

**MINUTES
KINGSBURG CITY COUNCIL
REGULAR MEETING
AUGUST 18, 2021**

THE COUNCIL CHAMBER WAS OPEN TO THE PUBLIC AT 100% CAPACITY.

PURSUANT TO EXECUTIVE ORDER N-29-20, ISSUED BY GOVERNOR GAVIN NEWSOM, THE PUBLIC HAD THE OPTION TO CALL 1 (425) 436-6335 PASSCODE 5290024 TO PROVIDE PUBLIC COMMENT. WRITTEN COMMENTS COULD BE SUBMITTED BY MAIL OR EMAIL TO APALSGAARD@CITYOFKINGSBURG-CA.GOV. THE CUT OFF FOR WRITTEN COMMENTS WAS 8/17/2021 at 4:00pm. THEY WILL NOT BE READ OUT LOUD.

Invocation was given by Mayor Laura North, followed by the Pledge of Allegiance led by Mayor Laura North.

6 P.M. REGULAR SESSION MEETING:

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

Council Members Present: Jewel Hurtado, Vince Palomar, Brandon Pursell, Jr., Michelle Roman, and Mayor Laura North.

Staff Present: City Manager Alexander Henderson, City Attorney Michael Noland, City Engineer Dave Peters, Community Services Director Adam Castaneda, Police Chief Neil Dadian, and City Clerk Abigail Palsgaard, City Planner Greg Collins and Fire Chief Daniel Perkins.

Approve Agenda: A motion was made by Council Member Hurtado, seconded by Council Member Pursell, Jr., to approve the agenda as published. The motion carried by unanimous voice vote.

Presentations:

Kingsburg Fire/Ambulance Department Ceremonial Pinning of Firefighter/Paramedic Ciera Ortiz, and Firefighter/EMT's Fer Yang; Justin Gibson, Evan Brown, and Brandon Lum.

Sponsor: Fire Department

Public Comments

Ruben Espinosa, non-resident, spoke against a recall of Council Member Jewel Hurtado.

Consent Calendar: A motion was made by Council Member Palomar, seconded by Council Member Roman, to approve the items appearing on the Consent Calendar.

- 5.1 Approval of City Council Minutes:** Approve the minutes from the July 28, 2021, workshop and the August 4, 2021, Regular City Council Meeting as prepared by City Clerk Abigail Palsgaard.
Sponsor: City Clerk's Office
- 5.2 Check Register:** Ratify/approve payment of bills listed on the check register for the period July 28, 2021, through August 11, 2021, as prepared by Accounts Payable Clerk Grace Reyna.
Sponsor: Finance Department

5.3 Designate Mayor Laura North as the Voting Delegate of the 2021 Annual League of California Cities Conference, Mayor Pro-Tem Vince Palomar as the first Voting Delegate Alternate and Council Member Michelle Roman as the second Voting Delegate Alternate.

Sponsor: City Clerk's Office

Regular Calendar

Planned Unit Development (PUD) 2021-01 and Growth Allocation for 35 Multi-Family Dwellings, Sohal

Sponsor: Planning & Engineering Departments

Open Public Hearing – Mayor North opened the Public Hearing at 6:20 P. M.

Presentation by City Planner Greg Collins – Mr. Collins explained that this is a two-part item.

One is growth allocation of 35 multi-family units, and second is a Planned Unit Development (PUD 2021-01) for construction of a 35 multi-family development. The project is located on the west side of Academy, north of Harold Street. The proposed PUD is within the correct Zoning, General Plan Designation, and Sphere of Influence, and is an infill project. He went over the Planning Commission's concerns that have been addressed, including a wrought-iron fence down 10th Avenue, lighting the basketball court, and reducing the area proposed for solar.

City Council Discussion – Mayor North opened City Council discussion at 6:26 P. M. Council Member Pursell, Jr. asked why the LAFCO application has expired. Mr. Collins explained that the LAFCO Board has a deadline. We have reviewed the PUD for over a year and a half. He explained that submissions date back to 2017. Council Member Pursell, Jr. stated that he has concerns about the staff time that has been used in this. He said that he wants a finalized project. Mr. Collins stated that it cannot go back to LAFCO until we have an approved PUD. It is now contingent on the park being approved by the Community Services Commission (CSC). Council Member Hurtado clarified that it is going to CSC as a beautification process. Council Member Roman reiterated that we do have to approve this before it goes to LAFCO.

City Manager Alexander Henderson stated that the original project that was approved by the Planning Commission and City Council was for 23 single-family lots. It was sent to LAFCO and was approved. Annexation would not occur until the City approves the final site plan. Before they submitted the site plan, they changed course to a multi-family plan. They first submitted for a higher density project. The community didn't agree and then it came back as a less dense project. The applicant has resubmitted the site plan to comply with the zoning.

City Attorney Michael Noland stated that any resolution that you adopt tonight will be conditioned on the application getting approved by LAFCO. Mayor North stated that this started with staff time in 2018. In July 2020 they pulled it for 71 units and here we are a year later. Planning Consultant Greg Collins added that the Planning Commission put a lot of time in this. Council Member Roman stated that she appreciates the Planning Commission's time on this. Council Member Pursell, Jr. said that this should have been presented to the Planning Commission as a complete project. He said that he does not want to encourage this behavior with developers. Council Member Roman said that the Planning Commission has asked for changes. She stated that it can't go to LAFCO until we make it.

Mayor North stated that she listened to every Planning Commission public hearing and there was a lot of frustration that it wasn't coming to them as a complete project. She said that it makes her nervous of moving forward due to having to hand-hold for this whole project. The property is

currently not in great shape. Mr. Collins said that the problem with design is being in the North Kingsburg Specific Plan (NKSP) which is an extra set of rules. He said again that it is a very complicated project. Council Member Pursell, Jr. said that these are our standards, and they must meet them. Council Member Palomar asked if staff would ensure that they will keep up with the design and the modifications? Mr. Collins said “yes”.

Council Member Hurtado reiterated that lots of time and energy has gone into this and, if not approved, it would be a waste of time. She stated that if it does take a long time, it is because Kingsburg does it right. She stated that she would hate to see this development go to the side.

Council Member Palomar said that he has lots of confidence in the Planning Commission and wants to make sure it is built with their recommendations. Council Member Roman said this is not unusual for multi-family. We went through this process with Marion Villas. Mayor North said that was the Housing Authority. This is private and will not be Section 8, correct? She said she is worried about calls for service in the area if there is no onsite management. She wants to know what happens if they sell it. She asked if we could record against the title that it has to be a market rate project. Mr. Collins said that HCD looks at how many affordable housing units are in each city. He hasn't been contacted yet for Kingsburg. Mayor North asked if the 35 units is a full allotment for the year and is anyone else looking?

Open for Public Comment – Mayor North opened for public comment at 6:50 PM.

Close Public Comment – Being none, Public Comment was closed.

Continued City Council Discussion – At 6:50 P. M. Mayor North opened for any further Council discussion.

Council Member Pursell, Jr. said that he has a question for the applicant regarding onsite property management. Mr. Sohal said that there will be one full time and one part time. He stated that he has lived here for 25 years doing business. He said that he will keep it clean and nice. Asked about security cameras for public safety, Mr. Sohal said that it is not the cost; he is worried about legal privacy. Council Member Pursell, Jr. said that you can have cameras. Mayor North asked if they can work with the Public Safety Committee. Mr. Sohal said yes. Council Member Pursell, Jr. said that wants to make sure it is safe when you have high density housing. Council Member Roman said that it could be a good selling point. Police Chief Neil Dadian said that he did make recommendation that cameras be installed. Council Member Pursell, Jr. said that it is hard to hold the line for a well-developed project. He doesn't want to say it is a waste of time. This is our job to make sure it is done right.

Council Member Palomar said that he would like to see it with the market rate wording. Mayor North agreed, stating if it is sold to a different company, she would like that included. Council Member Pursell, Jr. asked if the house could be pulled out and apartments put in. Mr. Collins stated that it would have to comply with zoning. Council Member Hurtado said that she is wondering why we are making sure it is not Section 8 when the senior housing is a mix. There are people that need Section 8 housing. Council Member Palomar said that 901 Harold Street has Section 8. As a City, we support Section 8. He said, however, he will not support this project if it has Section 8. Mr. Collins said that these apartments at market rate are affordable for people who cannot purchase a single-family home. Mayor North said that there are people who do not qualify for apartments because they are not seen as low income.

Close Public Hearing - At 7:05 P. M. Mayor North closed the Public Hearing.

Possible Actions:

City Attorney Michael Noland stated that Council can tentatively approve with the contingency that the applicant gets the approval from the City and LAFCO. Also, the site management, security cameras, and the issue with market rate. A motion was made by Council Member Roman, seconded by Council Member Hurtado, to Adopt Resolution 2021-046 Upholding the Kingsburg Planning Commission's decision on PUD 2021-01, Sohal, subject to the contingencies being addressed as stated by the City Attorney. The motion carried by unanimous voice vote.

A motion was made by Council Member Roman, seconded by Council Member Hurtado, to Adopt Resolution 2021-047 Upholding the Kingsburg Planning Commission's decision on the allocation of 35 multi-family residential units for the 2020 calendar year, pursuant to the Kingsburg's Growth Allocation Program, with the condition of the approval of the updated Resolution No. 2021-046. The motion carried by unanimous voice vote.

Dog Park Discussion- Staff Report by Community Services Director Adam Castaneda
Sponsor: Community Services Department

Presentation by Community Services Director Adam Castaneda- Mr. Castaneda stated that he is speaking on behalf of the Community Service Commission (CSC). He gave a history of the unofficial use of Erling Park as a dog park that then created complaints from the residents. In August 2014, Council made the decision to phase out the dog park due to the impact to the residents. In September 2014, Council gave direction for the CSC to find an alternative site. Since 2015, we have encouraged residents to use the Laural dog park. There have been complaints about the park because of weeds and lack of irrigation and landscaping. We are seeking Council opinion on using a portion of the Erling Park/Basin as an official dog park. If council goes forward with direction, they will look into asking residents.

Public Comment:

Josh Mettee, resident who lives across from Erling Park, stated that he has gone through this before. Why are we going back to this again? There were 76 names of people that do not want it in this area or any residential area. We would rather choose children for residential parks and not dogs. He said that with poop, barking, holes, and trash it should stay where it is. He stated that they already asked other neighborhoods and none of them wanted it. He asked what infrastructure is missing from the present site? Mr. Castaneda said water for irrigation. Mr. Mettee said we would just have to irrigate. It shouldn't be that difficult. He asked about funds. Council asked about the Erling Park history. Mr. Mettee said that just one guy would come, and then more and more, and then it became an unofficial dog park.

Tom Whiteside, resident, stated that he moved there in 2012. The ponding basin was a neighborhood park that was used for soccer and little league. These uses encouraged him to move there. Has watched it evolve to animal owners to use off leash and there were dog fights. He said that this neighborhood is peaceful. If it is official, it will bring more traffic in. He said he likes that they found another site and he wants them to think about civil liability and that Risk Management said it should be far from residential areas.

Council Discussion

Council Member Roman stated that she remembers that we met with a lot of homeowners during this time. She said she understands the noise concerns. We had lengthy discussions and sub-committees. We are a dog friendly community. This is coming up because we have new Commissioners, new residents, and some people didn't like how the survey came about. Josh Mettee said no one could enforce rules. We don't have the capacity to do it. We don't have animal controls. He would like to remove the emphasis off Erling Park. It should be all parks and the existing dog parks.

Mayor North asked if the survey will be specific to dog parks. Council Member Pursell, Jr. said that he would just like to focus on the existing dog park. Council Member Hurtado said that she would like to take the emphasis off Erling Park from the survey. She would like to hear back from the community. Mayor North asked if the small park south of Kamm could be a small dog park.

Council Member Pursell, Jr. said that he has had a lot of people reach out regarding this. It is not fair to impose a dog park on residents that have already bought their home. It is unfair for the existing residents. Annette Mettee said that she has young kids and that she should be able to trust that they can cross the street to the park and play safely. Council Member Pursell, Jr. said that this whole area is not made for a dog park, it is not designed for it, it is a ponding basin. He said that he wants people to come to our dog park, not in a residential area. Let's finish what we started; we are just missing irrigation. Dogs can be loud and humans can be loud. People can walk their dog, they just have to stay on the leash, just like any park. He said that there are 15 houses that face the park, and it is not fair to them. Council Member Hurtado said that is the point of the survey. Council Member Pursell, Jr. said that we have already asked. Let's put the money to the park that exists. Mayor North agreed.

Council Member Roman stated that when you survey people, those who are not directly affected could be for it but that's not fair to the people who live there. Annette Mettee said that if there is a survey, it should be weighted as to who is in the immediate proximity. There are neighbors that are 30 feet from the gate. Josh Mettee said that people being surveyed get to come and spend their time, and then they get to leave. We never get to leave. It is a quality-of-life problem. There is no one there for enforcement. It says "no off leash" but people don't follow it. He said that it is not fair to hear dogs fighting; whereas kids playing soccer is a happy sound.

Council Member Palomar said that no parks in town should be dog parks. They should be for the kids. If we take it away from our kids, it is not fair. He said that he is for infrastructure of the existing dog park, or somewhere that is not residential. Josh Mettee said that if we make it an enjoyable environment, people will use it. Sprinklers shouldn't cost the limit of the budget. We could start a Go Fund Me for the dog park. Council Member Roman said that she doesn't want to give up on the dog park. Council Member Pursell, Jr. said that he would like to do a survey on how to improve the dog park, not the neighborhood park. He wants to take the Erling Heritage off the table. Council Member Palomar said that any residential area should be off the table. Council Member Pursell, Jr. said that it doesn't seem right to implement a park in an existing area, almost like eminent domain. Annette Mettee, resident, mentioned ARPA funds for improving someone's mental or physical health with socializing dog owners and getting outside during the pandemic. Council agreed and asked staff to look into it. Mr. Whiteside said as this develops, he wants to make sure residents there are aware of it.

Council gave direction to staff for an estimate of costs for irrigation, grass, shade, and other recommendations from the public.

Crime Statistics Report for the Month of July 2021 and General Police Department

Update - Crime Statistics Report prepared by Kingsburg Police Department Records Supervisor Corina Padilla.

Sponsor: Police Department

Chief Dadian said that he wants to reassure the public that the murder on Monday was a targeted act. He doesn't want the public to think that they are not as safe as they always have been. He stated that we are looking for digital evidence for the Athwal Park shooting. On the Cody Lane triple shooting in April, a suspect has been taken into custody today. All 3 suspects have now been arrested. We also made an arrest on a suspect that has been doing graffiti around town. Our region is on standby for wildfires. We are applying for a grant for body cameras. Legislation has outlawed the posting of pictures of arrestees. He reviewed staffing and shared a letter from a resident, thanking officers for driving by for their mother's 90th birthday.

Council thanked Chief Dadian for the report.

Council Reports and Staff Communications

Community Services Commission – Mayor North reported that it is not meeting until September.

Public Safety Committee – Council Member Palomar reported that they met Monday and discussed use of funds.

Chamber of Commerce – Council Member Pursell, Jr. reported on the Crayfish Festival on September 18th

Economic Development – Mayor North reported that it has not met.

Finance Committee – Council Member Pursell, Jr. reported that it has not met.

Planning Commission – Mayor North reported that they met and discussed the Downtown Strategic Plan.

South Kings Groundwater Sustainability Agency Joint Powers Authority (SKGSA) – Council Member Pursell, Jr. reported that they met on August 11th and discussed Prop 68 Grants. They are working on obtaining land whenever they can.

Downtown Business Improvement District – Council Member Hurtado reported that they meet next month.

Council of Governments – Council Member Roman reported that they haven't met. FCRTA is asking for busses for their pick-up and drop offs.

Council Member Reports – Council Member Hurtado said that she had her event at Athwal Park and thanked Police and Fire for coming out as well as Council Member Pursell, Jr.

Council Member Roman reported on the SKF Conference. They spoke about the drought and the PSA for non-flushable wipes and fruit stickers.

City Manager's Report – City Manager Alexander Henderson spoke about the TCP treatment facility.

Future Agenda Items: None

The Kingsburg City Council adjourned out of the Regular Calendar into Closed Session to discuss the following item(s) at 8:18pm.

- 9.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR
California Government Code Section 54956.8
Fresno County Assessor's Parcel Number: APN: 394-042-04
City Negotiator: Alexander J. Henderson
Under Negotiation: Rental Terms and Conditions**

- 9.2 Public Employment: California Government Code Section 54957
Title: City Manager**

At 8:47pm The Council adjourned out of Closed Session into the Regular Kingsburg City Council Meeting and report out of Closed Session.

The City Attorney reported that there was nothing to report.

At 8:47pm PM Mayor North Adjourned the Regular Kingsburg City Council Meeting.

Submitted by:

Abigail Palsgaard, City Clerk
City of Kingsburg