

**Minutes
AMENDED
CITY COUNCIL/SUCCESSOR
AGENCY/PUBLIC FINANCE AUTHORITY
MEETING AGENDA
February 7, 2019**

1. CALL TO ORDER 6:00 PM

Council Members Present: Lander, Ramsey, Stolz, Adkisson, Singleton

Council Members Absent: None

Others Present: City Manager Marissa Trejo, City Attorney Mario Zamora, Administrative Analyst Mercedes Garcia, Fire Chief Dwayne Gabriel, Police Chief Michael Salvador, Community Development Director Sean Brewer, Public Works and Utility Director Pete Preciado, Financial Services Director Jasmin Bains, City Treasurer James Vosburg, Police Commander Darren Blevins, Public Utilities Coordinator Larry Miller, Assistant to the City Manager / City Clerk Shannon Jensen

*Motion by Adkisson, Second by Ramsey to Approve Agenda for the Meeting of February 7, 2019. Motion **Approved** by a 5/0 Majority Voice Vote.*

2. AWARDS, PRESENTATIONS, APPOINTMENTS AND PROCLAMATIONS

1. Presentation by Marcus Asay Regarding the Proposed International Air Cargo Facility

Marcus Asay gave a brief update and advised the City Council of the next step in the process of the proposed International Air Cargo Facility. Next steps include (1) annexing the land surrounding the airport and (2) formally designate the airport as an "Air Cargo Facility".

2. Mary Blyth Jones, Citizen of the Year

3. Dawn Kahikina, Volunteer of the Year

4. Cross Fit Green Shed, Business of the Year

Mayor Lander recognized the recipients of the awards presented by the Coalinga Area Chamber of Commerce at their annual dinner on February 2, 2019. Mary Blyth Jones accepted her award for Citizen of the Year. Ms. Kahikina, Volunteer of the Year and Cross Fit Green Shed, Business of the Year were not present to accept their awards.

3. CITIZEN COMMENTS

Hilda Crawford expressed gratitude for the help she received from City Staff when her dogs got loose on superbowl Sunday.

Bill Lewis advised the public of a Town Hall Meeting on Measure R to take place in Huron on Tuesday, February 12th at 5:00PM. A second Town Hall Meeting for Coalinga residents is scheduled for February 13th at 5:00PM at the Coalinga Hospital Board Room.

Manuel Ramirez expressed concern for children crossing the main highway near the Tropicana.

Mayor Lander agreed with Mr. Ramirez's concerns and stated that the City is limited to what can be done since it is a State Highway and therefore under the jurisdiction of Caltrans.

Community Development Director Sean Brewer explained the main issue with Caltrans is approving a crosswalk across 4 lanes of traffic, however the City currently has an Active Transportation Plan which includes a concept to shrink the lanes in the area of concern. Should Caltrans approve the plan, the City will install a crosswalk near the "old DMV" which will include flashing beacons.

Mr. Ramirez invited the public to attend the Coalinga Recreation and Parks Districts meeting on February 14th.

Mr. Nathan Vosburg requested an update on the City app, the new website and the waiving of the \$2.95 credit card fee.

Community Development Director Sean Brewer stated the new website would be unveiled on February 21, 2019.

Mr. Matthew Apple, aka John Sunlight, self-appointed Emperor of Coalinga and opinion writer for the Coalinga Press, requested information on the City's Disaster Plan at the next Council Meeting.

Mr. Apple went on to announce it has been over one month since declaring himself Emperor and declaring Coalinga as its own Sovereign Entity. With no response from either the State or the Federal Government Mr. Apple requests the City Council contact Governor Newsom and President Trump to sign the documents, not only recognizing Coalinga as a Sovereign Entity, but also his role as Emperor.

Ms. Amanda Sparks, a Government Phone Distributor, stated the current rules of the City, specifically Temporary Use and Business License Fees, make it fiscally impossible to do business here. Ms. Sparks mentioned new State guidelines and understands the City is working on implementing them.

4. PUBLIC HEARINGS (NONE)

5. CONSENT CALENDAR

1. Approve MINUTES - January 3, 2019 (Amended)
2. Waive Second Reading and Adopt Ordinance No. 826 Amending the Planning and Zoning Code Related to Regulating Requests for Second Residential Driveways
3. Update on Repairs of Ladder Truck

Council Member Adkisson pulled Item No. 3 for review.

Council Member Adkisson explained the ladder truck is 32 years old and has only been in service for about 1 week since his time on the Council and since then the City has spent approximately \$30,000 on repairs. Councilman Adkisson understands the Fire Department sees the ladder truck as a valuable asset, however

he suggests the Council monitor its worth considering the ladder truck's current age and its future need to be maintained and updated.

4. Approve Contract with Coalinga State Hospital for Ambulance Service
5. Police Department Annual Report
6. Public Works & Utilities Monthly Report for January 2019
7. Fire Department Report – December 2018
8. City Council's Consideration and Approval of the Lease Agreement with the IMAGINARIUM: Institute of Fine Arts for the property located at 180 Pierce Street-Community Garden

*Motion by Adkisson, Second by Ramsey to Approve Consent Calendar Item Nos. 1 through 8. Motion **Approved** by a Roll-call 5/0 Majority Vote.*

6. ORDINANCE PRESENTATION, DISCUSSION AND POTENTIAL ACTION ITEMS

1. Waive Second Reading and Adopt Ordinance 817 and Resolution 3888 regarding Commercial Vehicle Parking
Michael Salvador, Chief of Police

Police Chief Michael Salvador gave a brief overview of the item, identifying two possible locations for truck parking: (1) South shoulder of Pacific Street, between Elm and Forest Avenues and (2) East shoulder of Merced Avenue, between Lucille City-limit line all the way to Jayne Avenue. Neither option is considered permeant due to the damage to roads expected with the weight of the trucks. Therefore, Chief Salvador suggests incorporating a one-year sunset to Resolution No. 3888 to allow Council time to devise a more permanent plan. He further described a possible option of developing a truck terminal somewhere within the City, which could be City-owned or privately-owned.

Mayor Pro-Tem Ramsey asked if the Pacific Street option was both sides of the street?

Chief Salvador clarified it was the South curb only.

City Manager Trejo reported receiving 1-2 complaints weekly. Recent complaints included a truck parked on Merced Street which blocked the bike path forcing kids to walk into the street; a truck parked on Granit Construction's property; and complaints from residents out at Posa Chanet.

Chief Salvador advised Council should the residential areas near these options be expanded, trucks would no longer be allowed.

Mr. Nathan Vosburg expressed concern over both locations falling within his district, district 3. Mr. Vosburg pointed out the last time this issue was discussed, the Council was talking about charging a fee. He believes commercial truckers should pay mobile rent. Without an applied fee and commercial trucks paying their fair share, he is concerned as a tax payer, with the damage the trucks will do to the streets.

Mrs. Mary Jones suggested using the old airport property. Given its former use it seems useful and feasible. Mrs. Jones also indicated the south edge of town off Elm as another location.

Mr. Matthew Apple agrees the location should be out of town, so residents won't suffer.

Councilman Adkisson asked if Pacific Street is the only proposed location.

Chief Salvador clarified Pacific Street is one location and Merced Street is the other.

Councilman Adkisson asked if the City's jurisdiction ends at end of Merced, at the end of the neighborhood?

Chief Salvador indicated the boundary ends at Lucille Avenue.

City Attorney Mario Zamora asked Chief Salvador if the Council chooses not to designate one of the locations, if it was still his recommendation to adopt the Ordinance without the Resolution?

Chief Salvador answered yes, this Ordinance prohibits commercial vehicle parking except in those locations the City Council designates by Resolution.

Mr. Zamora clarified, should the Council want to allow commercial parking then they would not pass the Ordinance. However, it would be easier to pass the Ordinance now and then come back with a Resolution designating a location, rather than not approving the Ordinance.

Mayor Lander asked if the Ordinance is passed tonight the City can prohibit commercial parking?

Chief Salvador indicated that was correct, however the Ordinance would not become effective for 30 days.

Mayor Pro-Tem Ramsey asked if the Council does not approve the Ordinance tonight, where can trucks park?

Chief Salvador said it depends and indicated the issue lies with the current Ordinance. As the Ordinance is currently written, half-ton pickup trucks are prohibited because they exceed the limit of 6,000 pounds, making it unenforceable.

Mayor Pro-Tem Ramsey expressed concern that the City is singling out truckers.

*Motion by Adkisson, Second by Stolz to Approve Waiving Second Reading of Ordinance No. 817 Related to Commercial Vehicle Parking and to Bring Back Resolution No. 3888 for the City-Owned Superfund Site Located at Pacific Street and Elm Avenue. Motion **Approved** by a Roll-call 5/0 Majority Vote.*

2. Council Direction Related to Considering the Trestle Bridge Near Hannah and Phelps Ave as a Historical Landmark
Sean Brewer, Community Development Director

Community Development Director Sean Brewer gave a brief overview of the item, outlining the process of designating the trestle bridge near Phelps Avenue and Hannah Street as a historical landmark. Mr. Brewer noted the costs associated with the designation are unknown at this time as it may require improvements to the structure, environmental review, other costs associated with acquiring owner consent, and staff hours to research eligibility.

Mayor Pro-Tem Ramsey suggested the City partner with the Baker Museum indicating the historical value is there, siting the bridge's use for delivering water to the City, it is the location of a large train wreck and its inclusion in the City's planned trail system.

Mayor Ron Lander asked who owns the property? He believed it was still owned by the Southern Pacific Railroad.

Mr. Brewer indicated the rights-of-way have all been abandoned and the bridge is owned by the developers of the school farm.

*Motion by Adkisson, Second by Ramsey Directing Staff to Pursue with Designating the Trestle Bridge Near Phelps Avenue and Hannah Street as a Historical Landmark. **Approved** by a Roll-call 5/0 Majority Vote.*

3. Council Discussion and Direction regarding a Code Amendment for the Residential Estate Zone, Fences and Decorative Features
Sean Brewer, Community Development Director

Community Development Director Sean Brewer gave a brief overview of the item and indicated this was a Future Agenda Item requested by Councilman Adkisson to discuss the violation and its applicability to the development code and seek possible ways to allow the archway to remain if the law prescribes.

Mayor Lander deferred to the City Attorney for comment.

City Attorney Mario Zamora explained he and Mr. Brewer reviewed the issue from every angle, indicating the gate (archway) does not fit within the code as currently written. Mr. Zamora indicated the Council has two options: (1) amend the code to allow for the height and width restrictions or (2) grant a variance to the development code. In this case, the variance is not applicable because it does not fit the definition of a public variance to allow the gate to remain in its current location. Should the Council choose to amend the code then the new height and width restrictions would be applicable to any residential zone within the City.

Mayor Pro-Tem Ramsey asked if the Council could have the residents move the gate down to the entrance of their property?

Mr. Zamora answered yes, stating the gate currently sits in the direct path of the future street of Monroe, but the residents could place the gate within the fence line of their property in between the shop and house.

Mayor Pro-Tem Ramsey asked if the residents would be willing to do that?

Mayor Lander asked if anyone spoke to the property owners about that idea?

City Manager Marissa Trejo answered no, not regarding moving the gate.

Mayor Lander suggested that conversation take place.

Councilman Adkisson specified he brought this item to Council to find a resolution if applicable by law, wanting to be transparent and give the Minors a chance to address the Council. He further explained this is not a punishment and the City doesn't like telling people what they can or cannot do on their own property.

Mrs. Minor does not agree the code being cited applies to this circumstance. Stating the height and width of the gate and fence were both on the approved site plan so the only issue is the archway. The code cited is for a side yard gate and their side yard is nearly 300 feet away from where the gate sits. She further explains they were required to designate part of their land as a future easement as a condition of the City approving their site plan and, in that agreement, they agreed to move the gate to the suggested location on their property at that point in time. Mrs. Minor pointed out the average city lot is 7,000sf and their property is 140,000sf which is twenty times larger than a normal lot.

Both Mr. and Mrs. Minor mentioned Council's previous comments about fairness. The City's code for animal raising has already set a precedence, by allowing for different variances for different lot sizes. The City should be able to change the code now because you already have a code based off lot size. Stating it wouldn't be giving someone special privilege, its just a code based on lot size.

Mrs. Minor went on to comment that public architectural controls raise first amendment concerns. Stating a landowner should have the right to improve their land free from the risk of neighbors challenging improvements based on aesthetics. Aesthetics are subjective and just because someone doesn't like it, doesn't give them the right to take away the happiness from the person who installed the improvement.

Mr. Minor continued by saying he and his wife have given a lot for this project. When they built the gate, it wasn't their intent to cause a conflict and that they are just trying to do the right thing.

Mayor Pro-Tem Ramsey asked about moving the fence now since the Minors will eventually be required to when Monroe Street is extended.

Mrs. Minor explained the fence was placed at the entrance to help secure the property during construction.

Mayor Pro-Tem Ramsey stated that the archway does not prevent that.

Mrs. Minor indicated that it does not, however it is all one piece.

Mr. Brewer reiterated the issue is with the height of the archway, not the fence and gate.

The Minors repeated their request for the City to rewrite the code for the archway just like what was done for the chickens.

City Attorney Mario Zamora indicated rewriting the code is an option, however it would then be applied to the whole city.

Mrs. Mary Jones pointed out the Staff Report clearly indicates a variance could be granted based on size.

City Manager Marissa Trejo explained all three (size, shape and topography) must be met to qualify.

Mrs. Mary Jones is in favor of the archway.

Mr. Roger Tiffin is in favor of the archway.

Ms. Barbara Rodriguez, District 3 asked what is the intent of the regulation limiting the height of the fence?

City Attorney Mario Zamora answered it is typically for visibility in and out, for cars and pedestrians.

City Manager Marissa Trejo also mentioned aesthetics. Stating you wouldn't want a neighbor putting up a backyard fence in the front yard.

Ms. Rodriguez is in favor of the archway and urges the Council to consider, does the archway violate the intent of the code?

Councilman Adkisson asked, if the Council granted a variance wouldn't that be a grant of special privilege, which the City cannot do?

City Attorney Mario Zamora answered yes, this does not meet the requirements of a variance. If the Council is trying to make this work, the only way to do so is to amend the code.

Nathan Vosburg, District 3, is in favor of the archway, as well as amending the code to make it fair to everyone.

Mayor Lander asked, if the Council amends the code what would that entail?

Community Development Director Sean Brewer answered, if amended it would allow anyone to put up a fence to the current height of the archway in their front yard.

Mrs. Minor asked Mr. Brewer to admit this situation doesn't really fit the code being sited.

Mr. Brewer stated, no matter what it's too high. Under the code a fence cannot be higher than 6ft. In this instance the archway is part of the fence. He goes on to clarify the code states a decorative archway cannot be larger than 10ft by 10ft.

Mr. Pat O'Brian, District 1, is in favor of the archway.

Mr. Matthew Apple remarked whatever Council decides he requests that it be fair and equal to all.

Consensus of the Council is to table the item until the City Manager and Sean Brewer can meet with the Minors to work through the issue and bring it back at the next Council Meeting.

4. Council Direction Regarding Staff Findings Related to Managing Cannabis Odor and Potential Amendments to the City's Existing Regulations
Sean Brewer, Community Development Director

Community Development Director Sean Brewer gave a brief overview of the item.

Councilman Adkisson asked how are we defining that there is an odor present?

Mr. Brewer answered it is very difficult. The Council will have to establish guidelines through an odor control plan that will help to minimize the amount of odor, however there will always be a level of odor present. The City has a lot of controls in place for indoor facilities, but with the design of a greenhouse facility there will be leakage as they are not completely sealed.

Mayor Pro-Tem Ramsey asked if the City has any ordinances for smell with regard to the garlic plant?

Mr. Brewer quoted the planning and zoning code stating, "no use, process or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot line on site." Mr. Brewer indicated he has not received any complaints about the garlic plant or the feed lot. Anything could be considered objectionable.

Mr. Matt Machado, who is affiliated with Next Green Wave, indicated he built the big green building at the Juniper Ridge Industrial Park. Mr. Machado is currently in the process of working with the City on a site plan review for a 286,000-sf greenhouse at a separate location that he will pay taxes on. As a contractor, the issue is there is no legal path regarding odor control. Even though the City approved greenhouses, the current ordinance prohibits odor outright. There will always be a level of odor present with greenhouses. Mr. Machado explained the technology to mitigate the odor is available and he urges the Council to choose a path so they can continue with their project. We just need a plan in place that can be measured and mitigated.

Mayor Pro-Tem Ramsey prefers option two, "Council may choose to direct staff to proceed with a text amendment to reduce the odor standards including the development of an odor control plan to minimize but not eliminate the existence of cannabis related odor."

Mr. Brewer said he can try to do some additional research to try to find some tried and true methods on measuring odor if that is the consensus of the Council.

Mayor Pro-Tem Ramsey asked what other cities are doing for greenhouses right now?

Mr. Brewer stated he has researched many of the ordinances and a lot of them are still using the same ones the City is currently operating under. Most cities are not allowing greenhouses and those that do, are basically accepting the fact that there is going to be some odor.

Mr. Machado commented the most odorous part of the process will be the last 2 to 3 weeks of the growing cycle, before harvest, and the trimming of the product. However, the drying and trimming functions of the operation will be moved to an indoor metal building like what has been built at the Industrial Park with the same odor control systems which will eliminate a large portion of that potential odor. Mr. Machado stated the odor associated with the last 2 to 3 weeks of the growing cycle in the greenhouse is what is in question.

Councilman Adkisson asked when you say odor, you're not talking about odor in the same way we smell the garlic, correct?

Mr. Machado stated you're going to have some odor, but with the mechanical abilities I'm going to be able to mitigate it.

Mr. Brewer explained if the Council is comfortable with an acceptance of odor beyond the property line then we can identify a plan and set some standards for odor control.

Consensus of the Council is for Staff to identify some standards for odor control and bring back an Amended Ordinance for Commercial Cannabis Operations that includes odor control regulations.

7. ANNOUNCEMENTS

City Manager's Announcements – None

Councilwoman Stolz announced the first Animal Control Committee Meeting will be Wednesday, February 27, 2019 at 6:15pm in the City Council Chambers.

Mayor Lander announced the Chamber of Commerce Banquet was very nice and was handled very well. It was nice to see all the participants.

Mayor Lander remarked how nice it is to see the community involved in the City Council Meetings.

Mayor Lander reminded everyone about the Town Hall Meeting for Measure R being held at the Pavilion.

Miss. Morgan Krueger (daughter of Leona Krueger) introduced herself to the Council and stated she was here to talk about the Community Garden. This is the first place to make a garden and learn how to plant. She is happy the garden is still here.

Ms. Leona Krueger announced they are preparing for the kindergartners and first graders to visit the garden. "MOPS" is looking at getting a spot as well as 4H. Its nice to see that a little hole in the ground is now something big that people can be proud of.

Mrs. Mary Jones thanked the City for leasing the garden to her and that the terms were very generous.

8. FUTURE AGENDA ITEMS

Councilman Adkisson asked for an update on the City's Disaster Plan.

Mrs. Trejo answered we do have a Disaster Plan in place, however we plan to have it updated this fiscal year.

Councilman Adkisson requested the City look into possible estimates for a gravel lot behind Pacific Street to see if the City can turn it into a truck parking area. Is it worth the return on investment?

Councilman Adkisson requested a list of private property owners surrounding the airport so the City can investigate who may be in favor or in opposition of annexing the airport.

Councilman Adkisson requested the City look into changing the designation of the airport to an Air Cargo Facility or at least see what the process would be.

Councilman Adkisson requested an update on Fire Department recruitment.

Councilwoman Stolz requested an update on the phone app, website and the credit card fees, understanding the website will be unveiled at the February 21st City Council Meeting.

Public Utilities Coordinator Larry Miller gave a brief update on the phone app, stating he received a phone call just this morning from MyCivic and that they are going to do the first showing Monday morning.

Mayor Pro-Tem Ramsey asked if the Finance Director could comment on the utility billing, are we expecting any issues this month?

Ms. Bains stated Staff is still inputting re-reads into the software so the City is expecting a delay in the billing, we just don't know at this time what that will be. The City will be extending the due date, so residents have ample time to pay their bills.

Mayor Lander thanked Ms. Bains and her staff for being so professional while dealing with the billing issues.

Mayor Lander requested an update on the homeless situation in Frame Park.

Police Chief Michael Salvador stated the City is extremely limited with what can be done with the homeless on public land. Frame Park is public land. The 9th Circuit Court of Appeals recently decided a case in Boise, Idaho that scuttled any attempt he had last fall of putting together a homeless ordinance. We have homeless on public lands at the gazebo at Frame Park, in front of the Animal Shelter and in the creek bed. Its my understanding a count of the homeless in town was recently attempted but the homeless all disappeared because they did not want to be counted.

Councilman Adkisson declared the count was 5.

Mayor Pro-Tem Ramsey asked since the City has an ordinance in place on our parks, wouldn't that work?

Chief Salvador said not according to the 9th Circuit decision which is our controlling Federal Circuit.

Mayor Lander stopped the discussion stating the item is not on the agenda and requested it be added as a Future Agenda Item for the next meeting.

9. CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS – Government Code 54957.6. CITY NEGOTIATORS: City Manager, Marissa Trejo; City Attorney, Mario Zamora. EMPLOYEE (ORGANIZATION): Coalinga's Police Officer's Association

10. CLOSED SESSION REPORT (NONE)

11. ADJOURNMENT 8:18 PM

Ron Lander, Mayor

Shannon Jensen, City Clerk

Date