

PRESENT: Councilmembers Mendoza, G. Gonzalez Jr, Ortiz & Martinez

OTHERS: Lara, Marquez, Waters, Diaz & Zacarias

ABSENT: Lopez

BOARD CONVENED AS WOODLAKE CITY COUNCIL MEMBERS AT 6:37 PM

PUBLIC COMMENT – None

IV. CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

Request Approval of the Consent Calendar Action Items (IV. A-G)

- A. Action: Approval of Minutes of the regular meeting held on August 14, 2017
- B. Action: Approval of Minutes of the special meeting held on August 21, 2017
- C. Action: Approval of Warrants
- D. Action: Adoption of Resolution: Approval of the July 2017 Monthly Report of Investments
- E. Action: Adoption of Resolution: Continuation of the Proclamation of the Existence of a Local Drought Emergency for the City of Woodlake
- F. Action: Adoption of Resolution: Reaffirm the Approval of Emergency Expenditures for the Development and Implementation of the City of Woodlake Well Project
- G. Action: Adoption of Resolution: Approval of Exemption for the AutoZone Report

ON A MOTION BY MARTINEZ, SECOND BY G. GONZALEZ JR., IT WAS VOTED TO APPROVE THE CONSENT CALENDAR. ORTIZ ABSTAIN FROM APPROVAL OF MINUTES. APPROVED UNANIMOUSLY.

V. ACTION/DISCUSSION ITEMS

- A. Information: Presentation by Mark Avedian with Avedian Properties
Mr. Avedian asked council to rescind the PACE program to protect the citizens of Woodlake. He stated other cities had already rescinded the program. City Administrator Lara stated council may review the request and ask to place on the agenda when they are ready to take action.
- B. Information: Status of the Woodlake Airport and Availability of Funding
City Employee Waters reported the following: the Federal Aviation Administration has grant funding available for airport planning and maintenance projects. The City of Woodlake must apply for these funds each year in order to receive the funding. The City of Woodlake released an RFQ to consultants to prepare an Airport Layout Plan and a Pavement Maintenance/Management Program. Wadell Engineering completed those plans and provided them to the City of Woodlake. The City of Woodlake received the results of a pavement study and Airport Layout Plan for the Woodlake Airport. The study shows that the City has approximately \$4.6 million worth of proposed repairs over the next three years to bring the airport runway, taxiway, and apron up to “good” FAA standards. The pavement at the airport is currently rated at either poor, very poor, serious, or failed. If the City were to simply maintain the current pavement standard, it would cost the City approximately \$2 million over the next 5 years. A constrained budget with \$1.5 million of expenditures over the next 5 years would result in decreased conditions at the airport resulting in an average pavement

condition of “serious” in 5 years. The City currently receives approximately \$150,000 from FAA per year for the airport, but the City may choose to apply for additional funding via a competitive application process. The competitive process does not guarantee funding for the airport. The City must also commit a match amount of 5%-10% to all grant funds received. The City must also commit to operating the airport for an additional 20 years if construction funding is spent. The proposed 2018 cost for repairs for the runway is estimated at \$1.3 million dollars. City Administrator Lara stated council must consider all the information presented by City Employee Waters and determine what direction the City will be going in the very near future.

C. Action: Adoption of Resolution: Appoint Chuck Mann and Xavier Bocanegra to Fill Two Vacancies on the Planning Commission Board

City Clerk Zacarias reported the following: there are currently two vacancies to fill on the Planning Commission board. There are two Woodlake residents who have submitted an application to be appointed to the board, Chuck Mann and Xavier Bocanegra. Council may review applications and vote to accept or deny applications.

ON A MOTION BY ORTIZ, SECOND BY G. GONZALEZ JR., IT WAS VOTED TO ADOPT THE RESOLUTION AND APPOINT CHUCK MANN AND XAVIER BOCANEGRA TO THE PLANNING COMMISSION BOARD. APPROVED UNANIMOUSLY.

D. Action: Adoption of Resolution: Affirm, Modify or Deny Appeal from Mr. Cabrera

City Employee Waters reported the following: the purpose of this appeal is to give Mr. Cabrera the opportunity to appeal an administrative fine received on APN 060-114-005. Mr. Cabrera’s appeal and the City’s response to the appeal are attached with this item. Mr. Cabrera’s appeal was previously denied by the Planning Commission. The City Council may affirm, modify or deny the appeal from Mr. Cabrera. Mr. Cabrera has requested to use the property as a parking lot. The city finds that due to the property’s zoning and current use, the property cannot be used as a parking lot. The following City Ordinances apply: Chapter 17.20 – PO Zone The property is zoned for Professional Offices. The uses for this property are limited to office space, pharmacies and medical offices, medical and dental clinics, single and multi-family use (in accordance with RM-3 district), utility infrastructure, public parks and accessory uses. None of the allowed or conditional uses within the PO Zone authorize the use of the property for a parking lot. Mr. Cabrera has requested to keep the poles/fencing on the property line for security purposes. The City finds that due to the property’s zoning and building code requirements, the site cannot have metal poles and that they must be removed. The following City Ordinances apply: Chapter 17.20 – PO Zone The property is zoned for Professional Office which may allow for perimeter fencing when the parcel has a use consistent with the uses allowed in the PO Zone. The property is vacant and not currently being used for any allowed uses. Chapter 14.04 – Construction Codes The poles were installed without seeking building permits from the City of Woodlake. The installation of any structures or fencing require building permits and inspection. The City requires that unpermitted structures be removed. Mr. Cabrera stated he is trying to keep trespassers off the property. The City requests that the parcel owners immediately contact the City of Woodlake Police Department when trespassers enter the property without the permission of the property owner. Raul Cabrera stated they want to keep people out of their property and ensure no damage is done to the property. Councilmember Ortiz stated they can put up signage to keep out. Javier Cabrera stated they have tried that but it doesn’t keep people out.

ON A MOTION BY MENDOZA, SECOND BY MARTINEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND DENY THE APPEAL FROM MR. CABRERA. APPROVED UNANIMOUSLY.

- E. Action: Adoption of Resolution: 1) Authorize the Execution of an Amended and Restated Joint Exercise of Powers Agreement Relating to the Woodlake Public Financing Authority;
- 2) Approve New Debt Management Policy in Compliance With SB 1029;
- 3) Authorize Lease/Leaseback Financing and the Execution and Deliver of Certificates of Participation to Finance Community Center Project and Approving Related Documents and Actions;
- 4) Authorize and Provide for the Incurrence of Indebtedness for the Purpose of Providing a Portion of the Cost of Acquiring, Constructing, Enlarging, Improving and/or Extending its 2016 Community Center Facility to Serve an Area Lawfully Within its Jurisdiction to Serve.

City Employee Waters reported the following: at the April 27, 2015 City Council Meeting, Council authorized staff to enter into an agreement with the Woodlake Lions Club which allowed the City to acquire property that would allow the City to build the Woodlake Plaza and the Woodlake Community Center. Staff received authorization from Council to apply for a USDA loan to build the Community Center at the August 10, 2015 City Council Meeting. Council authorized Staff to put the project out to bid on May 22, 2017. Council awarded the construction of the Community Center to Klassen Corporation at the August 21, 2017 City Council meeting. As part of the next steps for the Community Center Project, the City, working together with the Woodlake Public Financing Authority and Woodlake Housing Authority, need to authorize the financing related to the Community Center. The attached documents and resolutions provide information and grant the City the authority to finance the project by causing the execution and delivery of certificates of participation in the principal amount of \$3,000,000 with an interest rate of 2.875%. The City will issue a series of Certificates of Participation, in the maximum principal amount of \$3,000,000, under the Trust Agreement. The Certificates represent interests that the purchaser (USDA) has in installment payments to be paid by the City under the Installment Sale Agreement (described below). The Finance Director will make the payments of principal and interest due on the Certificates to USDA.

ON A MOTION BY MARTINEZ, SECOND BY ORTIZ IT WAS VOTED TO ADOPT THE RESOLUTION. APPROVED UNANIMOUSLY.

- F. Action: Adoption of Resolution: Award the Chlorination, SCADA, and Sand Separator Project to the Lowest Responsible Bidder Brough Construction

City Employee Waters reported the following: on August 24, 2015, the City Council of the City of Woodlake authorized staff to go out for bid for a to complete the City of Woodlake Water System Upgrade Project. The City has received funding from USDA to improve the water system in Woodlake and Wells Tract. The City of Woodlake released an RFQ to find a firm that could install chlorination units, sand separators and a SCADA system for Woodlake's water system. The following firms submitted a proposal to provide the services:

- Brough Construction
- JT2 – Todd Companies

The proposed cost for each firm is listed below:

<u>Bidder</u>	<u>Total Bid</u>
Brough Const.	577,590
JT2 - Todd Co.	583,000

Based on the proposals, it was determined that Brough Construction submitted the lowest responsible bid for the project.

OLN A MOTION BY G. GONZALEZ JR., SECOND BY MARTINEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND THE PROJECT TO BROUGH CONSTRUCTION. APPROVED UNANIMOUSLY.

G. Action: Adoption of Resolution: Approve the Abatement of a Public Nuisance at 472 Olive Ln.

Code Enforcement Officer Llamas reported the following: on October 6, 2016 code enforcement staff inspected the property at 472 Olive Ln., (APN# 061-123-006-000) in the City of Woodlake, and noticed the abandoned home with boarded windows, overgrowth of weeds, and overall poor condition of exterior materials. Code Enforcement checked the utility records and learned the dwelling had not had City utility services turned on since December 31st, 2013. Code Enforcement proceeded to place ‘Danger – Building is deemed unsafe for human occupancy’ notices on all four walls of the dwelling. On this same day, Code Enforcement staff sent via regular and certified mail a notice of public nuisance to the owner of the property Dolores Jimenez. The notice letter of public nuisance gives the property owner 30 days to abate the substandard property, or at least establish a feasible plan to work cooperatively to improve the property on an agreed and diligent timeline. This notice letter established the first action for abatement in accordance with California Health and Safety Code 17980. On October 25, 2016, the property owner Dolores Jimenez came into City Hall acknowledging the notice and agreed to a compliance plan. Dolores informed us that she was living in the Fresno area, and that the dwelling at 472 Olive Ln. had been vacant for many years. Dolores asked her brother, Code Enforcement, and the City Building Inspector to enter the home and fully inspect the property for all the improvements needed to bring the dwelling up to code. On October 28, 2016, her brother, Building Inspector, and Code Enforcement visited the home at 472 Olive Ln. and entered the premises to examine the interior issues. The list below outlines the issues found in violation of California Health and Safety Code Section 17920.3:

Findings at 472 Olive Ln:

1.) Inadequate Sanitation:

- A. *Lack of required electrical lighting*
- B. *Dampness of habitable rooms*
- C. *Infestation of insects, vermin or rodents*
- D. *State of general dilapidation*
- E. *State of improper maintenance*

2.) Faculty Weather Protection:

- A. *Deteriorated or ineffective waterproofing of exterior walls, roof, foundations and floors. Including broken windows or doors*
- B. *Defective and lack of weather protection for exterior wall coverings including lack of paint or weathering*

3.) Hazardous Wiring:

- A. *Wiring exposed to weather*
- B. *Lack of approved receptacles*

C. *Other improper wiring*

4.) Hazardous Mechanical Equipment

All mechanical equipment, including vents, except that which conformed to all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

5.) Fire Hazards:

- A. *Vegetation or grass overgrowth*
- B. *Combustible waste*

6.) Faulty Construction Materials:

- A. *Failure to maintain materials in good and safe condition*

7.) Hazardous or Unsanitary Premises:

- A. *Accumulation of weeds, vegetation and dead organic matter*
- B. *Accumulation of junk and debris*

8.) Inadequate Maintenance:

- A. *Portion of building unsafe due to inadequate maintenance*

9.) Inadequate Exits:

- A. *Lack of maintenance of exit facilities*
- B. *Lack of adequate exit facilities*

10.) Improper Occupancy:

- A. *Living*
- B. *Sleeping*
- C. *Cooking*
- D. *Dining purposes*

11.) Public Nuisance:

- A. *Maintenance of the premises in a condition detrimental to public health, safety or general welfare*
- B. *The existence of any building which are abandoned or boarded up or partially destroyed; or broken down or discarded furniture or conglomerations of toys in front yards; or overgrown green vegetation visible to the public; or garbage cans strewn over the yards and visible from the street; or unfurnished buildings, not under active construction; or dead trees, weeds and debris; or packing boxes stored in yards and visible to the public; or deliberate neglect of premises to spite neighbors or influence zone changes*

Her brother said he would relay the findings to his sister, and work with her to get a contractor to start gathering pricing cost regarding what the rehab would cost them, and the time frame it would take to make the improvements. A few months went by without any updates from Dolores in regards to the rehab of the dwelling. On February 13, 2017 Code Enforcement spoke with her brother, asking if he had any updates from his sister, since City Staff had not heard from her in several months. Her brother said he would speak with his sister the following day. On February 14, 2017, her brother said he was going to no longer be involved in helping his sister rehab the home, and referred all questions the City had moving forward to be directed only to his sister. On this same day, Code Enforcement called Dolores, she answered but informed Code Enforcement that she was at work and would call back. Dolores did not call back. On February 24, 2017 Code Enforcement called Dolores again, she did not answer, and her phone number was not allowing the call to go through. On March 6, 2017 Code Enforcement called Dolores again and still did not successfully reach her. Due to many months passing, Code Enforcement proceeded to restart the process outlined in California Health and Safety code 17980 and resent the public nuisance letter outlining the findings of the visit on October 28, 2016 of the property. This letter was sent to the property owner via regular and certified mail on April 17, 2017. The expiration date to appeal, abate, or establish some sort of feasible plan to correct the violation was on

May 29, 2017. There was never any contact made from the property owner. On July 20, 2017 code enforcement had an inspection warrant approved by a Tulare County Superior Judge to do an asbestos sample gathering of the dwelling for testing. Upon an informal bidding process Bovee Environmental Management Inc. was awarded the project with their lowest bid submittal of \$700. The asbestos report stated that there were zero asbestos found within the home. In accordance with California Health and Safety code 17980, 17980.8, 17980.10, 17982, 17970, 17920.3 and Woodlake Municipal code 8.28.010, 8.28.020, 8.28.030, 8.28.080, and 8.28.180, the property at 472 Olive Ln., also identified by APN #061-123-006-000 is a public nuisance and is detrimental to the public health, safety, proximal properties, and general welfare for the city of Woodlake's residents. To proceed with the abatement, process a resolution from City Council is necessary. The resolution will then be mailed to the property owner via certified mail, and will be placed on the property. If there is zero cooperation within 30 days of mailing to the property owner and posting on the property, then Code Enforcement will return to the Tulare Superior Court for a full abatement warrant of the property. Staff recommends that the City Council support and approve the abatement of a public nuisance at the property of 472 Olive Ln. also identified by APN# 061-123-006-000.

ON A MOTION BY ORTIZ, SECOND BY MARTINEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND APPROVE THE ABATEMENT. APPROVED UNANIMOUSLY.

MEETING ADJOURNED AS COUNCIL MEMBERS AT 7:41 PM

COUNCIL CONVENED AS WOODLAKE PUBLIC FINANCING AUTHORITY – MINUTES UNDER SEPARATE COVER

MEETING RECONVEYED AS COUNCIL MEMBERS AT 7:45 PM

VI. OTHER BUSINESS

A. Information: Items from Staff

City Administrator Lara – Reported he had attended a meeting last week regarding the Botanical Garden. A couple of weeks ago, Woodlake Pride had decided to terminate their agreement with the City of Woodlake regarding the maintenance of the Botanical Garden. The meeting was created to try and determine how to continue to fund the garden. There were many people from different organizations such as representatives from Tulare County, Tulare County Office of Education and Scicon to name a few. A good point that was brought up was why should the City of Woodlake fork over the entire cost of maintaining the garden when the County and Office of Education both send students to the garden for educational purposes. There are also surrounding cities who visit the garden and benefit from the garden, yet no one was willing to come forward and help with the expenses of the garden. Another great point that was made was the City of San Francisco experienced the same problem a couple of years ago, where they also had a botanical garden they could no longer maintain through city funding. The cost to maintain their garden was 5 million a year and the city explained they could not afford that when there were more important issues to deal with such as water, sewer and street maintenance. Citizens in the city then created a foundation to raise funds to maintain the garden. Mayor Mendoza asked if Woodlake Pride Inc. was a non-profit organization. City Administrator Lara stated that was a question that was asked at the meeting and representatives from the Woodlake Pride organization stated they are not a non-profit organization. This may be the reason they are not able to collect donations. Someone had asked if the city provides funding to Woodlake Pride. City Administrator Lara stated no. The City provides funding to the Botanical Garden because it is owned by the City but the City cannot provide funds to Woodlake Pride because they are not a non-profit

organization. Woodlake Pride would like to raise funds to maintain the garden and they determined it would cost about \$250,000 a year to do so. The representative from Scicon stated raising funds is very difficult to do, their organization is only able to raise about \$25,000 a year and they are known countywide. Mayor Mendoza stated the first step is to establish your non-profit status. City Administrator Lara stated they may have been non-profit at one time but currently they are not a non-profit organization. Councilmember Martinez asked if we insure the garden. City Administrator Lara stated the City maintains the insurance on the city owned garden but not Woodlake Pride Inc.

C. Information: Items from Council

Councilmember Ortiz – Reported she had attended the EDC meeting last week. City Administrator Lara stated the EDC is going through some issues and there will be some big changes coming soon to that organization. Staff will bring an item to council members soon to decide if the city will still be a part of the EDC.

Councilmember G. Gonzalez Jr. – Reported he and Vice-Mayor Ortiz will be interviewing students next week for the appointment of a student representative for school year 2017-2018. Woodlake Youth Soccer will be starting soon.

Councilmember Martinez – Reported he had attended the Council of Cities meeting last week and the topic of discussion was also the EDC. He also wanted to know when the new watering schedule would take effect. City Administrator Lara stated September 14th and the new days and hours will be printed on the utility bills mailed to the residents.

Mayor Mendoza – Reported he will be attending the TCAG Washington meeting next week. He will also be attending a conference in Sacramento with councilmembers Ortiz and Martinez the week of September 14th. After 7 years of working with Congressman Nunes, Mayor Mendoza has taken a new position and is now working in the private sector.

C. Request from Council Members for Future Agenda Items

VII. CLOSED SESSION

1. **PENDING LITIGATION** (Government Code § 54956.9). It is the intention of this governing body to meet in closed-session concerning:

Conference with legal counsel – **EXISTING LITIGATION** (Government Code § 54956.9(d)(1)).

Parties, case/claim no. City of Woodlake v. Garibay, Tulare County Case No. VCU263067

Case name unspecified because of jeopardy to settlement negotiations or service of process.

2. **PENDING LITIGATION** (Government Code § 54956.9). It is the intention of this governing body to meet in closed-session concerning:

Conference with legal counsel – **EXISTING LITIGATION** (Government Code § 54956.9(d)(1)).

Parties, case/claim no. City of Woodlake v. Woodlake Public Cemetery District, Tulare County Case No. VCU 267523

Case name unspecified because of jeopardy to settlement negotiations or service of process.

MEETING MOVED TO CLOSED SESSION AT 7:50 PM
MEETING RECONVENED AT 8:30 PM

Mayor Mendoza reported no action was taken and there was nothing to report

NOTICE TO THE PUBLIC

As provided in the Ralph M. Brown Act, Government Code sections 54950 et seq., the Governing Board may meet in closed session with members of its staff and its attorneys. These sessions are not open to the public and may not be attended by members of the public. The matters the Council will meet on in closed session are identified below or are those matters appropriately identified in open session as requiring immediate attention and arising after the posting of the agenda. Any public reports of action taken in the closed session will be made in accordance with Government Code sections 54957.1 “Documents: If distributed to the Council less than 72 hours before a regular meeting, any public records which are subject to public inspection and pertain to an open-session item on the regular meeting agenda shall be available at the following address at the time they are distributed to a majority of the Council: 350 North Valencia Boulevard, Woodlake, California 93286. Public records distributed to the Council at a public meeting will be available to the public at such meeting if they were prepared by the City. Exemptions and details in Government Code § 54957.5 (a) shall apply.”

VIII. ADJOURN

The next scheduled City Council meeting will be held on Monday, September 11, 2017 at 6:30 p.m. at City Council Chambers located at 350 North Valencia Boulevard, Woodlake, CA 93286.

City Council:

Rudy Mendoza - Mayor

Frances Ortiz - Vice Mayor

Louie Lopez - Councilmember

Greg Gonzalez Jr. - Councilmember

Jose L. Martinez - Councilmember

Meeting adjourned at 8:30 PM

Submitted by,

Irene Zacarias
City Clerk