

PRESENT: Councilmembers Mendoza, Lopez, Martinez, Ortiz & Gonzalez

OTHERS: Lara, Waters, Marquez, Zamora & Zacarias

ABSENT:

FLAG SALUTE

PUBLIC COMMENT –

Brian Thoburn, SCE Representative – Mr. Thoburn reported on the current circuit project for the City of Woodlake. He stated the project should be completed in April.

Rudy Garcia, 154 S. Pepper, Woodlake – Mr. Garcia stated he wanted to introduce a couple of girls from the Miss Woodlake program. He stated the program has been run by the Chamber of Commerce since 2011, Maria Reynoso is the coordinator, and has been a great success. Mr. Garcia asked for city staff to reach out to Mrs. Reynoso if the girls are ever needed to assist in any city event. Mrs. Reynoso introduced MiLuna Aguilar who is Miss Woodlake 2018 and Fabiola Soto who is the runner-up. Both ladies stated they have enjoyed the journey and are grateful to represent the City of Woodlake.

IV. CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

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

- A. Action: Approval of Minutes of the regular meeting held on December 10, 2018
- B. Action: Approval of Warrants
- C. Action: Adoption of Resolution: Approval of the December 2018 Monthly Report of Investments
- D. Action: Adoption of Resolution: Requesting the Use of State Route 245 and/or State Route 216 for Community Events

ON A MOTION BY ORTIZ, SECOND BY LOPEZ IT WAS VOTED TO APPROVE THE CONSENT CALENDAR. APPROVED UNANIMOUSLY.

V. ACTION/DISCUSSION ITEMS

- A. Action: Adoption of Resolution: City Councilmembers to Elect a Mayor and Vice-Mayor

City Clerk Zacarias reported the following: Every two years the City Council may appoint a new Mayor and Vice Mayor to the board. Councilmembers are appointed to a two-year term and may be subject to limited renewal.

ON A MOTION BY MARTINEZ, SECOND BY GONZALEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND ELECT RUDY MENDOZA AS MAYOR AND FRANCES ORTIZ AS VICE-MAYOR. APPROVED UNANIMOUSLY.

- B. Action: Adoption of Resolution: Set Rates for Refuse Service in Accordance with Article XIID of the Constitution of the State of California – **PUBLIC HEARING**
Community Services Director Waters reported the following: Proposition 218 requires the City to provide notice and allow opportunity for a written protest prior to implementing a utility rate increase; if a majority protest is received then the rate increase cannot be adopted. If protests do not represent a “majority protest”, then the City may adopt the rate increase. All property owners in the City of Woodlake were mailed a notice and the notice was published in the local newspaper.

As part of the City’s contract for refuse services with Mid-Valley Disposal, the City is proposing a modification of Woodlake’s refuse rates is to 1.) Comply with the agreement with Mid Valley Disposal to increase rates annually according to the CPI postings and 2.) Introduce recycle and organics collection rates. The revenue from the modified rates and charges will not be more than the funds required for the City to provide adequate refuse service to City customers. The rates would receive an increase in CPI each year for the following five years from the current rate of \$22.25 to the projected rate of \$24.45 in 2019 for residential. A new recycle and organics collections rate will also be established for those customers that are impacted.

Pursuant to Proposition 218, the City Council set a public hearing date and will receive written protests related to the increase of water rates for the City of Woodlake.

If the City receives fewer 852 protests (less than a majority of property owners), Council may adopt the proposed rate increase for refuse service.

As summary of the proposed rates for three can service are found below:

3 Can Residential Rates for the Upcoming Five Years (Estimated CPI Index 3%)

| Year 1 (2019) | Year 2 (2020) | Year 3 (2021) | Year 4 (2022) | Year 5 (203) |
|---------------|---------------|---------------|---------------|--------------|
| \$24.45 | \$25.18 | \$25.94 | \$26.71 | \$27.52 |

PUBLIC COMMENT OPENED: 6:50 PM

Chuck Mann, 789 N. Palm, Woodlake – Mr. Mann asked if there was a cap on the increase. City Attorney Zamora stated the increase could not exceed a 5% increase per year.

Blanca Ramirez, 114 S. Magnolia, Woodlake – Ms. Ramirez stated she opposes the increase in sewer rates.

PUBLIC COMMENT CLOSED: 6:54 PM

City Clerk Zacarias reported the city had received 38 confirmed votes against the increase. Mayor Mendoza thanked city staff for all their work and effort to ensure the citizens of the community were given the opportunity to have their voices heard. Councilmember Ortiz asked about the city’s outreach for senior citizens. City Administrator Lara stated the city will include the senior lifelong program in the next utility bill.

ON A MOTION BY MARTINEZ, SECOND BY LOPEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND SET RATES FOR REFUSE SERVICE IN ACCORDANCE WITH ARTICLE XIID OF THE CONSTITUTION OF THE STATE OF CALIFORNIA. APPROVED UNANIMOUSLY.

- C. Action: Adoption of Resolution: Receive Public Comments, Waive 2nd Reading and Adopt an Ordinance Adding Chapter 2.04.020 City Council Member Vacancies, 2.04.030 City Council Member Absence from Meetings – Reappointment to the Woodlake Municipal Code – **PUBLIC HEARING** Community Services Director Waters reported the following: The City is proposing an ordinance that adds sections to Chapter 2.04 CITY COUNCIL of the Municipal Code:

CHAPTER 2.040.020 - CITY COUNCIL MEMBER VACANCIES

This section outlines the conditions by which a City Council member seat would be vacated.

CHAPTER 2.040.030 – CITY COUNCIL MEMBER ABSENCE FROM MEETINGS – REAPPOINTMENT.

The section outlines the attendance requirements for City Council members in order to avoid vacating their seat and how a vacated seat would be filled.

California Government Code 36513 states the following regarding meeting attendance:

(a) If a city councilmember is absent without permission from all regular city council meetings for 60 days consecutively from the last regular meeting he or she attended, his or her office becomes vacant and shall be filled as any other vacancy.

Many cities have also adopted ordinances that clarify attendance requirements. In most cases, City Staff found that cities typically specify the number of meetings that may be missed due to unexcused absences instead of the number of days. Using meetings instead of days simplifies attendance rules and avoids problems regarding the interpretation of “60 days” (skipped meetings, when does the 60-day countdown begin, etc.).

Of the available ordinances online, the most common number of allowed unexcused absences before a seat was resigned was 3 meetings. In practice, this is what a vacated seat attendance as a result of three unexcused absences would look like using our remaining schedule:

| Meeting Date | Attendance |
|---------------------|----------------------------------|
| 11/12 | Attended |
| 11/26 | Unexcused Absence |
| 12/10 | Unexcused Absence |
| 1/14 | Unexcused Absence – Seat Vacated |

Many cities also implemented rules regarding the total number of meetings an individual could miss due to unexcused absences during an entire year. The ordinance proposes setting this at 15%. In practice, this is what a vacated seat due to missing 15% of the meetings would look like using our 2018 schedule:

| Meeting Date | Attendance | Meeting Date | Attendance |
|---------------------|-------------------|---------------------|----------------------------------|
| 1/8 | Attended | 7/10 | Attended |
| 1/22 | Unexcused Absence | 7/24 | Attended |
| 2/12 | Attended | 8/13 | Unexcused Absence |
| 2/16 | Attended | 9/10 | Attended |
| 3/12 | Attended | 9/24 | Attended |
| 4/9 | Attended | 10/8 | Attended |
| 4/23 | Attended | 10/22 | Attended |
| 5/14 | Unexcused Absence | 11/13 | Attended |
| 5/29 | Attended | 11/26 | Attended |
| 6/11 | Attended | 12/10 | Unexcused Absence – Seat Vacated |

Since there were 21 meetings in 2018, a councilmember would have needed 4 unexcused absences to vacate their seat.

PUBLIC COMMENT OPENED: 7:05 PM

PUBLIC COMMENT CLOSED 7:05 PM

ON A MOTION BY MARTINEZ, SECOND BY ORTIZ IT WAS VOTED TO ADOPT THE RESOLUTION AND RECEIVE PUBLIC COMMENTS, WAIVE 2ND READING, AND ADOPT AN ORDINANCE ADDING CHAPTER 2.04.020 CITY COUNCIL MEMBER VACANCIES, 2.04.030 CITY COUNCIL MEMBER ABSENCE FROM MEETINGS – REAPPOINTMENT TO THE WOODLAKE MUNICIPAL CODE. APPROVED UNANIMOUSLY.

D. Action: Adoption of Resolution: City of Woodlake 2017-2018 Impact Fee Report
PUBLIC HEARING

City Administrator Lara reported the following: The City of Woodlake collects impact fees on new development to fund new or expanded infrastructure as needed to provide services and capacity related to water, water treatment, water collection, storm drain and parks and recreation. The City is required to conduct a public hearing annually within 180 days after the last day of each fiscal year and report on the impact fees collected and spent for the past fiscal year as per Government Code Section 66006. For Fiscal Year 2017 – 2018 some of the key projects were:

1. Construction of Well 13 (Water)
2. Fencing of the new Castle Rock Park

PUBLIC COMMENT OPENED: 7:08 PM

Lupe Perez, 314 Holly, Woodlake – Mr. Perez asked who would be paying the new fees. City Administrator Lara stated they would affect the new residential home buyers.

PUBLIC COMMENT CLOSED: 7:09 PM

ON A MOTION BY ORTIZ, SECOND BY GONZALEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND APPROVE THE CITY OF WOODLAKE 2017-2018 IMPACT FEE REPORT. APPROVED UNANIMOUSLY.

E. Action: Adoption of Resolution: Receive Public Comments, Waive 1st Reading, and Set 2nd Reading Date of Ordinance Amending Chapter 8.28.110, Collection on Tax Roll of the Municipal Code – **PUBLIC HEARING**

Community Services Director Waters reported the following: The City of Woodlake is proposing to amend Chapter 8.28.110 to allow the City to recover costs related to tax roll collection due to abatement. The purpose of this public hearing is to give citizens an opportunity to make their comments known regarding the proposed amendments and/or additions to the ordinances listed to Chapter 8.28.110, Collection on Tax Roll of the Municipal Code. City Staff will also recommend waiving the first reading of the ordinance and setting the date of a second reading and public hearing to February 25, 2019.

PUBLIC COMMENT OPEN 7:12 PM

PUBLIC COMMENT CLOSED 7:12 PM

ON A MOTION BY MARTINEZ, SECOND BY LOPEZ IT WAS VOTED TO ADOPT THE RESOLUTION RECEIVE PUBLIC COMMENTS, WAIVE 1ST READING, AND SET 2ND READING DATE OF ORDINANCE

AMENDING CHAPTER 8.28.110, COLLECTION ON TAX ROLL OF THE MUNICIPAL CODE. APPROVED UNANIMOUSLY.

- F. Action: Adoption of Resolution: Authorize Submittal of a 2018 Community Development Block Grant (CDBG) Application – **PUBLIC HEARING**
City Administrator Lara reported the following: CDBG Program regulations require that the City conduct a public hearing on all CDBG-related matters to provide for and encourage citizen participation, particularly by low- and moderate-income persons who reside in areas in which CDBG funds are used. Therefore, when the public hearing is opened, the public will be invited to comment on the City’s proposed submittal of a 2018 CDBG Grant application, as well as on the proposed activities. Comments may be received in writing or orally.

A public notice was published in the January 2, 2019 issue of the Foothills Sun-Gazette notifying the public that a public hearing had been scheduled for January 14, 2019. The public notice was also posted in the City’s customary places: City Hall and Woodlake Community Center. The public notice provided citizens with information on where to submit written comments if they were unable to attend the public hearing. No written comments were received.

On November 1, 2018, HCD released a Notice of Funding Availability (NOFA) announcing the availability of CDBG Program funds of approximately \$29,600,000 from the 2018 funding allocation. Applications are due February 5, 2019.

Eligible activities predominantly benefit low- and moderate-income Californians and include: Homeownership Assistance and Housing Rehabilitation programs; Public Facility and Public Improvements projects (including Public Improvements in Support of New Housing Construction); Public Service programs, Planning Studies, Economic Development Business Assistance and Microenterprise activities. The City may apply for a maximum of \$3,000,000 for a maximum of three activities.

The City solicited citizen input on possible competitive and supplemental activities to be included in the CDBG application at a public hearing held on December 10, 2018. Comments included:

1. A recommendation to continue to provide affordable housing within the community.
2. A recommendation from Council to continue to look for funding to address the City’s need for improved storm drain facilities in the City.

The City proposes to apply for CDBG funds in the amount of \$3,000,000 for the following activities: a Housing Combo Program, including Housing Rehabilitation (\$150,000) and Homeownership Assistance (\$150,000); and Public Facilities – Storm Water Project (\$2,700,000). The City anticipates the funding will assist approximately two (2) owner-occupants and approximately three (3) first-time homebuyers.

PUBLIC HEARING OPENED 7:20 PM

Chuck Mann, 789 N. Palm, Woodlake – Mr. Mann asked if this program will be affected due to the current government shut down. City Administrator Lara stated it is not clear right now but the next couple of months will show a clearer picture.

ON A MOTION BY MARTINEZ, SECOND BY LOPEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND AUTHORIZE THE SUBMITTAL OF A 2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION. APPROVED UNANIMOUSLY.

- G. Action: Adoption of Resolution: Receive Comments and Approve Annexation 18-002 for APNs 060-170-088 and 060-170-016 and General Plan Amendment and

Zone Change 18-002 for APNs 060-170-015, 060-170-088, and 060-170-016 –
PUBLIC HEARING

Community Services Director Waters reported the following: All annexations must be approved by the Woodlake Planning Commission and the Woodlake City Council. Upon approval of the annexation and zone change, an annexation application will be sent to Tulare County LAFCo for final approval. The proposed annexation includes APNs 060-170-088 and 060-170-016. Each parcel is within the City’s Sphere of Influence and is contiguous to the existing city limit boundaries. The area consists of orchards on land that is owned by the City.

The annexation would allow the City to incorporate parcels that will eventually be used as a storm drain basin for the City of Woodlake.

Prior to requesting annexation, the City must “pre-zone” the property to a zone consistent with the City of Woodlake’s Zoning ordinance. The City is also recommending a rezone and General Plan amendment of 060-170-015. The following zones are being recommended for each parcel:

| <u>Annexation</u> | <u>County Zone Designation</u> | <u>Proposed City Zone</u> |
|-------------------|--------------------------------|---------------------------|
| 060-170-088 | AE-20 | ML |
| 060-170-016 | AE-20 | ML |

| <u>Not Annexed</u> | <u>Current City Zone</u> | <u>Proposed City Zone</u> |
|--------------------|--------------------------|---------------------------|
| 060-170-015 | ML | ML |

The County zone designation for the annexed property is AE-20 (Agriculture 20-Acre minimum) and upon annexation the City would zone it ML (Light Manufacturing).

The City must also change the currently land use of the property in order to accommodate the new zone designation. The proposed change in land use requires a General Plan Amendment. The following land uses are recommended for each parcel:

| <u>Annexation</u> | <u>Current Land Use</u> | <u>Proposed Land Use</u> |
|-------------------|-------------------------|--------------------------|
| 060-170-088 | Agriculture | Industrial |
| 060-170-016 | Agriculture | Industrial |

| <u>Not Annexed</u> | <u>Current Land Use</u> | <u>Proposed Land Use</u> |
|--------------------|-------------------------|--------------------------|
| 060-170-015 | Agriculture | Industrial |

A categorical exemption will be prepared for the project

PUBLIC COMMENT OPENED: 7:23 PM

PUBLIC COMMENT CLOSED: 7:23 PM

ON A MOTION BY MARTINEZ, SECOND BY LOPEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND RECEIVE COMMENTS AND APPROVE THE ABOVE ANNEXATIONS. APPROVED UNANIMOUSLY.

- H. Action: Adoption of Resolution: Approve the Categorical Exemption for the Ropes Annexation Project

Community Services Director Waters reported the following: As part of the annexation process the City is required to complete the CEQA process. The Ropes annexation qualifies for a Class 19 categorical exemption:

“Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.”

ON A MOTION BY MENDOZA, SECOND BY MARTINEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND APPROVE THE CATEGORICAL EXEMPTION FOR THE ROPES ANNEXATION PROJECT. APPROVED UNANIMOUSLY.

- I. Action: Adoption of Resolution: Accept the Notice of Completion for the Manzanillo Storm Water Rehabilitation Project Constructed by Lentz Construction.

Community Services Director Waters reported the following: On October 9, 2017, the City Council of the City of Woodlake awarded the Manzanillo Storm Water Rehabilitation Project to Lentz Construction. The Project consisted of modifying an existing storm drain pump station and removing an existing pump and installing one new pump and two new discharge pipelines.

As of December 10, 2018, all improvements as agreed upon by Lentz Construction and the City of Woodlake have been completed.

The initial contract for the project was awarded in the amount of four hundred sixty-four thousand eight hundred twenty-eight dollars and eighty-eight cents (\$464,828.088). After two Change Orders were approved for adding stairs, a platform and removing discharge pipes and installing additional equipment the final contract amount was in the amount of five thousand eight hundred thirty-one dollars and forty-nine cents (\$500,831.49). The Change Orders were covered by the City’s required match portion for the grant.

ON A MOTION BY ORTIZ, SECOND BY MARTINEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND ACCEPT THE NOTICE OF COMPLETION FOR THE MANZANILLO STORM WATER REHABILITATION PROJECT. APPROVED UNANIMOUSLY.

- J. Action: Adoption of Resolution: Approval of the Acquisition of Property with APN No. 060-073-009

City Administrator Lara reported the following: The City has identified a need for more space as it relates to Administrative and Police Department staff. Space is also needed for items such as project files, equipment and evidence. Staff has identified a property with APN No. 060-073-009 that would serve as the first step in providing the necessary space.

The property with APN No. 060-073-009 is located at 321 N. Valencia, Blvd. and the lot size is approximately 22,400 SF. Currently a single-family home sits on the property and the property is zoned Professional Office. The goal would be to acquire the property and, in the future, develop it to house Administrative and Police Department staff.

The property has a clean title report. After negotiations with the property owner a purchase price of two hundred and ten thousand dollars (\$210,000.00) has been agreed upon with the City covering all closing costs. The property would be purchased by the General Fund. While the property is developed the City would look to lease out the property.

ON A MOTION BY ORTIZ, SECOND BY GONZALEZ IT WAS VOTED TO ADOPT THE RESOLUTION AND APPROVE THE ACQUISITION OF PROPERTY APN NO 060-073-009. APPROVED UNANIMOUSLY.

VI. OTHER BUSINESS

A. Information: Items from Staff

City Clerk Zacarias – Reported Basketball sign ups are going well. There are currently 90 kids signed up for the league. The deadline for sign-ups is January 18th. Opening Day for Basketball has tentatively been set for February 9th at 9 am at the Community Center.

Community Services Director Waters – Reported Baseball/Softball sign ups will be starting soon. The North Valencia project is going well.

City Administrator Lara – Reported there are many events happening at the Community Center. A calendar of events will be emailed to council members. The project update report was emailed to council before the meeting.

Chief Marquez – Reported the Sheriff’s department has an aviation unit that has been patrolling over the Woodlake area.

B. Information: Items from Council

Councilmember Ortiz – Wished everyone a Happy New Year.

Councilmember Martinez – Requested an employee vacation hour report. City Administrator Lara stated he will email the report to council. Councilmember Martinez asked if there would be a community clean-up day soon. Community Services Director Waters stated one has not been scheduled yet but will notify council when information is available.

Mayor Mendoza – Thanked council for electing him to serve as Mayor for another 2 years.

VII. CLOSED SESSION

- 1. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR(S)** (Government Code § 54956.8). It is the intent of this governing body to meet in closed-session to confer with its real property negotiator concerning the purchase, sale, exchange, or lease of real property by or for this local agency as follows:

Property Description (Specify street address, or if no street address, the parcel number or other unique reference): APN# 060-170-071

Our Negotiator: City Administrator, Ramon Lara

Parties with whom negotiating: _____

Instructions to negotiator concerning: Price Terms of payment.

- 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 – ANTICIPATED LITIGATION (Government Code § 54956.9(d)).

Initiation of litigation (Government Code § 54956.9(d)(4)).

Number of potential cases is: 1 .

MEETING MOVED TO CLOSED SESSION AT 8:01 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, February 11, 2018 at 6:30 p.m. at City Council Chambers located at 145 N. Magnolia, 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