made By Council Member Acton, Second By Council Member Mower. Motion Does Not Carry By Roll Call Vote Of 2 Ayes (Council Members Acton, And Mower); 3 Noes (Breeden, Thomas, And Sanders); 0 Abstain; And 0 Absent.

Item No. 6 Discussion

Jim Sanders

- Wanted to make sure this land would not be used for future wastewater development
 - Ron Strand – have reviewed with wastewater and City Manager, and assured this portion would not be used for wastewater plant or tertiary plant.

Motion To Approve Consent Calendar Item No. 6 Made By Council Member Sanders, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

Item No. 7 Discussion

Dave Matthews

- Questioned why the insurance portion of project is so low.
 - Jason Patin – amount seen is not the entire amount received, part has been used for demolition and other needs resulting from the loss of the facility.
- Is new building bigger and why does it cost more.
 - Jason Patin – cost of construction has gone up and ADA Code has changed.
- Wasn't this an arson case and were the persons found.
 - Ron Strand – Confirmed this was vandalism and the persons have not been caught.

Tom Wiknich

- Asked Council who has seen the plan for the concession stand. Seems like a lot of money and can't comprehend the expenditure without seeing the plan.

Peggy Breeden

- Asked Jason to come back with a full presentation of the concession stand with the bells and whistles.

Jason Patin

- The project has already been approved; this is only changing the funding source from impact fees to TAB funds.

Mike Mower

- Commented on paying prevailing wages.

Item No. 7 (continued)

- Correction made to total of \$348,500.00 due to typographical error.

Motion To Approve Consent Calendar Item No. 7 Made By Council Member Mower, Second By Council Member Sanders. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

DISCUSSION AND OTHER ACTION ITEMS

10. Appointment To Measure 'L' Citizens Advisory Committee

Council

Jim Sanders

- Applications received from Nellavan Jeglum, Jacque Walters, and Richard Martin. Spoke with each and all are top notch citizens. Very impressed with each of the applicants.
- Felt Jacque Walters would add a lot to the committee with her experience and commitment to this community.
- Nominated Jacque Walters as member of Measure 'L' Citizens Advisory Committee

Peggy Breeden

- Agrees with the nomination however suggested delaying to the next Council meeting because have received letter of resignation from Robert Gould for the end of the month.

Mike Mower

- volunteered to make next appointment.

Motion To Approve Nomination Of Jacque Walters To The Measure 'L' Citizens Advisory Committee Made By Council Member Sanders, Second By Council Member Thomas. Motion Carried By Roll Call Vote Of 5 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas, And Mower); 0 Noes; 0 Abstain; And 0 Absent.

ORDINANCES

11. Introduction And First Reading, An Ordinance Of The City Council Of The City Of Ridgcrest Amending The Municipal Code As It Relates To Animal Keeping

Alexander

- Mike Mower recused himself from the item due to conflict and left the Council Chambers.

Matthew Alexander

- Presented Staff Report
- Reviewed the history of ordinance preparation and planning commission involvement.
- Reviewed specific points of the ordinance.

Mary Stage – Animal Control Supervisor and Candice Robbs – Animal Control Officer

- Reason this was drafted is because there was not clarity in certain animals and there was some residents interested in housing poultry and fowl.

Peggy Breeden

- Asked for approximate number of calls received monthly on chickens or other fowl.
 - Mary Stage – depends on the neighborhood and multiple calls have been received. Depends also on time of year and the neighbor's tolerance. Sometimes is 4 or more and sometimes is less.
- Asked the amount of time spent to process 20 permits.
 - Mary Stage – once paperwork is submitted approximately 4-6 hours per permit. Have to instruct persons with construction of pens and coops, inspect the property, review location and try to mitigate impact on neighbors, instruct on proper way to construct the pens. Ordinance covers all poultry that will now be in yards next to dogs or cats. Then have to go inspect after the pen is constructed.

Lori Acton

- Asked about cat or dog inspections
 - Mary Stage – those inspections take between ½ hour and 1 hour for fencing and homes. Not having to deal with construction of pens.
- Asked if the information will be accessible online and with handouts.
 - Mary Stage – will have these things available but sometimes people need additional guidance. Don't want something constructed incorrectly and then have to be redone. We will work with individuals in all phases of the construction.
- Asked if there will be an influx of poultry
 - Mary Stage – will see an influx. Most people who currently have poultry are keeping it quiet and once permits are available believe people will come forward. Also will have some people who don't understand and won't come forward for a permit which we will have to enforce. May be impounding more chickens because some people may not want to pay the permit fee or helping people go about this the proper way.

Eddie Thomas

- Will the pens or coops help eliminate the smell and roaches that result from the poultry?
 - Mary Stage – the coops will be to protect the animals from getting into the neighbor's yard or loose in the neighborhood. Rodents will still come depending on how the person cleans and stores the food.
- Would there be potential lawsuits for dogs attacking others animals and would we be liable.
 - Michael Silander – as long as reasonable ordinance is adopted the City would not be liable.
 - Mary Stage – this would be a civil matter between the neighbors. Don't see how City would be impinged. Dogs and cats are currently allowed and we are just allowing a broader range of animals. Owners would be responsible for damages.
- Will there be a rotation inspection for permit holders or will you have to wait for a call.
 - Mary Stage – will probably inspect on a rotation basis but if we get a call we have to respond right away for every call. Sometimes we don't find a problem but most of the time we do find health hazards to both animals and the owners. If you don't clean up from any animal you will have a lot of insects and rodents. Persons who do get permits will be more responsible, those who get poultry without the permit are the ones we typically have problems with. Many of these are selling the eggs and running a business out of the house. Chickens are quieter than geese or ducks so we will have additional calls for noise.

Jim Sanders

- For calls currently received for chickens, typically how many chickens are you seeing?
 - Mary Stage – 4 to 12 chickens per call.
- Thanked staff for their hard work in putting this together.

Peggy Breeden

- Asked if the poultry listed is the only ones allowed and asked for language that clarifies this.
- Do we grandfather chickens already housed
 - Michael Silander – ordinance does not have a grandfather clause. Must have permit unless we put in a grandfather clause

Public Comment

Dave Matthews

- Apologized because intended to have written outline to all Council and media about why the ordinance is chicken crap
- Asked if this was a new ordinance or amending an ordinance.
 - Matthew – adding a section to zoning and animal control sections of the municipal code.
- Are dogs required to be in a pen like the poultry
 - Mary Stage – required being in a secure fence.
- There are properties where I could not build a pen 20 feet from adjacent parcel because my house is bigger than what was intended for the lot.
- Animals we owned in the past were for children to have pets and to have offspring.
- Animals tend to multiply, so if you have a family of 6 children and they want a pet for each child then already above the limit of 4.
- Regarding poultry and fowl, this was missing from previous ordinance and should be addressed however there are still questions.
- Not clear that peacocks are limited, need to change the ordinance for this.
- Don't agree the animal control people should be allowed to issue the animal fanciers permit. They are the enforcers and in the concept of separation of powers, someone else should issue the permit. Suggested a planning commissioner, Council member and zoning department. Animal control input would be helpful and appreciated but should not be issuing the permits.
- Suggested fee is outrageous at \$150.00. a lot of people cannot afford this.
- Constitution amendment 5 specifically prohibits passing laws ex post facto. Would like to see the grandfather clause included. Do not pass a law to do away with something that is already in existence. That is why the forefathers came to the America's. Want to see the clause in this ordinance.

Gavin Swanson

- Looking for clarification for pricing of the permit. Justification was initial time expense for the first permit but renewals and other animals that do not require this time will they have a different price.
 - Matthew – permit fees have not been set and will be set by resolution
- Asked about time limit for permit
 - Matthew – proposed for 5 years.
- Regarding retroactive, am in favor of enforcing limits retroactively.

Dan Wright

- Regarding CC&R's, is it the intention of the Council and this ordinance to override existing CC&R's. need some explicitness in the ordinance that addresses whether this ordinance will override these CC&R's
- All houses owned in the City have prohibited poultry and pigs.
- Don't expect City to know the CC&R's that exist on every property, but do expect this as part of the permitting process. Would like to have these addressed in the wording of the ordinance and if the Council proceeds then need to have a way to verify the CC&R's are in compliance to prevent lawsuits in court. City has a stake in these because they approved them at some point.
 - Typically CC&R's can be more restrictive than municipal code which is implied. Would not hurt to have language added to address this.
- Trying to avoid the kind of mess that might result.

Steve Morgan

- Provided a printed statement (*Attachment A*)
- Stated he is anti-chicken
- Commented this is Mr. Sander's third attempt to get this ordinance passed.
- No objections to further defining of animals other than the poultry and fowl.
- Applaud staff members, who have serious concerns and objections to this with regard to the fowl. They still put forth a balanced ordinance.
- Have not addressed the noise Fowl produce. Going to exacerbate the problem for staff. So much discretion staff will have to deal with is not fair to them. No definition of 'what is a chicken coop'. Temperatures have a lot to do with it.
- How does this ordinance deal with pigmy goats? 4-H is mentioned. If going to allow certain 4-H then have to allow all including cows. This is not a level playing field. Bakersfield allows pigmy goats same as dogs and cats.
- Section 20.33.3 - No enclosure requirement and specification exist so should not move forward until this is defined for the citizens in the community.
- Section 5.17.d (c) – how do you define the terms suffering, neglect, cruelty or abuse. Reviewed heat and temperature effects on chickens. Where are coop requirements going to be specified? Will have to require some type of cooling system for the chickens to prevent heat stress.
- Commented on permit section. \$150 for five year permit. If the animal control persons are spending their time to do inspections and calls then City is not collecting enough money.
- Commented on predators. Besides house cats, bobcats and coyotes have a strong sense of smell. Council is inviting predators into the community if you allow poultry. Drought conditions and lack of food in the desert will bring predators into town for the chickens. Related story of seeing coyote in daylight with no fear of traffic.
- Will have bugs and vermin. Responsible people will make sure it is picture perfect for inspections, what about the rest of the year.

Steve Morgan *(continued)*

- Other communities allow chickens. Bakersfield only allows chickens in agricultural and residential suburbs with larger lots. Minimum of 15,000 square feet lots.
- Regarding economics, average chicken lays 300 eggs per year and we are allowing 2 per household. At a cost of \$3.00 per dozen is \$150. 200 families equal a \$30,000 lost revenue per year. The more hens the more lost revenue. If this is passed, you are affecting the bottom line for stores such as Wal-Mart. It all adds up and needs to be considered.
- Council has every right to not approve this and let it die tonight.
- Appreciate the thought behind it but there is only a small group of people who want this. At last Council meeting there were more people against it than for it. Not even the 4-H members were in favor.
- This is a backyard, not a barnyard.

Tom Zurn

- Spoke on the history of the City. Reason I don't want to live next to farm animals is why I bought my home in town.
- Have petitions with 180 signatures of residents who don't want this. The majority of people do not want this. The minority does not take vote here and Council needs to take note of this.
- 7 people disagreed, 2 people like chickens and the majority were against this ordinance.
- If Council has not taken a survey then they have not heard the majority.

Claudette Zurn

- Appreciate the gentleman who talked about CC&R's. I did bring this up at the planning commission meeting and it was ignored.
- City is broke and understaffed.
- Currently have ongoing litigation with Dale Howard
- If you give people an inch they will take a mile. Let the police do their job and not check on chickens
- R-1 neighborhood is designed for a quiet quality of life for residents. People buying this property did so with the understanding they would not have to live next to the noise and smell of agriculture.
- Chickens bring poultry parasites, rodents, roaches, and other insects.
- Chickens are not cheaper than buying at the store. If you want to raise chicken then should have bought property zoned as such.
- Many citizens have not received written notice because they do not take the newspaper. Should have the opportunity to disapprove.
- Commented on avian diseases.
- Community is better served by passing rules and fines for people taking their pets out to relieve themselves on private and public property. Walk down Downs street.

Tina Warren

- Live on property currently zoned for chickens.
- Thanked Steve for bring up the heat impact on chickens.
- Used to have a dog that loved chicken as a prize and could not be stopped from killing neighbors chickens.
- How will we deal with neighbors who have holes in their fences and what if a child is in the yard when a dog goes after the chickens?

Tom Wiknich

- Referenced some of the calls received as volunteer code enforcement officer.
- Citizens have called and complained about odor and noise at night and the inability to open their windows.
- Have seen the bugs and rats with neighbors putting traps in their yards because the neighbor has chickens.
- Bobcats do go into yards and should talk to Mary Stage about what is left behind when they are done.
- What will happen when a Bobcat or Coyote gets into the yard and can't get to the chickens but can get to the Chihuahua.
- If people want chickens then they should move to areas that allow chickens and not subject their neighbors to the odor and noise just because you want chickens.
- Do not this it is worth the problems caused by the rest of the neighborhood.
- This needs to be tuned in certain areas and not allow any poultry or fowl in the neighborhoods.

Greg Boske

- Asked Council to reject this fowl business. We live inside City limits to avoid this.
- Attended a planning commission committee and opposed having farm animals in our fair City.
- I like living in a residential area with normal pets like dogs and cats.
- Used to live on a farm and they do smell and bring in rodents and bugs.
- There are some people in the neighborhood who currently own chickens and they want the ordinance passed because they are already breaking the law.
- Worst thing you can do in a neighborhood is have to address a neighbor about their pets. Dogs and cats defecate on your yard and the owners won't clean it up.
- Asked Council to reject this and not have another meeting on the subject.

Mike Neel

- The way this is set up for poultry is ridiculous. People want chickens for the eggs, not as pets. Two chickens aren't enough for eggs.
- If you want to pass a pet ordinance then either says you can have them or not. This Animal Fancier's Permit is just a tickler. Decide whether you want a chicken free City or not.

Loren Culp

- Council might want to consider the possibility of public health issue.
- Is a victim of histoplasmosis which was acquired at a young age around poultry. Very prevalent in the Midwestern states and Ohio valley
- Condition is where virus attacks soft tissues of the retina of the eye and lungs. I have active scarring in both eyes and lungs.
- Caution Council to look at this and consider it when making their decision.

Chip Holloway

- Executive director of Antelope Valley Fair and Event Center.
- Fairground is struggling since state took away funds.
- Driving through Lucerne Valley and they have prosperous eggs.
- Plugged the fair in October.
- Exploring having a chicken coop on the fairgrounds as a way of raising revenue for the fairgrounds.
- As a former Council member, why would you create any new problems?

Warren Cox

- Never owned chickens or intended to.
- The ordinance is much wider than chickens.
- To do nothing leave loopholes so may need to go back to staff and is redesigned to close the loopholes.
- Have lost pets on our street to predators. Have seen wild pheasants and dove.
- Concern is to close the loophole for the animal control officers who have to respond to the calls.
- Do not think this ordinance will cause an influx of chickens.
- There are holes in the ordinance that need to be closed and to do nothing is the same as approving it because there are chickens in town today and animal control cannot enforce the current ordinance.
- Not sure if chickens are any more attracting than any other small animal.
- Need to close the loopholes even if it goes back to staff.

Marilyn Neel

- Seeing signs on the highway that say pets are children too. I love my pet. Asked what will happen later on when things change. Later they may say you can't have more than 4 children. Look at China.
- Government has the ability to hold up liberty or to play God and tell people what to do.
- Think people have a lot of common sense in this town and you can appeal to their capacity to love their neighbor.

Speaker

- Anti-chicken in the R-1 areas
- Asked for clarification on animal tethering.
- If I go to a park would like to tie my dog off to a tree or bench and same in the front yard. Need more clarification like 'unattended tethering'

Dennis Speer

- Suggested clarification under household pets. Exemplified his Golden Bearded Dragon requirements. Need an exception for exercise and cannot have definitive language that requires continuous cage.

Jim Sanders

- Gave background of how this ordinance came about. On planning commission had people questioning why they can't have chickens and that the municipal code was vague. Staff has a lot of problems to take care of and need to keep control on this problem.
- Anybody who reviews the municipal code is the type of person who will take care of their chickens. There are people who cause problems by ignoring the code and having too many chickens, and these are the people animal control needs the ability to take care of.
- If we start listing all animals that should be banned based on noise, smell, and need for space it would be the dog.
- Society is changing and more cities are accepting chickens. But we have to establish regulations.
- A small number of chickens have no impact on the neighborhood. Who are we to say 'No'? In small populations chickens are very amenable in residential neighborhoods.
- It is government's responsibility to prohibit activities that affect the freedom of other people. There is no justification to prohibit this.
- Property line issue has been raised, 20 feet from any other property versus parcels.
 - Problem with the term 'dwelling' is there are empty lots that may someday have a house added so went with property lines. The lot size does allow room for a coop in almost any situation.
- CC&R's is a valid point and should include language.

Jim Sanders *(continued)*

- Matthew Alexander – we have one zoning ordinance the City planner is responsible for and would have to be responsible for each and every CC&R. Perhaps in the Animal Fanciers Permit. We cannot enforce CC&R.
- Is there a permit sunset.
 - Matthew Alexander – the latest revision shows 5 years.
- This has only been voted on twice. It is a long time project.
- Predators are a valid concern but the truth of the matter is any pet owned will attract predators. Have to be consistent.
- Either we allow pets and justify on a consistent basis or we don't allow pets.
- Bugs and vermin, depends on how you take care of them.
- A democracy imposes their will on the majority and the reason for having representation is to be the voice of the minority.
- We have to do something, either we prohibit fowl all together or we allow in a limited fashion and I think this law is a very good fit for this town.

Lori Acton

- Have listened to both sides and all cases made against chickens are also for them.
- This is about animals in general.
- We have to regulate so animal control can enforce when they receive calls.
- Sorry you don't like chicken and I don't care if my neighbor has 2 or 3 but I do care if they have 12.
- Do think we need to do some word smithing. Animal Control has worked hard to make this fair.
 - Mary Stage – something needs to be done. As long as I have been here chickens were not allowed. In conversion somewhere along the line it disappeared. We are trying to enforce things that aren't there and need something in writing that I can show someone. Whether the poultry goes or not I still need something regarding household pets.
- Under household pets, are there other animals that need to be listed to make it clear? Want to make sure we are giving you the teeth to do your job.
 - Mary Stage – these listed are the most common household pets.
- Does this take care of dog and cat breeders?
 - Mary Stage – kennels are not allowed in City limits. This covers pets 4 months of age or older. If you have a litter, then the owner needs to either get rid of them before 4 months or get a permit.
- Asked about fees for adoption and inspections.
- Would prefer we table the Fowl and at least give animal control something to enforce.

Eddie Thomas

- No disrespect, but disagree with Mr. Sanders on the smell. Raised chickens and they smell regardless of what you do.
- Lean toward removing poultry within City limits. Burnt out on chicken.

Peggy Breeden

- Think we do have dog and cat issue and we have focused on poultry. Do we need a home in City limits that need 10 or 15 dogs?
- How do you enforce how many mice, birds, or chinchillas inside my house? I don't think these are enforceable things. I don't want someone coming into my home to tell me I have 10 guinea pigs.
 - Mary Stage – the reason there is a limit on household pets is not to go door to door but a lot of people in homes we have gone to on a complaint they collect animals. When I get a call for odor and I get there I see a lot of unkempt bird cages with no water or food and abused animals. The purpose of this ordinance is to give a limit that gives us the ability to control the abusers. Without this ordinance, when I go to a house that has 15 birds or cats we can then get it in control, not going door to door.
- Don't want to list animals but define household pets.
- I don't want to see poultry or fowl inside City limits. Remove item 3, rewrite and define household pets and leave dogs and cats.
- We have to come up with answers on how to deal with it when someone next door has 12 pets they aren't taking care of.
- Want this to go back to staff and be redone and then brought back to us.
- Staff has done a wonderful job but is not good enough.

Jim Sanders

- Would be helpful to define a rationale of why poultry would not be allowed.

Lori Acton

- Am torn, don't want to tell people what they can or can't have. There are loopholes we need to tighten up. At this time the dog and cat and household pets is fine but having a problem with poultry.

Peggy Breeden

- You said it. My ability to do something until it infringes on someone else. I don't want to put up with my neighbors chickens or ducks. I think the need and wants stops when it infringes on my needs and wants.
 - Jim Sanders – you feel it infringes on the neighbors rights?
- Yes, in addition to the enforcement issues dealing with complaints from the neighbors. Don't want to spend that kind of money to enforce.

Item No. 11 (continued)

Motion To Waive Reading In Full Of An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Municipal Code As It Relates To Animal Keeping Made By Council Member Sanders, Second By Council Member Acton. Motion Carried By Roll Call Vote Of 4 Ayes (Mayor Breeden, Council Members Sanders, Acton, Thomas,); 0 Noes; 1 Abstain (Council Member Mower); And 0 Absent.

Requires A Second

- *No motion to introduce by title only was made therefore item does not pass first reading.*
- *Direction given to send back to staff for revision and return as a draft discussion prior to first reading.*

Council Member Mower returned to the meeting

COMMITTEE REPORTS

(Committee Meeting dates are subject to change and will be announced on the City website)

City Organization and Services Committee

Members: Lori Acton; Mike Mower
Meeting: 4th Wednesday each month at 5:00 p.m. as needed
Location: Council Conference Room B

Lori Acton

- October 15 Kern County will be holding a Building Permit Workshop, asking people with questions to get those to us early so we can have them answered specifically. Request this be televised.

Infrastructure Committee

Members: Jim Sanders; Mike Mower
Meeting: 3rd Thursday each month at 5:00 p.m. as needed
Location: Council Conference Room B

Warren Cox

- Discussed SCE and the new Murray Middle School
- Recommendation has been put forth to Sierra Sands and they will be meeting to discuss. Those who attended and expressed their concerns were thoughtful and well placed. Our school is the only one not built with grant money given due to environmental issues
- Downs Street discussion. SCE poles are not in their current easement and they have been asked to move the poles into the easement.

❖ **Ad Hoc Water Conservation Committee**

Members: Jim Sanders; Peggy Breeden
Meeting: 3rd Monday each month at 5:00 p.m. as needed
Location: Conference Room B

Jim Sanders

- Next meeting on the 19th at 5:00 p.m.

Peggy Breeden

- Would like to discuss the areas brought up by Council member Mower
- Attended water district meeting regarding their new ordinances and they want our ordinance and theirs to be as close as possible. They want to come back with their ordinance and compare the two ordinances.

Parks, Recreation, and Quality of Life Committee

Members: Eddie Thomas; Lori Acton
Meeting: 1st Tuesday each month at 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

Lori Acton

- We asked for a meeting and I forgot to contact Jason Patin.
- Asked City Clerk to review minutes for meeting topic.

❖ **Ad Hoc Youth Advisory Council**

Members: Eddie Thomas
Meeting: 2nd Wednesday of each month, 12:00 p.m. as needed
Location: Kerr-McGee Center Meeting Rooms

- No report

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

Members: Eddie Thomas; Lori Acton
Meeting: 3rd Tuesday every other month at 4:00 p.m. as needed
Location: Kerr McGee Center Meeting Rooms

- No report

Ridgecrest Area Convention And Visitors Bureau (RACVB)

Members: Lori Acton and Eddie Thomas
Meetings: 1st Wednesday Of The Month, 8:00 A.M.
Next Meeting: To Be Announced

Lori Acton

- Read directors report (*Attachment B*)

OTHER COMMITTEES, BOARDS, OR COMMISSIONS

Jim Sanders

- Attended League of California Cities meeting last week in San Jose
- Approved Resolution to Governor to address zoning for rehabilitation centers, want them in residential neighborhoods for integration in society but finding the neighborhood is becoming only rehabilitation.
- Approved Resolution regarding the growing trend to rent out houses short term like hotels but not paying TOT or following zoning codes. Supporting SB593. Parking requirements addressed
- Did not take action on resolution requiring SCE abide by same standards for claims as PG&E. Referred back to committee to review all utilities
- Attended seminar on New Age communication. Exemplified interactive websites, e-newsletters, town hall meetings, text alerts, social media and guidelines
- Attended seminar regarding Redevelopment financing. Exemplified infrastructure financing districts, community revitalization investment authority

Peggy Breeden

- October 26 6:00 p.m. at Clarion Inn Kern County Mayors and City Managers meeting. No cost to the City. Cities exchange information and have a presentation.
- City was asked if we want a booth at the Petroglyph Festival. Not staff's job to man a booth, is Council interested in manning a booth?
 - Lori Acton – think this is a good time for Council to interact with constituents. We are trying to be as open as we can and this is in a forum that is relaxed and hear what public wants.
- Council will man the booth in two man teams for 2 hours each on Saturday
- November 12 East Kern Air Pollution Control District meeting.
- Median Art project will be coming back with a resolution to cover the art. Would like to see this on the October 21 agenda.

Jim Sanders

- Potential discussion item for agenda. Membership in the Quad State Local Government Authority. Meetings are out of state and have not been able to attend. \$1000 renewal annually. Need to discuss whether it is worth continuing. It is a good thing and policies influence the desert region but need to think about this.
 - Lori Acton – asked Steve Morgan to attend and could give a briefing.

Lori Acton

- BLM report – renewable energy transmission and emissions has been pushed back. Listed membership represented in the group. This group is to save the deserts and the activities we enjoy such as off-road activities, hunting, camping, etc. Commented on Solar projects.
- Governor Brown's office will be here on December 11 in the Council Chambers to discuss Economic Development.

Peggy Breeden

- Would like us to have Facebook utilized for announcements such as road closures.

CITY MANAGER REPORT

Dennis Speer

- Building permit workshop October 15 at 4:00 p.m.
- Walmart groundbreaking this Friday
- Drummond Avenue closed Monday the 12th for paving project
- Three projects completed by Griffith construction and now gold canyon is completed. Thanked staff, street crews and contractors for completing the projects.

MAYOR AND COUNCIL COMMENTS

Mike Mower

- Concerned about signage for Bowman Road construction. Would like to clarify that Bowman Road is closed
- Will be out of State from October 20-27 and miss the next Council meeting and Infrastructure meeting.

Eddie Thomas

- Used to be a crosswalk at Coso Street on China Lake Blvd.
 - Dennis Speer – area controlled by Caltrans and will pass information to them.
- Shout out to Police Chief and Mayor who have instituted a program for youth, the officers have come by and visited youth at the church and some youths have expressed interest in becoming a police officer. Mayor had root beer floats and rubbed elbows with the youth. Thank you both.

Lori Acton

- Kudos to the new officers on how they handled the recent tragedy on China Lake Blvd. at Coso Street.
- Four Square Church is offering laundry mat change for people who can't afford to pay for laundry at the end of the month.

- October 20 is 'Shine the Light on Domestic Violence'. 30 minute walk scheduled. Appreciate our community stepping up and saying we will not accept this here.

Jim Sanders

- No comments

Peggy Breeden

- Commend Police Department for how they handled the situation on China Lake Blvd. Yesterday was an awful incident and our Officers showed they really cared. Thank you.

ADJOURNMENT at 10:19 p.m.

A handwritten signature in blue ink that reads "Rachel J. Ford, CMC". The signature is written in a cursive style and is positioned above a horizontal line.

Rachel J. Ford, CMC
City Clerk