

**KINGSBURG CITY COUNCIL
REGULAR MEETING
MAY 15, 2019 – 6:00 P. M.**

6 P.M. REGULAR SESSION MEETING:

Invocation was given by Father Greg Beaumont of the Kingsburg Holy Family Church, followed by the Pledge of Allegiance led by Mayor Pro Tem Laura North.

Call to Order and Roll Call: At 6pm the regular meeting of the Kingsburg City Council was called to order by Mayor Pro Temp Laura North.

Council Members present: Jewel Hurtado, Vince Palomar, Sherman Dix, and Mayor Pro Tem Laura North.

Council Members absent: Mayor Michelle Roman

Staff present: City Manager Alexander Henderson, City Attorney Michael Noland, City Finance Director Alma Colado, City Engineer Dave Peters, City Police Chief Neil Dadian, and City Clerk Abigail Palsgaard.

Public Comments: This is the time for any citizen to come forward and address the City Council on any issue within its jurisdiction that is not listed on the Agenda. A maximum of five (5) minutes is allowed for each speaker.

Heather Dunn, resident, accompanied by son Ryker, stated that they are advocating for people with disabilities. She spoke about issues with room around handicap parking stalls. She said that there are handicap spots in the downtown area that are not properly marked so officers cannot enforce. She said that she is asking, with Wayfinding, if we can post signs so we can enforce the law.

Katrina Alvarez, resident, stated that she is here to discuss the Athwal Park improvements. She said she is worried about vandalism. She asked if there was a CEQA report done and if it would be accessible for handicapped. She said that she wants Council to look at long-term consequences.

Approve Agenda: Action by the Council to approve the agenda or to make modifications. Items that can be added to the agenda is constrained by State law.

Council Member Dix asked that the order of the Regular Calendar Agenda Items be adjusted as follows: 5.1, 5.2, 5.6, 5.4, 5.3, 5.5, 5.7, 5.8. A motion was by Council Member Palomar, seconded by Council Member Hurtado, to approve the agenda as modified. The motion carried by unanimous voice vote of those Council Members present.

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

- 4.1 Approval of City Council Minutes:** Approve the minutes from the May 1, 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 April 25, 2019 through May 8, 2019 as prepared by Accounts Payable Clerk Grace Reyna.

- 4.3 **Adopt Resolution No. 2019-024- A Resolution Of The City Council Of The City Of Kingsburg, County Of Fresno, State Of California Initiating Proceedings For The Annual Levy And Collection Of Assessments For The City Assessment District No. 93-01 For Fiscal Year 2019/20 Pursuant To The Landscaping And Lighting Act Of 1972, Part 2 Of Division 15 Of The Streets And Highways Code And As Provided By Article Xiii D Of The California Constitution; And Ordering The Preparation Of An Engineer's Report In Connection Therewith-** Staff Report prepared by Finance Director Alma Colado
- 4.4 **Adopt Resolution No. 2019-025- A Resolution Of The City Council Of The City Of Kingsburg, County Of Fresno, State Of California Preliminarily Approving The Report Of The Engineer In Connection With The Annual Levy Of And Collection Of Assessments For The City Assessment District No. 93-01 For Fiscal Year 2019/20, Pursuant To The Landscaping And Lighting Act Of 1972, Part 2 Of Division 15 Of The Streets And Highways Code And As Provided By Article Xiii D Of The California Constitution-** Staff Report prepared by Finance Director Alma Colado
- 4.5 **Adopt Resolution No. 2019-026- A Resolution Of The City Council Of The City Of Kingsburg, County Of Fresno, State Of California Declaring Its Intention To Order The Annual Levy And Collection Of Assessment For The City Landscape Maintenance Assessment District No. 93-01 For Fiscal Year 2019/20 Pursuant To The Landscaping And Lighting Act Of 1972, Part 2 Of Division 15 Of The Streets And Highways Code And As Provided By Article Xiii D Of The California Constitution, And Appointing A Time And Place For Hearing Protests-** Staff Report prepared by Finance Director Alma Colado
- 4.6 **Adopt Resolution 2019-027 -A Resolution of The City Council of The City of Kingsburg Declaring City Vehicles Surplus**
- 4.7 **Reject the claim filed by SL Environmental Law Group, P.C on April 30, 2019.-** Staff report prepared by City Attorney Michael Noland
- 4.8 **Award the Well 12 Raw Water Line Improvements project to Floyd Johnston Construction bid in the amount of \$416,713.00.** Staff report prepared by City Engineer Dave Peters.
- 4.9 **Accept the Wayfinding Improvements project completed by to Frank & Son dba Express Sign & Neon Company and authorize the City Engineer to file the Notice of Completion.** Staff report prepared by City Engineer Dave Peters.

Regular Calendar

Public Service Recognition Award Presentation – David Green, Public Works Presentation with appropriate remarks made by Mayor Pro Temp Laura North. Council thanked David for all of his hard work and dedication.

Fresno County Rural Transit Agency Presentation- Presentation by FCRTA General Manager Moses Stites

Mr. Stites presented 2017/2018 passenger numbers for the City of Kingsburg; 19, 849 total with 8,681 seniors, 6,980 disabled, and 4,188 general public. He reviewed the transit routes and commented on the Reedley College route. He presented a plaque to the City Council as a key partner with the collaborative effort. Council Member Hurtado asked how to notify residents of the transit to Reedley College. Mr. Stites spoke about their website that has the routes and said that he would appreciate Council getting the word out as well.

Short Term Rental Ordinance Discussion- Report prepared by City Clerk Abigail Palsgaard

City Manager Alexander Henderson explained that this item is coming back to the Council by request of Council Member Dix. He reviewed the history and said that two residents have gotten a license. He said that we have had a few issues which are being addressed, including a home not getting their license, which they have since. He said that this is not for action but for a discussion.

Council Member Dix said that he has recommendations. He said that it feels like a commercial event and has the potential of being every weekend. He said that on the coast they have set up zones. If you are not in the zone you can't have a vacation rental area. In Pismo it is the area that has houses mixed with hotels. He said that he suggests creating zones. If not an out-right ban, then have more restrictions. Require the property owner to occupy the property a certain amount of days a year. The expectation is to have peace and quiet in a neighborhood.

Council Member Hurtado asked if there is a limit to the number of short-term rentals in other jurisdictions. Council Member Dix said yes, it is capped. Only one renter per house (not by room). He suggested adding language that only the renters can stay. He showed pictures of cars parked into the street and on the public street. Council Member Hurtado said that she feels like every part of Kingsburg should be peaceful. Council Member Dix agreed, saying that if we allow short term rentals it should be only in this downtown area. Council Member Palomar said that we have a good ordinance, it just needs to be enforced. He spoke about the 45-minute response time for the local contact. Council reviewed two written statements.

Oscar Bettencourt said that he is a resident and lives by a short-term rental. Recently there was a party and there was obscene language, marijuana smoke, and beer bottles thrown from vehicles.

Renee Nunes, resident, said that there is lots of negative activity. One vehicle parked in front of their driveway blocking their access. She has seen scantily dressed woman dropped off in vans. She said this is a party home. We came here to know and trust our neighbors.

Police Chief Neil Dadian said that if someone calls us, we can invoke the Penal Code with a noise violation if a neighbor is willing to be a victim. He said that for administration the Police Department would contact the City and they can enforce the ordinance.

Tim Nunes, resident, said that he filed a complaint through Air B&B and hasn't heard back for a while. He said he then called to start one and found out no one is accountable with Air B&B. He said that he feels that Kinney on the Planning Commission is a conflict of interest.

Rosalinda Cantu, resident and Air B&B owner, said that she has been renting since April 1st. They meet their guests and provide them a list of the rules. The noise level and parking are what is really stressed. She stated that we hand-delivered their contact information to their neighbors. They are 10 minutes away. Neighbors hadn't noticed that they were renting. Renters are buying food and gas and

we let them know about local events. Council Member Dix asked what her long term plan is. She said that her long-term goal is to stay in Kingsburg. She said they could rent it, but the renter may not take care of the house, yard or neighborhood like they do. When asked if it is easy to follow the City's ordinance, she said yes.

Chris Campbell, resident, said that he appreciated that the Cantus are following the rules. He has seen a car issue with his neighbor who runs an Air B&B. Their neighborhood is quiet. If the ordinance in place gets enforced it should fix itself.

Council Member Dix said that we might want to make sure there is real intent. Someone just occasionally renting it out, not someone buying it as an investment. Mayor Pro Temp North asked if we want to limit it. Council Member Dix said yes and strengthen the response time in responding physically to the property. We also need to expand the notification of neighbors to the distance required for a home occupation and a cap with a distance.

Code violation and fines were discussed. It was pointed out that neighbors can call Monday through Friday to Code Enforcement at City Hall to complain. Mayor Pro Temp North said that we can weed out those that are not abiding by the rules. She thanked the public for their input.

Swedish Mill Update-

Representative Josh O'Bannon said that there were conditions that made the property deemed a hazard. He listed the remedies that have been done. He said that progress is being made, a little slower than planned. He said that we would like to have the abatement proceeding stop. If the conditions have been met, they would like to end the monthly reporting.

Council Member Dix asked what the process is. City Attorney Michael Noland said that we can terminate the ongoing reporting but have the applicants agree to the Building Official having access in case it goes into a state of disrepair.

Mayor Pro Temp North asked if, in general, the purpose of the abatement process is not to see it till the restaurant opens, just that it abated the issues. The City Attorney agreed, saying that the issue is still that it is a vacant building. He said again that we can stop the monthly reports.

Council Member Palomar said that we should have the Building Official inspect it and if the issues are abated, we can have him report to Council.

Staff was given direction to stop the reports and have the Building Official inspect when appropriate and not have the representative come back unless the Building Official reports there is a problem.

Sustainable Groundwater Management Act Report- Staff Report prepared by City Engineer Dave Peters

City Engineer Dave Peters gave a background on the law passed in 2014. We must balance what we pump with what we recharge. Our basin (Kings Basin) has a high priority and must be sustainable by 2040. He spoke about negotiating with Consolidated Irrigation District ("CID") and other water purchasing options. He said we would have to raise rates to cover the cost. He spoke about a five-year plan for the costs

Council discussed purchasing water from CID and other ramifications. Council Member Palomar voiced concern from residents that we didn't make the correct decision by leaving CID. City Manager Alexander Henderson said that with our agreement we will have the price set, control over our pumping and voting rights.

Crime Statistics Report for the Month of April 2019 and General Police Department Update- Crime Statistics Report prepared by Kingsburg Police Department Records Supervisor Corina Padilla.

Police Chief Neil Dadian stated that crime is relatively flat. There has been multijurisdictional investigations. Detective Forlines found a crime spree up and down California starting with burglaries in Kingsburg. Jennifer Villanueva was hired as a full time officer.

Master Fee Schedule Update- Report prepared by City Clerk Abigail Palsgaard

City Manager Alexander Henderson commented briefly on the update. A motion was made by Council Member Dix, seconded by Council Member Palomar, to adopt Resolution No. 2019-028 updating the City of Kingsburg Master Fee Schedule without the BSafe Fire Department Fee. The motion carried by unanimous voice vote of those Council Members present.

CalPERS Update- Staff Report prepared by City Manager Alexander Henderson

City Manager Alexander Henderson explained funding of CalPERS, their investments and the City's situation. He said that we have flexibility with funds and will bring options to Council in the future.

Council Reports and Staff Communications

Community Services Commission – Council Member Hurtado reported that they are meeting next Wednesday.

Public Safety Committee – Council Member Palomar reported that they will meet next month.

Chamber of Commerce- Mayor Pro Tem North reported on the Car Show and Swedish Festival.

Economic Development Committee – City Manager Alexander Henderson reported that they have not met. Kuppa Joy has opened.

Finance Committee – City Manager Alexander Henderson reported that it meets on 5/28.

Planning Commission – Council Member Dix commented on the joint meeting with the City Council and the discussion of the North Kingsburg Specific Plan.

City Manager's Report- City Manager Alexander Henderson reported on a handful of legislative activity that might have a impact to the City. There will be a bike/pedestrian survey around the school. At a future meeting will have a discussion of Public Request Acts and social media.

Other Business that may come properly before the City Council

City Clerk Abigail Palsgaard reported that Fresno County has decided to adopt the California Voters Right system of voting. There will be one voting center, located at the Historic Kingsburg Train Depot, and it

will be open for at least 4 days, including the weekend before the election day. Registered voters will be mailed ballots that they can mail in, drop off or vote with at the voting center. The first election using this system will be 3/2020.

Future Agenda Items

Council Member Hurtado said that she would like to recognize the bus driver that saved the kids. Mayor Pro Tem North said that she would like to include the Subway worker. She would also like to recognize Mr. Hash.

Mayor Pro Tem North said that she would not like to do the meeting June 5 (Jr. High Graduation night). Council Member Palomar moved to have the meeting June 4. The motion was seconded by Council Member Dix and carried by unanimous voice vote of those Council Members present.

Council Member Dix asked about the façade. City Manager Alexander Henderson said that we will bring it back.

Adjourn Regular Kingsburg City Council Meeting – At 9:23 P. M. Mayor Pro Temp North adjourned the meeting.

Abigail Palsgaard, City Clerk