

**KINGSBURG CITY COUNCIL REGULAR MEETING
WEDNESDAY, FEBRUARY 6, 2019**

6 P.M. REGULAR SESSION MEETING:

Invocation was given by Pastor Ed Ezaki of the Kingsburg Community Church, followed by the Pledge of Allegiance led by Mayor Michelle Roman.

Call to Order and Roll: At 6:00 P. M. Mayor Michelle Roman called the regular meeting of the Kingsburg City Council to order.

Council Members Present: Jewel Hurtado, Vince Palomar, Sherman Dix, Laura North, and Mayor Michelle Roman.

Staff Present: City Manager Alex Henderson, City Attorney Michael Noland, Finance Director Alma Colado, Police Chief Neil Dadian, and Planning Consultant Greg Collins.

Public Comments: None

Approve Agenda: A motion was made by Council Member Palomar, seconded by Council Member Dix, to approve the Agenda, as published. The motion carried by unanimous voice vote.

Consent Calendar: A motion was made by Council Member North, seconded by Council Member Hurtado, to approve the items appearing on the Consent Calendar. The motion carried by unanimous voice vote.

- 4.1 Approval of City Council Minutes:** Approve the minutes from the January 16, 2019 Regular City Council Meeting as prepared by City Clerk Abigail Palsgaard.
- 4.2 Check Register:** Ratify/approve payment of bills listed on the check register for the period January 10, 2019 through January 29, 2019 as prepared by Accounts Payable Clerk Grace Reyna.
- 4.3 Approve 2019-2020 City of Kingsburg Budget Schedule.**
- 4.4 Treasure's Report-** Accept the Treasurer's Report from October 31, 2017 to June 30, 2018. Staff Report prepared by Finance Director Alma Colado.

Regular Calendar

Introduction and Swearing-in of Interim Fire Chief Tim Sendelbach

City Manager Alex Henderson introduced Interim Fire Chief Tim Sendelbach, followed by swearing-in by City Clerk Abigail Palsgaard, and pinning of his badge by Mayor Michelle Roman.

PUBLIC HEARING— ON PLANNING APPLICATIONS ON TWO PARCELS OF LAND (WITH A COMBINED ACREAGE OF 5.36 ACRES) THAT ARE LOCATED ADJACENT TO THE FRESNO/TULARE LINE IN SOUTHEAST KINGSBURG. (PREVIOUSLY THE HASH DEVELOPMENT- NOW ANDERSEN VILLAGE “AVP”)

Open Public Hearing – At 6:10 P. M. Mayor Roman opened the Public Hearing.

Presentation by Planning Consultant Greg Collins – Mr. Collins explained that this project is mostly in Tulare County. The lots in Fresno County will be annexed into the City of Kingsburg and

the building permits will be pulled through our Building Department. The house plans will meet the guidelines in the North Kingsburg Specific Plan. A park will be centrally located.

City Council Discussion – Council Member Palomar asked if San Joaquin Valley Homes is offering solar with the homes? Council Member Dix stated that the North Kingsburg Specific Plan has requirements for garages on the corner lots. Mr. Collins said that is correct and we will work with the builder for more emphasis with the house, not with the garage.

Open for Public Comment – Ken Cross, San Joaquin Valley Homes, thanked the Council for considering the application. He stated that there are six different home plans with 3 different elevations to choose from. We are working with staff regarding the set backs and different elevations that will go with the building plan. He said that homes will range from 1440 to 2100 square feet. We are offering solar as an option. In 2020 it is mandatory.

John Hudson, Kingsburg resident, said that when he put in his house there were guidelines he had to follow, but these elevations do not have the same guidelines. He also asked about where the water drainage will go.

Mr. Collins said that the CC&Rs were from the developer. Mr. Cross said that they could work with staff regarding the CC&Rs.

Close Public Comment – At 6:28 P. M. Mayor Roman closed the time for Public Comment.

Continued City Council Discussion – None

Close Public Hearing – At 6:28 P. M. Mayor Roman closed the Public Hearing.

Possible Actions:

Adopt Resolution No. 2019-012 Approving a Negative Declaration for that portion of the AVP that will be annexed into the City of Kingsburg. A motion was made by Council Member North, seconded by Council Member Hurtado to adopt Resolution No. 2019-012. The motion carried by unanimous voice vote.

Adopt Resolution No. 2019-013 Initiating Annexation of 5.14 Acres of Land Located North and West of the Fresno/Tulare County Line and Detach from the Kings River Conservation District, Fresno County Fire Protection District, and the Consolidated Irrigation District. A motion was made by Council Member North, seconded by Council Member Palomar, to adopt Resolution No. 2019-013. The motion carried by unanimous voice vote.

Adopt Resolution No. 2019-014 Approving the Inclusion of 20 Single Family Residential Units to the 2018 Housing Unit Allocation Program as per Kingsburg's Growth Management Program. A motion was made by Council Member North, seconded by Council Member Dix, to adopt Resolution No. 2019-014. The motion carried by unanimous voice vote.

Adopt Resolution No. 2019-015 Approving Planned Unit Development No. 2018-02 (AVP) and Approving the Necessary Findings Consistent with Chapter 17.76 of the Zoning Ordinance and Subject to the Following Conditions:

- Residential dwellings constructed within the project area shall comply with the Andersen Village Specific Plan.
- Landscaping within the project area and on individual lots shall conform to the Andersen Village Specific Plan.
- Public improvements within the project area, including, gateways, streetscapes, parks, walls and fences, and off-street pedestrian corridors, shall conform to the Andersen Village Specific Plan guidelines.

A motion was made by Council Member Dix, seconded by Council Member Hurtado, to adopt Resolution No. 2019-015. The motion carried by unanimous voice vote.

Waive first reading and introduce Ordinance No. 2019-001, An Ordinance of the City of Kingsburg Amending Title 17 - Zoning, Of The Kingsburg Municipal Code, Pre-Zoning Real Property From Fresno County's Ae-20 Zone District (Exclusive Agriculture, 20-Acre Minimum) To Kingsburg's R-1-7 Zone District (Single-Family Residential, One Unit Per 7,000 Square Feet) and pass to a second reading with the following recital constituting reading the title of the Ordinance:

“AN ORDINANCE OF THE CITY OF KINGSBURG AMENDING TITLE 17 - ZONING, OF THE KINGSBURG MUNICIPAL CODE, PRE-ZONING REAL PROPERTY FROM FRESNO COUNTY'S AE-20 ZONE DISTRICT (EXCLUSIVE AGRICULTURE, 20-ACRE MINIMUM) TO KINGSBURG'S R-1-7 ZONE DISTRICT (SINGLE-FAMILY RESIDENTIAL, ONE UNIT PER 7,000 SQUARE FEET)”

A motion was made by Council Member North, seconded by Council Member Dix, to waive the first reading and introduce Ordinance No. 2019-001 and pass on to a second reading. The motion carried by unanimous voice vote.

Swedish Mill Update- Oral Report by Josh O'Bannon, Trinity Construction

City Manager Alex Henderson stated that the 30-day period is set to end this Friday. Property owners are in the audience and would like to present Council with the update.

Kelly Allridge, Country Waffles, stated that we have a franchisee agreement with a franchisee. He has already established other restaurants and is more than qualified.

Josh O'Bannon, Trinity Construction, presented a preliminary schedule with an opening date in June or July. On February 11th we will start with the asphalt being patched. John Ghazale, franchisee, has owned the Country Waffles Restaurant in Riverpark for 2 years and is excited to get the restaurant open as soon as possible. He is excited that it is off the freeway and will be the first 24/7 Country Waffles Restaurant. It will provide jobs and it will be a great place for people to stop off the freeway.

Council Member Dix asked if the loan was approved. John Ghazale said that it should be finalized this month. Council Member North said that she would like this to come back in 30 days. Upon the advice of City Attorney Michael Noland, a motion was made by Council Member North, seconded by Council Member Dix, to continue the review to the March 6, 2019 City Council meeting. The motion carried by unanimous voice vote.

Public Safety Tax Citizens Oversight Committee (“Measure E”) - Committee Discussion and Appointments-

City Manager Alex Henderson gave a brief history of the Sales Tax Measure. He said that Council will appoint 5 members to the Oversight Committee.

Council Discussion – Council Member Dix stated that maybe if we have recommendations, we can get through those first. He stated that he would recommend Staci Smith and Bryan Cogburn. He said that Bryan is a member of the Public Safety Committee and a fire fighter. Council Member North stated that Jerry Avedikian stood out to her. He was a fire fighter and worked on budgets. Council Member Palomar stated that he would recommend Johnny Matic. Council North said that she would also recommend Pilo Chavez.

A motion was made by Council Member North, seconded by Council Member Palomar, to appointment Staci Smith, Bryan Cogburn, Jerry Avedikian, Johnny Matic, and Pilo Chavez, to serve on the City of Kingsburg Safety Tax Citizens Oversight Committee. The motion carried by unanimous voice vote.

Mobile Food Vendor Ordinance and Sidewalk Vendor Ordinance Discussion- Staff Report by City Clerk Abigail Palsgaard

City Manager Alex Henderson stated that staff began researching mobile food truck ordinances over a year ago due to interest from local business owners who use the food trucks for their events and from interest from food truck owners who would like to sell their food in Kingsburg. He went over the proposed language and staff recommendations. He said that we haven't had a problem with any food trucks on private property as of right now. The Economic Development Committee has discussed this also.

Council Member North asked if there have been issues. Mr. Henderson said no issues, but we really don't have an answer when people ask. We want to be consistent. Council Member North asked about school property. Mr. Henderson said that they can be on school property with consent from the School District. Council Member Dix asked if we have any enforcement? Mr. Henderson said that technically it is not allowed but business have utilized them, and it hasn't been a problem.

Council Member Dix asked about alcohol. Brianna Valdez, Owner of Bluebird Home & Lifestyle Market, said that if you have filled out the proper forms from the Alcoholic Beverage Control (ABC), you can serve alcohol.

Council Member North asked about vendors at festivals. Mayor Roman said that she knows that Ramos Torres Winery has enjoyed having the trucks and looking to the future having everyone on the same page is important. She asked about the distance from the restaurant door. City Manager Henderson stated that we put 75 feet from the main entrance as a buffer, but it is up to the community. Council Member Dix asked how we capture sales tax?

Brianna Valdez, Bluebird Home & Lifestyle Market, said that an additional fee for vendors would be a deterrent for people coming into the City. She suggested putting in the ordinance that the event coordinator has the vendor sign a contract about paying taxes. She said that she has had visitors come in from all around the state.

Council spoke about vendors that come in more than a couple times should pay the Business License Tax just like brick and mortars. Council Member Dix stated that the businesses that have made the investment in being a brick and mortar shouldn't be penalized. He said that he is worried about capturing the sales tax. Mr. Henderson said that once we get a system, we can check with our third-party vendor.

Council Member North said that she is concerned about the vendors that come for festivals that are not paying equally. Mr. Henderson asked if Council would like to have a tiered amount for vendors. Council Member Hurtado said that it is good that Bluebird is partnering with local businesses. Council Member Dix said that he is only interested with food trucks that are partnering with private property. Mr. Henderson said that you can limit it to food trucks that are partnering with private local businesses. Council Member North said that she would like to see what other cities do with charging food trucks.

City Manager Alex Henderson said that Governor Brown signed SB 946 decriminalizing sidewalk vendors. Right now, we cannot limit them. With this ordinance we will have some regulation. Council Member Dix asked about not allowing it in residential areas. City Attorney Michael Noland said that it follows the statute in SB 946.

This matter will be brought back to Council for the first reading on February 20, 2019.

Review and Discussion of the Agreement with the Kingsburg District Chamber of Commerce- Staff Report by City Manager Alexander Henderson

City Manager Alexander Henderson stated that on December 18, 2018 Council discussed the Chamber of Commerce Agreement. Mayor Roman said that our former agreement did not list out the festivals or what we would support.

Reggie Gierke and Jason Poyner, Chamber of Commerce Board members, said that they would like clarification for 1. a. Mayor Roman said that it refers to music that lets you know that you are in the Swedish Village. We are looking at the genre/theme. Mr. Gierke asked if there is an exclusion for special events. Council Member North said she would like it added in there. Mr. Gierke asked about Item 6. Council wouldn't have a problem with subcontracting the Summer Band and Farmers Market. Mr. Poyner asked if the Downtown Association is with the Chamber or a separate entity. City Manager Alex Henderson said that it would be up to the Chamber how they partner. Mr. Gierke and Mr. Joyner said that they are worried about businesses having to pay both and that they would stop being a part of the Chamber. Mayor Roman said that the businesses that are interested are interested in both. The BSA would be for marketing and the Chamber would be for the value that the Chamber brings.

Council Member North moved to approve the Chamber Agreement with the updating of the language. The motion was seconded by Council Member Hurtado and carried by unanimous voice vote.

Baseball Field Lease Agreement with Kingsburg Youth Baseball Association, Inc.- Staff Report by City Manager Alexander Henderson

City Manager Alex Henderson briefly highlighted the Agreement stating that it is a 3.5-acre donation east of Safarjian Field which is owned by the school district that leased to the City and then

subleased to the KYBA. We would lease for \$10 a year with KYBA building and maintaining the field(s).

A motion was made by Council Member Dix, seconded by Council Member Palomar, to approve the Baseball Field Lease Agreement with Kingsburg Youth Baseball Association, Inc. The motion carried by unanimous voice vote.

Council Reports and Staff Communications

Community Services Commission – Council Member Hurtado reported that they met on 1/23 and were shown the play structure. On 2/25/2019 Fugazzi's is doing a Skate Park fundraiser.

Public Safety Committee- Council Member Palomar reported that they have not met. Mr. Henderson stated that ADA improvements have started.

Chamber of Commerce- Council Member North reported that it meets next week.

Economic Development Committee – Mr. Henderson reported that they discussed the food trucks.

Finance Committee – Mr. Henderson reported that it is tentatively scheduled to meet on February 28th.

Planning Commission – Mr. Henderson reported that the February meeting was cancelled.

City Manager's Report – Mr. Henderson reported that we are continuing work with Athwal Park since we got recommendation from the Community Services Committee. We are working on improving the band shell to be ADA compliant.

Other Business that may come properly before the City Council

Mayor Roman stated that she would like to waive fees for Federal Workers if the government does shut down.

Future Agenda Items

These items will be added to a future agenda with direction from Council.

Special Events Form

Adjourn Kingsburg City Council Regular Meeting into Closed Session at 7:59 P. M. to discuss the following item (s):

- 9.1 CONFERENCE WITH LABOR NEGOTIATORS**
California Government Code Section 54957.6
City Designated Representative: Alexander Henderson
Employee Organization: Kingsburg Professional Firefighters Association (KPFA)
- 9.2 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**
(Subdivision (a) of Government Code Section 54956.9)
Robert M. Johnson v. City of Kingsburg

Fresno County Superior Court Case No. 17 CE CG 03532

9.3 Public Employee Evaluation – Government Code Section 54957
Title: City Manager

At 8:32 P. M. the City Council Adjourned out of Closed Session into the Regular Kingsburg City Council Meeting for report out of Closed Session.

City Attorney Michael Noland said that there is nothing to be reported out.

At 8:34 P. M. the Regular Kingsburg City Council Meeting was adjourned.

Submitted by:

Abigail Palsgaard, City Clerk