The City of Hanford
CALIFORNIA

CITY COUNCIL MEETING
MINUTES
March 20, 2018 7:00 PM
Council Chambers
400 N. Douty St.

6:00 PM CALL TO ORDER STUDY SESSION & CLOSED SESSION:

Mayor David Ayers called the Study Session & Closed Session to order at 6:03 p.m.

ROLL CALL:

Present: Justin Mendes, Diane Sharp, Martin Devine, Sue Sorensen, David Ayers

PUBLIC COMMENT - STUDY SESSION & CLOSED SESSION:

Comments from the public are limited to items on the agenda (GC54954.3a). A maximum of three minutes is allowed for each speaker.

There were no comments given.

STUDY SESSION:

A. Kings County Association of Governments: 2018 Regional Transportation Plan and Sustainable Communities Strategy

Terri King of KCAG and their consultant Kendall Flint of Regional Government Services provided an overview of four proposed scenario developments: Scenario A - Active Transportation Focused; Scenario B - Alternative Fuel Focused; Scenario C - Aggressive Green Future; and Scenario D - Balanced Solution. There are two upcoming workshops in Avenal on April 30th and in Hanford on May 1st for the public to provide input.

CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

Mayor Ayers adjourned to closed session at 6:23 p.m.

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9(d)(2)

Number of Potential Cases - 1

B. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - Government Code Section 54956.8

Property: APN 018-242-077
Agency Negotiators: Darrel Pyle and Ty Mizote
Negotiating Party: Gery Zacher
Under Negotiations: Terms and Price

7:00 PM CALL TO ORDER REGULAR SESSION:

Mayor Ayers called the regular session to order at 7:01 p.m.

ROLL CALL:

Attendee Name	Title	Status	Arrived
Martin Devine	Council Member	Present	7:00 PM
Sue Sorensen	Vice Mayor	Present	7:00 PM
Diane Sharp	Council Member	Present	7:00 PM
David Ayers	Mayor	Present	7:00 PM
Justin Mendes	Council Member	Present	7:00 PM

INVOCATION:

Council Member Sharp provided the invocation.

FLAG SALUTE:

Vice Mayor Sorensen led the flag salute.

CLOSED SESSION ACTION REPORT:

There was nothing to report.

RECOGNITIONS/PROCLAMATIONS:

STAFF COMMUNICATIONS:

Public Works Director Lou Camara provided an update on various improvement projects.

Finance Director Paula Lofgren commented on their new payroll system and that a new dropbox is being placed in front of City Hall.

Captain Karl Anderson cautioned everyone to slow down due to the wet roads. Construction on the investigations building is moving along well.

Parks & Recreation Craig Miller commented on upcoming activities during Spring Break.

Fire Chief Chris Ekk commented on the bathroom remodel at Station 1 and stated that backgrounds are being conducted on candidates for two positions.

PUBLIC COMMENT:

This is the time for citizens to comment on subject matters not on the agenda within the jurisdiction of the Hanford City Council or to comment on items listed under the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to General Business items or Public Hearing items will be heard at the time the item is discussed.

*A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

Jared Turner, a representative of the Firefighters expressed their continued disappointment in the decisions by the City Council regarding their contract negotiations. He also discussed the comparisons with other agencies.

Rick Smith commented on how the size of the fire department has not changed over the years and that he disagreed that the firefighters are overpaid.

Rose Shapley discussed many issues that concerned her.

Michael Quinn requested that an item be pulled from the consent calendar to address some questions that he brought up regarding the Memorandum of Understanding with the Executive Management Employees Association.

Kenneth Olson urged the Council to support medical and adult use cannabis businesses. He also stated that the Council should not approve the Memorandum of Understanding. He thinks the focus should be on public safety and not on recreation.

Gail Soto on behalf of Senior Citizens, Inc. stated that she was told that the veterans will move back into the building and that the seniors will not have anything to use. She would like to know where they stand on using a facility.

Nancy Block stated that she does not want the Seniors to have a new building but that they want something now so they can keep from losing their revenue. They are requesting $20,000 to assist them during the interim until they get a permanent location. She does not like the location of the old YMCA for them.

Nancy Valdez of Senior Citizens, Inc. added that they need a place to call their own.

Marlene Mascareno stated that their property is for sale on Harris Street and was told that it is currently zoned for automobile sales which require a ratio of 60% of new cars and 40% used cars. There is no written policy that dictates this regulation that the City has referred to. She would like to have a business permit issued to allow a car dealership and without the 60/40 requirement.

Todd Cotta met with the Chamber of Commerce to discuss how to make it easier for small businesses to open. He would like a pre-purchase check list to assist potential buyers know what the process is to open a business and to develop property.

Bob Ramos also wanted the Memorandum of Understanding pulled from the consent calendar. He also commented on unwritten policies to regulate items. He discussed the General Business item regarding cannabis and that he opposed adult use.

Adam Mederos thanked Council Member Devine for responding to him regarding his zoning issue and would like the Council to continue to consider his request.

Steve Robinson opposed amending the ordinance of allowing adult use commercial cannabis businesses.

A resident that is a disabled veteran would like it to be easier for residents to purchase medical marijuana.

John Doyel clarified that the contract for the Executive Management Employees is based on the same policy for all of the employees including the firefighters. He noted that changing which agencies are used for comparisons would change for all of the bargaining units and cost more. He stated that all of the employees should be treated the same.

Chris Gomez supported the ordinance amendment as the new cannabis facilities will provide more construction jobs.

A representative from the Carpenters Union supported the ordinance amendment as it will allow the opportunity to create more jobs.

Joey Joslin of the Chamber of Commerce stated that they support the cannabis industry as it will increase revenue to the City and potentially add 1100 new jobs. It is legal in California, and he does not want to lose these businesses to other communities.

Larry Thacker of Caliva commented on the State's changes which can hurt the financial benefits of the City. They have signed a contract for construction and started recruiting for jobs. They are prepared to continue with their financial investments in Hanford.

Randy McCaskill of TKI briefly discussed their concern on how to expand and grow in Hanford. He is opposed to the marijuana ordinance being amended.

Kings County District Attorney Keith Fagundes voiced his objection to the amended ordinance and commented on the negative affects of marijuana.

Jim Sunia of Hanford Fire stated that only two agencies were able to be correctly compared and requested that comparable agencies be used. They want to be treated fairly.

Rand Martin on behalf of Caliva noted that the Council has reviewed the cannabis issue extensively over the last year and that further discussion is not necessary. They encouraged the Council to move forward with the amended ordinance.

Nancy Block stated that it is a moral decision and that people are addicted to marijuana.

Fernando Valdez supported the Senior Citizens to have their own facility and would like the Council to help them.

Kalish Morrow expressed her support of the Fire Department's labor negotiations.

Angelica Martinez shared a personal story of her positive experience with the Fire Department.

Nathan Odom supported a contract with the Fire Department.

CONSENT CALENDAR:

Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

Motion to approve the Consent Calendar except for the items pulled for separate consideration.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Justin Mendes, Council Member
SECONDER:	Sue Sorensen, Vice Mayor
AYES:	Devine, Sorensen, Sharp, Ayers, Mendes

A. City Clerk: Deny claim for damages and direct the City Clerk to send out notification of such to Russ Curry

B. Parks & Recreation: Approve the appropriation of $27,055.00 from the Aquatic Capital Equipment Replacement Reserve for the Skate Park Perimeter Concrete and drains; and approve Figueroa Concrete Partners to perform the work in the amount of and not to exceed $27,055.00.

C. Public Works: Purchase of 636 residential refuse containers from Toter Wastequip, LLC., in the amount of $32,671.05 (tax and freight included).

D. Public Works: As it relates to FY 2018/19 Transportation Development Act (TDA) Funds Claim: 1) Adopt Resolution # 18-11-R regarding the public transit needs within the City of Hanford and authorize the City Manager to sign and submit claim for funds and any subsequent amended claims required; 2) Determine, based on City's financial participation in and support of the existing Kings County Area Public Transit System, that there are no areas within the City of Hanford with unmet public transit needs which could reasonably be met by the expansion of the existing system or by the establishment of a new system; 3) Approve the filing of a Notice of Exemption to certify that projects to be constructed with these funds are categorically exempt from the California Environmental Quality Act.

E. Utilities and Engineering: Accept the attached public right of way and easement deed from Daniel Conner, for sidewalk, curb and gutter, and pedestrian access purposes, and authorize the City Manager to sign the deed certification and file said deed with the Kings County Recorder's office. (Grangeville Blvd & Leoni Drive)

F. Utilities and Engineering: Approve the attached easement grant deed for the storm drain line running within the Family Healthcare parking lot, and authorize the mayor to sign and the City Clerk to notarize said deed. (5th Street and Redington Street)

G. Finance: Warrant Register

ITEMS PULLED FROM CONSENT CALENDAR:

1. City Clerk: Approve Minutes from the March 6, 2018 Meeting

Council Member Sharp requested a revision to the public comment made by Todd Cotta to change "complained" to "expressed concerns".

Motion to approve as amended.

RESULT:	**APPROVED AS AMENDED [UNANIMOUS]**
MOVER:	Diane Sharp, Council Member
SECONDER:	Justin Mendes, Council Member
AYES:	Devine, Sorensen, Sharp, Ayers, Mendes

2. Administration: Approval of Memorandum of Understanding with the Executive Management Employees Association.

This item was pulled at the request of the public.

City Manager Darrel Pyle discussed the meet and confer process for all of the bargaining units and the history of the classification and compensation study. The current MOU expires in June and this new contract would be a two year contract and would place all of the Memorandums of Understanding to end at the same time.

Mr. Pyle responded to questions and comments by the City Council.

Motion to approve as presented.

RESULT:	**APPROVED [4 TO 1]**
MOVER:	Justin Mendes, Council Member
SECONDER:	Sue Sorensen, Vice Mayor
AYES:	Devine, Sorensen, Ayers, Mendes
NAYS:	Sharp

PUBLIC HEARINGS:

A. Community Development: Continued Public Hearing: Adoption of Resolution No. 18-09-R, upholding the appeal of the Planning Commission's denial of Planned Unit Development No. 2017-01, therefore approving Planned Unit Development No. 2017-01, a request to deviate from the standards of the R-L-12 Low-Density Residential zone district to allow a 26-lot gated community with common open-space areas, reduced lot sizes, reduced setbacks, and a reduced street width for a private street. Adoption of Resolution No. 18-10-R, upholding the appeal of the Planning Commission's denial of Vesting Tentative Tract 924, thus, approving Vesting Tentative Tract 924, a request to subdivide a 4.19-acre parcel into 26 residential lots in the R-L-12 Low-Density Residential Zone District with a Planned Unit Development overlay. Adoption of Mitigated Negative Declaration No. 2017-13, certifying that the proposed projects would not result in a significant adverse impact on the environment with the incorporation of mitigation measures. The project is located at the southern intersection of Greenfield Avenue and Fitzgerald Lane (APN 010-320-115).

Associate Planner Gabrielle De Silva provided an overview of the direction given by the City Council at their February 20th meeting. She commented on letters received regarding this project.

Council Member Sharp inquired about the optional fireplace and courtyard wall.

Mayor Ayers opened public comments of the public hearing at 8:29 p.m.

Alejandro Clark requested that the courtyard wall and fireplace options are included in the approval of the project.

Alex Dwiggins requested that the Council approve the item as amended.

Robert Kelly discussed his opposition to this project due to the incompatibility with the surrounding neighborhood.

Mayor Ayers closed public comments at 8:36 p.m.

Motion to adopt Mitigated Negative Declaration No. 2017-13 for the project.

RESULT:	**APPROVED [4 TO 1]**
MOVER:	Justin Mendes, Council Member
SECONDER:	Martin Devine, Council Member
AYES:	Devine, Sharp, Ayers, Mendes
NAYS:	Sorensen

Motion to adopt Resolution No. 18-09-R upholding Appeal No. 2018-01, therefore approving Planned Unit Development No. 2017-01 with the proposed amendments.

RESULT:	**APPROVED [4 TO 1]**
MOVER:	Diane Sharp, Council Member
SECONDER:	Martin Devine, Council Member
AYES:	Devine, Sharp, Ayers, Mendes
NAYS:	Sorensen

Motion to adopt Resolution No. 18-10-R upholding Appeal No. 2018-01, therefore approving Tentative Tract 924.

RESULT:	**APPROVED [4 TO 1]**
MOVER:	Justin Mendes, Council Member
SECONDER:	Martin Devine, Council Member
AYES:	Devine, Sharp, Ayers, Mendes
NAYS:	Sorensen

GENERAL BUSINESS:

A. Community Development: Discuss and provide direction on the U.S. Department of Housing and Urban Development (HUD) proposed Community Development Block Grant (CDBG) Action Plan 2018 activities and allocations.

Administrative Analyst Sandra Lerma provided background information for the Council's review and consideration. She reviewed the Action Plan objectives and outcomes as well as the City's priorities for HUD Grants for 2014-2018 Consolidated Plan. She discussed the applications received for next year and the estimated funding recommended by staff. Ms. Lerma stated the next steps is to open a 30-day review period from March 30 to April 30 and to schedule a public hearing to adopt the Plan at the May 1st City Council meeting. The Plan will then be submitted to HUD by May 15th.

Vice Mayor Sorensen expressed the huge benefit of beginning the process to assist the homeless through the funding for a Resource Center and thanked all of the groups involved.

Council Member Mendes agreed that this addresses one of the items from their Goals & Objectives.

Council Member Sharp thanked staff for working on this problem.

Council Member Devine concurred that this is the first step in assisting the homeless and being a resource for them.

Ms. Lerma responded to questions and comments by the City Council.

The Council directed staff to move forward with the proposed plan.

B. Community Development: Introduce and waive the first reading of Ordinance 18-02 approving an amendment to Chapter 5.56 to Title 5 amending the business regulations for commercial cannabis businesses to allow medical and adult use commercial cannabis businesses.

City Manager Darrel Pyle discussed the proposed amendment to the municipal code based on actions taken by the State and the financial impact it would have on the City due to the changing State regulations. The industry had expressed concern that the medicinal cannabis industry will fade as customers will move to adult use instead. Mr. Pyle also reiterated that the police department did not see a negative impact if the ordinance is modified to include adult use.

Council Member Mendes reminded the public that the City has been researching this issue for two years now and that the City is not allowing dispensaries. He stated that the added revenue would help combat the illegal use of the substance too. He is comfortable with the proposed ordinance.

Council Member Sharp expressed her opposition to this ordinance and that it is still illegal at the federal level.

Council Member Devine agreed with the medical benefits of marijuana, but disagreed with California on approving recreational use.

Vice Mayor Sorensen inquired about the State regulation pertaining to seed to sale tracking. She also asked for clarification on the change to the medicinal card tax exemptions. Mr. Pyle responded to her comments.

Rand Martin stated that there is no longer an incentive to get a medical card therefore customers will purchase adult use cannabis. The medical cannabis industry is therefore expected to shrink and not make it as cost effective for businesses to only produce medical cannabis.

Mayor Ayers expressed the quick change in this regulation and that the public needs to be better educated on what the ordinance would allow before moving forward.

Council Member Mendes responded that postponing decisions hurt these businesses that are investing in developing here.

Council Member Devine suggested that two measures be placed on the ballot to allow the voters to decide on amending the ordinance to allow adult use and to decide on the cannabis tax.

Vice Mayor Sorensen recommended that this be brought back at the next meeting to allow additional discussion and understanding of how it is related to the upcoming tax measure.

RESULT:	**TABLED [3 TO 2]**	**Next: 4/3/2018 7:00 PM**
MOVER:	Sue Sorensen, Vice Mayor	
SECONDER:	David Ayers, Mayor	
AYES:	Devine, Sorensen, Ayers	
NAYS:	Sharp, Mendes	

C. Administration: Sale of approximately 16.43 acres to Tessenderlo Kerley, Inc. for $985,800. APN 018-242-077

City Manager Darrel Pyle provided background information for the Council's review and consideration.

Motion to approve as presented.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sue Sorensen, Vice Mayor
SECONDER:	Martin Devine, Council Member
AYES:	Devine, Sorensen, Sharp, Ayers, Mendes

D. Utilities & Engineering: Approve a Scope of Work Change Order for the Police Department Building Remodel Project and authorize an additional appropriation of $71,034.00 from Police Impact Fee Reserves.

Utilities & Engineering Director John Doyel discussed the proposed change order and additional appropriation.

Motion to approve as presented.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sue Sorensen, Vice Mayor
SECONDER:	Martin Devine, Council Member
AYES:	Devine, Sorensen, Sharp, Ayers, Mendes

COUNCIL REPORTS/COMMENTS:

Council Member Mendes stated that he will not be able to attend the KART meeting next week.

Council Member Sharp stated that she had multiple meetings with various residents and city staff.

Council Member Devine had nothing to report.

Vice Mayor Sorensen enjoyed attending the Kids Fest and thanked the many volunteers that assist in these events. She requested that she no longer be the alternative representative for the Chamber of Commerce due to a scheduling conflict. Mr. Devine expressed interest in serving in that role. Staff will make the appropriate change. Ms. Sorensen also followed up on various issues that were discussed during public comments.

Mayor Ayers attended the Everybody's Irish event on Saturday and said that it was well attended.

COUNCIL FUTURE AGENDA ITEMS:

Council Member Devine questioned about Mr. Cotta's property. City Attorney Ty Mizote stated that he had examined the issues and prepared a letter to the attorney for Mr. Cotta. Mr. Mizote stated that their conclusion was that staff was correct. He stated that Mr. Cotta may apply for an amendment to the general plan and zoning ordinance or for it to be initiated by the City Council. The zoning of the other properties that have been discussed can also be amended and done under a single action. The Council provided a consensus for staff to make these amendments.

ADJOURNMENT:

Mayor Ayers adjourned the meeting at 10:12 p.m.

Respectfully submitted,

Jennifer Gomez
City Clerk